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BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

Issued under authority of Sec. 718 of the Greater New York Charter as amended by Chap. 503, Laws of 1916, and the Municipal Assembly, Local Law No. 13, of 1925, Local Law No. 26 of 1934, Local Law No. 27 of 1934 and Local Law No. 10 of 1935.

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DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN J. MCELLIGOTT

EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.

TELEPHONE—WORTH 2-0184.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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Approved Burners for Domestic and Commercial Use.

Approved Burners for Industrial Use.

Approved Fireline Hose Valves.

Approved Range Oil Burners and Space Heaters.

Fire Retarding Rules for Garages, etc.

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.
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Call of Clerk's Calendar, Mondays, at 2 p. m.
All hearings are held in Room 1013, Municipal Building. Manhattan.

HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

CALL OF CLERK'S CALENDAR

The *Clerk's Calendar* consists of applications under the Building Zone Resolution, and its object is to give interested property owners opportunity to file objections, if any, and will be called in Room 1013, *Monday, January* 3, 1938, at 2 o'clock. At this call each case is set for hearing on a definite day.

The next subsequent Call of the Calendar will be on *Monday, January* 10, 1938, at 2 o'clock.

The *Clerk's Calendar* is not to be confused with the calendar of cases that have been definitely set for hearing on fixed days.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*

CALENDAR

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610-37-A(WF).D.B.Q.....125-127 Queens boulevard and 125-03 83rd avenue, northeast corner (Block 9653, Lot 1), Kew Gardens, Borough of Queens, Applic. 9361-37.

611-37-A(WF).D.B.Q.....40-06/06A 104th street, west side, 53 ft. south of Roosevelt avenue (Block 1975, Lot 18), Corona, Borough of Queens, Applic. 9365-37.

612-37-BZ.....D.B.M.....524-534 East 121st street, southwest corner of East River drive (Block 1817, Lots 19-25, inc.), Borough of Manhattan, Applic. 246-37.

613-37-BZ.....D.B.M.....234-242 West 124th street, south side, 400 ft. west of Seventh avenue (Block 1929, Lots 49 to 52), Borough of Manhattan, Decision.

[illegible]15 Sixth avenue and 1-3-5 Greenwich avenue, southwest corner (Block 593, Lot 13), Borough of Manhattan, Decision.

615-37-BZ.....D.B.M.....456-460 West 41st street, south side, 100 ft. east of Tenth avenue (Block 1050, Lots 59, 60, 60½), Borough of Manhattan, Decision.

616-37-BZ.....D.B.B.....746-768 Livonia avenue, 572-582 Van Siclen avenue, southwest corner and 617-627 Miller avenue (Block 4087, Lots 21 and 27), Borough of Brooklyn, Applic. 19771-37.

617-37-A.....D.B.M.....815-829 Eighth avenue, 304 West 50th street, and 307 West 49th street, west side, from 49th to 50th streets (Block 1040, Lot 29), Borough of Manhattan, 37269-F.

618-37-SA.....F.D.....National Clark Horizontal Rotary Oil Burner, Appliance.

619-37-BZ.....D.B.Bx.....3666-3696 Jerome avenue and 3653-3663 Bainbridge avenue, west side, 74 ft. south of Jerome avenue (Block 3329, Lots 100-106), Borough of The Bronx, Decision.

620-37-BZ.....D.B.M.....40 Corlears street and 730-738 Water street, northeast corner (Block 264, Lot 70), Borough of Manhattan, Alt. Applic. 3800-37.

621-37-A.....D.B.B.....2360 Bedford avenue and 2301-2323 Beverly road, northwest corner (Block 5133, Lot 14), Borough of Brooklyn, Applic. 20100-37.

622-37-A.....D.B.B.....2042-2044 Ocean avenue, west side, 470 ft. south of Avenue O (Block 6766, Lot 36 and part of Lot 38), Borough of Brooklyn, Decision.

CODE

D.B.....Department of Buildings
H.D.....Health Department
D.B.B.....Department of Buildings, Brooklyn
D.B.M.....Department of Buildings, Manhattan
D.B.Q.....Department of Buildings, Queens
D.B.R.....Department of Buildings, Richmond
D.B.Bx.....Department of Buildings, Bronx
T.H.D.....Tenement House Department
B.B.....Board of Buildings

COURT DECISION

Scheeler v. Murdock—On May 18, 1937, board granted extension of existing gasoline station in business district, under sect. 7-c, Cal. No. 42-37-BZ, at premises 89-06 to 89-14 Myrtle avenue and 82-02 to 82-10 Woodhaven boulevard, Glendale, Borough of Queens. Mr. Justice McCooey sustained board's determination (N.Y.L.J. Dec. 23, 1937).

RULES

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Carbon Dioxide Liquefier Rules	Dec. 7, 1937—Vol. 22, No. 49
Certificate of Occupancy, approved forms	Aug. 2, 1932—Vol. 17, No. 31
Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
Concrete Rules (Hydrated Lime)	Aug. 3, 1937—Vol. 22, No. 31
Elevator rules	Mar. 3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors)	June 15, 1937—Vol. 22, No. 24
Factory Exit Rules	Nov. 9, 1937—Vol. 22, No. 45
Fire Alarm Rules (Interior)	Dec. 28, 1937—Vol. 22, No. 52
Fire Drill Rules	Sept. 7, 1937—Vol. 22, No. 36
Fire Retarding Rules for Garages, etc.	Jan. 4, 1938—Vol. 23, No. 1
Fireproof Wood, Testing of	Apr. 13, 1937—Vol. 22, No. 15
Frame Garages. Ruling for	Jan. 21, 1919—Vol. 4, No. 3
Gas Shut-Off Rules	Apr. 7, 1925—Vol. 10, No. 14
Hatchway Protection	June 5, 1928—Vol. 13, No. 23
Oil Burner Rules	Jan. 4, 1938—Vol. 23, No. 1
Paint, Varnish and Lacquer Spraying Rules	Oct. 5, 1937—Vol. 22, No. 40
Platform Trucks, Specifications for	Nov. 24, 1936—Vol. 21, No. 47
Plumbing Rules	Aug. 3, 1937—Vol. 22, No. 31
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Standpipe Fireline Rules	June 8, 1937—Vol. 22, No. 23
Structural Alterations, Reporting	June 7, 1932—Vol. 17, No. 23
Tank Trucks, Fuel Oil, etc.	Nov. 24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc.	Nov. 24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr. 10, 1923—Vol. 8, No. 15

LIST OF APPROVED APPLIANCES

Anti-Siphon Valves	Mar. 5, 1935—Vol. 20, No. 10
Fireline Hose Valves	Jan. 4, 1938—Vol. 23, No. 1
Fuel Oil Burners for Domestic and Commercial Use	Jan. 4, 1938—Vol. 23, No. 1
Fuel Oil Fill Pipe Terminals	May 26, 1936—Vol. 21, No. 21
Fuel Oil Burners for Industrial Use	Jan. 4, 1938—Vol. 23, No. 1
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Range Oil Burners and Space Heaters	Jan. 4, 1938—Vol. 23, No. 1

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CALENDAR

CALL OF CLERK'S CALENDAR

MONDAY, JANUARY 3, 1938, AT 2 P. M.

Building Zone Cases

372-37-BZ.
APPLICANT—Albert C. Fach, for Staten Island Savings Bank, owner.
PREMISES—203-207 Jersey street, northeast corner of Crescent avenue (Block No. 50, Lot No. 1), New Brighton, Borough of Richmond.
APPLICATION, under section 21 of the building zone resolution,
TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

89-37-BZ.
APPLICANT—Lama and Proskauer, for Sam Kupferman, owner.
PREMISES—2209 Mott avenue and 1147 Regina boulevard, southwest corner (Block No. 218, Lot No. 45), Far Rockaway, Borough of Queens.
APPLICATION, under section 21 of the building zone resolution,
TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

419-37-BZ.
APPLICANT—Samuels and Samuels, for Eva Rosenbush, owner.
PREMISES—110-02 to 110-18 Astoria boulevard and 32-03 110th street, southeast corner (Block No. 1704, Lot No. 172), Corona, Borough of Queens.
APPLICATION, under section 21 of the building zone resolution,
TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

345-36-BZ.
APPLICANT—Hahn and Coller, for John Seinfeld, owner.
PREMISES—2095 Grand Concourse, west side, 93.63 ft. north of East 180th street (Block No. 3161, Lot No. 26), Borough of The Bronx.
APPLICATION, under section 21 of the building zone resolution,
TO PERMIT in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use (stores).

166-37-BZ.
APPLICANT—Mary B. Roberts (lessee), for Lawida Corporation, owner.
PREMISES—4485-4519 Broadway, northwest corner of West 192nd street (Block No. 2180, Lot Nos. 633, 635 and part of Lot No. 646), Borough of Manhattan.
APPLICATION, under section 7h of the building zone resolution,
TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the use of a plot of ground for the parking and storage of more than five (5) motor vehicles and also for used car sales.

341-37-BZ.
APPLICANT—Fred B. McDuffee, Engineer, Department of Sanitation, for Department of Sanitation, City of New York, owner.
PREMISES—5520-5606 19th avenue, west side, 155 ft. 7⅜ in. south of 55th street (Block No. 5494, part of Lot No. 8), Borough of Brooklyn.
APPLICATION, under section 21 of the building zone resolution,
TO PERMIT in a residence use district the erection and maintenance of a garage for more than five (5) motor vehicles, in conjunction with a Section Station for use by the Department of Sanitation.

JANUARY 4, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, January* 4, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 263-37-BZ—Application, June 4, 1937, under section 21 of the building zone resolution, of Bertram J. Barrett, applicant, on behalf of Estate of A. & W. H. Jackson, owner, to permit in a residence use district the parking and storage of more than five (5) motor vehicles; premises 28-11 41st street, east side, 100 ft. south of 28th avenue (Block No. 664, Lot Nos. 15 and 16), Astoria, Borough of Queens.

CAL. NO. 221-37-BZ—Application, April 17, 1937, under sections 7a and 21 of the building zone resolution, of Harry L. Marcus, applicant, on behalf of Max Feld, owner, to permit in a residence use district the maintenance of an extension to a business and manufacturing building; premises 82-20 Caldwell avenue, south side, 153 ft. east of Eliot avenue (Block No. 2939, Lot No. 40; Block No. 2940, Lot No. 15; Block No. 2967, Lot No. 11 and Block No. 2968, Lot No. 1), Elmhurst, Borough of Queens.

CAL. NO. 103-37-BZ—Application, March 12, 1937, under sections 7h and 21 of the building zone resolution, of Henry C. Brucker, applicant, on behalf of Jacob Bromberg and Joseph Danziger, owners, to permit partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises 2514-2518 Catalpa avenue, southwest corner of 62nd street (Sedgwick street); (Block No. 3628, Lot No. 5), Ridgewood, Borough of Queens.

CAL. NO. 162-37-BZ—Application, April 6, 1937, under section 21 of the building zone resolution, of I. L. Crausman, applicant, on behalf of Treville Holding Corporation, owner, to permit in a business use district the inclusion in an existing gasoline service station of a motor vehicle repair shop and also a parking and storage space for more than five (5) motor vehicles; premises 2221 Boston road, west side, 18.22 ft. north of Pelham parkway north (Block No. 4339, Lot Nos. 8, 10 and 11), Borough of The Bronx.

CAL. NO. 185-31-BZ—Application of Sidney H. Kitzler, ap-

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plicant, on behalf of Estate of David Stern, owner, reopened October 5, 1937, under section 7a of the building zone resolution, to permit in a residence use and "C" area district the extension of an existing factory building (bakery) with the omission of the required rear yard; premises 1157-1161 Madison street, north side, 100 ft. east of Central avenue (Block No. 3360, Lot No. 52), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

JANUARY 4, 1938, 2 P. M

Appeals from Administrative Orders

587-37-A—120-126 Sutton street and 665-673 Morgan avenue, west side, 180 ft. south of Norman avenue (Block No. 2659, Lot No. 16), Borough of Brooklyn.

509-37-A—323-327 West 16th street, north side, 275 ft. west of Eighth avenue (2nd floor); (Block No. 740, Lot Nos. 19 and 20), Borough of Manhattan.

588-37-A—Manufacture, storage, sale and transportation of Anti-Freeze, "Ford" and "Tri-Rad" in non-refillable cans in New York City.

402-37-A—105 Flatbush avenue, northeast side, 138 ft. 3 in. northwest of Ashland place (Block No. 2110, Lot Nos. 8 and 9), Borough of Brooklyn.

486-37-A—69 St. Marks place, north side, 175 ft. northwest of First avenue (Block No. 450, Lot No. 40), Borough of Manhattan.

439-37-A—150-18 Jamaica avenue, southwest corner of 151st street (Block No. 1044, Lot No. 6), Jamaica, Borough of Queens.

449-37-A—1333-1339 Broadway, northeast corner of Linden street (Block No. 3321, Lot No. 52), Borough of Brooklyn.

586-37-A—146-154 Broadway, south side, 60 ft. east of Bedford avenue and 131-133 South 8th street (Block No. 2132, Lot Nos. 11, 12, 13, 36 and 37), Borough of Brooklyn.

606-37-A—25-29 William street and 40 Exchange place, southwest corner (Block No. 25, Lot No. 27), Borough of Manhattan.

590-37-A-WF—South side of Northern boulevard, 100 ft. east of Willets Point boulevard (Block No. 838, Lot No. 221), Corona, Borough of Queens.

525-37-A—10-25 to 10-27 46th avenue, north side, 205 ft. east of Vernon boulevard (3rd floor, south-half); (Block No. 49, Lot No. 10), Long Island City, Borough of Queens.

589-37-A—Manufacture, storage, sale and transportation of "Mo Par Super Anti-Freeze" in non-refillable cans in New York City.

Variations of Labor Law

521-37-S—2999 Third avenue, west side, 51.44 ft. north of East 154th street and 698-700 Elton avenue (Block No. 2376, Lot No. 51), Borough of The Bronx.

592-37-S—491 East 172nd street, north side, 54 ft. west of Bathgate avenue (Block No. 2914, Lot No. 43), Borough of The Bronx.

510-37-S—150-152 Maiden lane, southwest corner of Front street (Block No. 37, Lot No. 33), Borough of Manhattan

541-37-S—1099-1105 Flushing avenue, 1-15 Porter avenue, northeast corner and 114-122 Thames street (Block No. 3015, Lot No. 1), Borough of Brooklyn.

Appliances Submitted for Approval.

547-37-SA—Fairfield Model F Jr. Oil Burner.

567-37-SA—Instantaneous Hose Reel.

579-37-SA—National Domestic Gun Type Oil Burner, Models EJ-1 and EJ-2.

618-37-SA—National Clark Horizontal Rotary Oil Burner.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, January* 4, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 477-28-BZ—Application of John J. Dunnigan, applicant, on behalf of Cabin Holding Corporation, owner, reopened June 22, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a roof sign on a business building (stores and motion picture theatre) previously granted by the board; premises 2029 Grand Concourse, southwest corner of Burnside avenue (Block No. 2808, Lot No. 82), Borough of The Bronx.

CAL. NO. 388-37-BZ—Application, July 30, 1937, under section 7h of the building zone resolution, of Samuel Rosenblum, applicant, on behalf of W.P.A. Realty Corporation, owner, to permit, for a period of not more than two (2) years, in a business use district the parking and storage of more than five (5) motor vehicles; premises 2159 White Plains avenue, west side, 400 ft. south of Pelham parkway South (Block No. 4317, Lot No. 56), Borough of The Bronx.

CAL. NO. 604-28-BZ—Application of Archibald H. Kurland, applicant, on behalf of Jane Riley, owner, reopened under new facts on July 7, 1937, under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station (previously denied); premises 5001-5027 Kings highway, northeast corner of Utica avenue and southwest corner of Glenwood road (Block No. 7734, Lot No. 34), Borough of Brooklyn.

CAL. NO. 2-36-BZ—Application of Max Dreyfuss, applicant, on behalf of Romabe Realty Corporation, owner, reopened December 14, 1937, for consideration as to extension

of time to complete work—time having expired by limitation—re Application, granted on condition, under section 21 of the building zone resolution, permitting in a residence use "F" area district the erection and maintenance of a multiple dwelling not conforming with the requirements of the building zone resolution as to set back from the building line and as to area; premises 83-02 to 83-10 Parsons boulevard and 150-54 to 150-62 Grand Central parkway, southwest corner (Block No. 2601 (6717). Lot Nos. 96 and 99), Jamaica, Borough of Queens.

HARRIS H. MURDOCK, *Chairman*

CALL OF CLERK'S CALENDAR

MONDAY, JANUARY 10, 1938, AT 2 P. M.

Building Zone Cases.

279-37-BZ.

APPLICANT—Bertram J. Barrett, for Estate of A. & W. H. Jackson, owner.

PREMISES—41-10 28th avenue, south side, 75 ft. east of 41st street (Block No. 664, Lot No. 20), Astoria, Borough of Queens.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

134-37-BZ.

APPLICANT—Isidore Herman (lessee), for Annie Chutick, owner.

PREMISES—1043-1053 Winthrop street, northeast corner of East 93rd street (Block No. 4612, Lot No. 43), Borough of Brooklyn,

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

164-37-BZ.

APPLICANT—Charles Hoffman (lessee), for Bessie Greenwald, owner.

PREMISES—9716-9718 Church avenue, south side, 72 ft. 6½ in. west of East 98th street (Block No. 4718, Lot Nos. 41 and 42), Borough of Brooklyn,

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

444-37-BZ.

APPLICANT—T. R. Galloway, Structural Engineer, for New York and Queens Electric Light and Power Company, owner.

PREMISES—136-20 to 136-26 39th avenue (Locust avenue), south side, 184.934 ft. east of Main street and 136-19 to 136-25 Roosevelt avenue, north side, 175 ft. east of Main street (Block No. 4980, Lot No. 11), Flushing, Borough of Queens.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the parking and storage of more than five (5) motor vehicles.

473-37-BZ.

APPLICANT—Lama and Proskauer, for Carrie Eidel and Estate of James S. Rourke, owners.

PREMISES—230-234 Norman avenue and 229-237 North Henry street, southwest corner (Block No. 2655, Lot Nos. 6 and 8), Borough of Brooklyn,

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the erection and maintenance of a building to be used as a garage for more than five (5) motor vehicles and motor vehicle repair shop and also the establishment of a gasoline service station.

337-37-BZ.

APPLICANT—Thomas W. Golding, for Intrastate Theatres Corporation, owner.

PREMISES—309-329 West 44th street, north side, 125 ft. west of 8th avenue and 322-324 West 45th street (Block No. 1035, Lot Nos. 25, 26, 27, 17, 20 and 22), Borough of Manhattan.

APPLICATION, under sections 7a and 21 of the building zone resolution,

TO PERMIT in a resident use district the extension in area of a building used as offices and film storage.

483-37-BZ.

APPLICANT—Thomas W. Lamb, Inc., for 167 West 53rd Street Corporation, owner.

PREMISES—821-825 Seventh avenue, 159-167 West 53rd street, northeast corner and 158 West 54th street (Block No. 1006, Lot Nos. 1, 2, 3, 4, 5 and 59½), Borough of Manhattan.

APPLICATION, under sections 7e and 21 of the building zone resolution,

TO PERMIT on a plot located partly in a retail use district and partly in a business use district the erection of a building to be occupied as stores and open parking, the roof of this building and the remaining vacant portion of this plot to be occupied for parking and storage of more than five (5) motor vehicles.

JANUARY 11, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, January* 11, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 178-37-BZ—Application, April 21, 1937, under section 7h of the building zone resolution, of Morton Wollman, applicant and lessee, on behalf of Edbro Realty Co, Inc., owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 979-989 Clarkson avenue, northeast corner of Remsen avenue (Block No. 4626, part of Lot No. 37), Borough of Brooklyn.

CAL. NO. 555-37-BZ—Application, November 24, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, appli-

CALENDAR

cants, on behalf of Monahan Express Co., Realty Dept., owner, to permit in a business use district and extending into an unrestricted use district the maintenance of a building for car washing, lubritorium and office, etc., as an accessory use to an existing gasoline service station; premises 1415-1423 Emmons avenue, northwest corner of East 15th street (Block No. 7488, Lot No. 44), Borough of Brooklyn.

CAL. NO. 301-37-BZ—Application, June 21, 1937, under section 21 of the building zone resolution, of Sidney L. Krakower, applicant, on behalf of Sadie Wilner, owner, to permit in a residence use district the maintenance of an existing business use (refreshment stand); premises 1429 Franklin avenue and 612 Crotona Park South, southwest corner (Block No. 2932, Lot No. 14), Borough of The Bronx.

CAL. NO. 626-32-BZ—Application of Philip Bardes, applicant, on behalf of United States Trucking Corporation, owner, reopened December 21, 1937 for consideration as to extension of time to complete work—time having expired by limitation—re Application, granted on condition, under sections 7b and 21 of the building zone resolution, permitting the extension from an unrestricted use district into a business use district of a proposed motor vehicle repair shop; premises 368-380 Front street, north side, 114 ft. west of Jackson street (Block No. 243, Lot Nos. 70 to 76), Borough of Manhattan.

CAL. NO. 285-31-BZ—Application of Louis Gallucci, applicant, on behalf of Niacol Realty Corporation, present owner, reopened December 21, 1937 for consideration as to extension of permit—re Application, granted on condition, under section 7f of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station for a temporary period; premises Northwest corner of Jamaica Bay boulevard and Nolins avenue (165th avenue); Block No. 4153, Lot No. 146), Shellbank Basin, Borough of Queens.

CAL. NO. 314-35-BZ—Application of Harry Yahr, applicant, on behalf of Shelton Holding Corporation, owner, reopened December 21, 1937 for consideration as to extension of permit—re Application, granted on condition, under section 7h of the building zone resolution, permitting for a period of not more than two (2) years in a retail use district the use of a vacant plot of ground as a parking space for the storage of more than five (5) motor vehicles; premises 15-23 West 43rd street, north side, 225 ft. west of Fifth avenue (Block No. 1259, Lot Nos. 25, 28 and 28½), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

JANUARY 11, 1938, 2 P. M.

Appeals from Administrative Orders.

471-37-A—86-82 76th street, west side, 137 ft. south of Jamaica avenue (Block No. 8904, part of Lot No. 7), Woodhaven, Borough of Queens.

516-37-A—3227 Mermaid avenue, northeast corner of West 33rd street (Block No. 7007, Lot No. 50), Borough of Brooklyn.

Variation of Labor Law.

400-37-S—11-19 Green Lane, east side, 100 ft. north of York street (Block No. 57, Lot No. 1), Borough of Brooklyn.

CALL OF THE CLERK'S CALENDAR

MONDAY, JANUARY 17, 1938, AT 2 P. M.

Building Zone Cases.

106-37-BZ.

APPLICANT—Arthur W. Renander, for Abraham D. Van Siclen, owner.

PREMISES—89-17 to 89-19 165th street, east side, and 89-18 to 89-20 166th street, west side, 150 ft. south of 89th avenue (Shelton avenue); (Block No. 866, Lot No. 83), Jamaica, Borough of Queens.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles.

467-37-BZ.

APPLICANT—H. L. Brandt, for Owen Realty Company, owner.

PREMISES—5060-5076 Broadway and 501-507 West 215th street, northeast corner, 500 west 216th street and 4036-4050 Tenth avenue (Block No. 2232, Lot No. 18), Borough of Manhattan.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the conversion of the occupancy of the first story of an existing building (now occupied in the cellar as a garage) to a motor vehicle repair shop.

324-37-BZ.

APPLICANT—Joseph M. Lonergan, for Mathilda Litchman and Bruno Bernabo, owners.

PREMISES—4727-4729 Third avenue, west side, and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

431-37-BZ.

APPLICANT—James J. Millman, for T. H. Fraser Mortgage Company, owner.

PREMISES—5813-5823 20th avenue and 2001-2011 59th street, northeast corner (Block No. 5507, Lot No. 1), Borough of Brooklyn.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the conversion of occupancy of an existing wet wash laundry to a garage for more than five (5) motor vehicles and gasoline service station.

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54-37-BZ.
APPLICANT—92-32 Union Hall Street, Inc., owner.
PREMISES—160-13 to 160-21 Archer avenue, north side, 110 ft. west of Union Hall street (Block No. 1051, Lot No. 150), Jamaica, Borough of Queens.
APPLICATION, under section 7h of the building zone resolution,
TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles.

450-37-BZ.
APPLICANT—Samuel Rosenblum, for Pasquale Fiero, owner.
PREMISES—1040-1050 East New York avenue, southeast corner of 94th street (Block No. 4597, Lot Nos. 1, 2 and 4), Borough of Brooklyn,
APPLICATION, under sections 7c and 21 of the building zone resolution,
TO PERMIT, partly in a business use district and partly in a residence use district, the extension of an existing gasoline service station and also the erection and maintenance of an accessory building to be used as office, lubritorium, auto laundry and motor vehicle repair shop.

JANUARY 18, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, January* 18, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 595-30-BZ—Application of Michael J. Bartholomew, applicant, on behalf of Diamond Evangelist, owner, reopened December 21, 1937 for consideration as to extension of time to complete work—time having expired by limitation—re Application, granted on condition, under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station; premises 2478-2488 Coney Island avenue, northwest corner of Avenue V (Block No. 7136, part of Lot Nos. 35 and 39), Borough of Brooklyn.

CAL. NO. 322-37-BZ—Application, June 29, 1937, under section 7h of the building zone resolution, of Edward Martinek, applicant and lessee, on behalf of Peter Doegler, Inc., owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 509-511 East 76th street, north side, 173 ft. east of York avenue (Block No. 1488, Lot Nos. 8 and 9), Borough of Manhattan.

CAL. NO. 207-37-BZ—Application, May 6, 1937, under sections 7g and 21 of the building zone resolution, of Larsen Baking Company, Inc., applicant and owner, to permit in a business use district the conversion of occupancy of an existing building to a garage for more than five (5) motor vehicles; premises 1490 Clove road, southwest corner of Tioga street (Block No. 661, Lot No. 7), West New Brighton, Borough of Richmond.

CAL. NO. 415-37-BZ—Application, August 23, 1937, under section 21 of the building zone resolution, of Wallace Gordon, applicant and lessee, on behalf of Beaver Film Corporation, owner, to permit in a business use district the conversion of occupancy of an existing building to paper stock and baling or a junk business; premises 215 Liberty avenue, northwest corner of Magnolia avenue (Block No. 3343, Lot Nos. 56 and 59), Dongan Hills, Borough of Richmond.

CAL. NO. 458-37-BZ—Application, September 24, 1937, under sections 7c and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of East Brooklyn Savings Bank, owner, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a building to be used as a garage for more than five (5) motor vehicles and a motor vehicle repair shop and also the establishment of a gasoline service station; premises 374-386 Willoughby avenue and 903-907 Bedford avenue, southeast corner (Block No. 1762, Lot Nos. 32 and 36), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

JANUARY 21, 1938, 10 A. M.

SPECIAL MEETING.

Appeal from Administrative Order.

553-37-A—1815-1825 Ocean avenue, east side, 280 ft. south of Avenue M (Block No. 7656, Lot No. 55 and part of Lot Nos. 54 and 58), Borough of Brooklyn.

JANUARY 25, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, January* 25, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 226-37-BZ—Application, May 18, 1937, under section 21 of the building zone resolution, of Samuel Falk, applicant, on behalf of Hada Realty Company, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 3051-3067 Otis avenue, 1050-1066 Hollywood avenue and 3050-3068 Layton avenue, south side, from Otis avenue to Hollywood avenue (Block No. 5422, Lot No. 65), Borough of The Bronx.

CAL. NO. 99-36-BZ—Application of Lama and Proskauer,

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applicants, on behalf of Peter Dinnella, owner, reopened and restored to calendar October 13, 1937, under section 21 of the building zone resolution, to permit in a residence use district and partly in an "F" area and partly in a "C" area district the erection and maintenance of a multiple dwelling not conforming with the building zone requirements as to yards and also area of the plot occupied (previously withdrawn); premises 84-14 Forest parkway, west side, 91.60 ft. south of Park lane south (Block No. 12, Lot Nos. 288, 325 and 327), Forest Hills, Borough of Queens.

HARRIS H MURDOCK, *Chairman*

JANUARY 25, 1938, 2 P. M.

Appeal from Administrative Order

548-37-A—499-505 Court street, 185-197 West 9th street and 182-202 Huntington street (Block No. 476, Lot No. 6), Borough of Brooklyn.

FEBRUARY 1, 1938, 2 P. M.

Building Zone Application

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, February* 1, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 120-33-BZ—Application of Eadie, Nunley and Eadie, applicants, on behalf of Harry Hugger, owner, reopened and restored to the calendar May 4, 1937, under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a motor vehicle repair shop, and, also, a gasoline service station (previously dismissed for lack of prosecution); premises 2030 Hylan boulevard, southwest corner of Hamden avenue (Block No. 3688, Lot No. 9), Grant City, Borough of Richmond.

HARRIS H. MURDOCK, *Chairman.*

SMOKING IN FACTORIES

Adopted by the Board of Standards and Appeals, August 12, 1918.

RULE 1. PERMIT.

(a) **Prohibition.** No person shall smoke, or carry a lighted cigar or cigarette in any factory as defined in Article 1, Section 2, of the State Labor Law, nor in any portion of a factory, within the City of New York, except in such protected portions or special classes of occupancies as are specified in Rule 2 of these rules, and then only after the issuance of a permit by the administrative official.

It shall be the joint and several duty of the owner and of the lessee or lessees of the building containing such factory or factories to cause to be posted in each and every entrance hall, stair hall or room throughout the building, as well as in every elevator-car, in English, and also in such other language or languages as the administrative official shall direct, a notice of such prohibition, and the penalty for its violation.

(b) **Application.** Application for such permit shall be made only by the owner of the building on suitable blank forms to be furnished by the administrative official.

(c) **Time Limit.** Such permit shall be for a definite period, not exceeding one year, and shall not be renewed upon expiration until a reinspection of the premises for which it is issued has been made for the purpose of determining whether existing conditions warrant a renewal.

(d) **Conditions.** The permit shall state the conditions under which, the hours between which, and the place or places in such factory where smoking may be permitted, and this permit shall be framed and kept posted in a conspicuous place in the factory.

(e) **Revocation.** Violation of any of the conditions specified in the permit, in addition to incurring such penalties as are prescribed by law, shall be full and sufficient cause for the revocation of such permit by the administrative official, and he shall not again issue a permit for the same premises until at least one year has elapsed.

RULE 2. PERMISSIBLE CASES.

Smoking may be permitted in:—

(a) Factories engaged in the manufacture of cigars, cigarettes, or smoking tobacco, when necessary for the efficient conduct of the business, provided that:

(1) No smoking other than that for sampling, testing and experimental purposes is carried on.

(2) Such smoking is conducted in a room provided especially for that purpose, separated from the rest of the building by fireproof or fire-resisting partitions, with all openings therein protected by self-closing fire doors, and, further, unless the building is of fireproof construction or equipped with an approved automatic sprinkler system, the floor and ceiling of such room shall be covered with fire-retarding material.

(3) Such chemical fire extinguishers as the administrative official may direct are installed.

(4) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

(b) Factories devoted entirely to one of the following occupancies:

Blacksmithing or horseshoeing;
Boiler making;
Brick, terra cotta or artificial stone works;
Forge shops;
Foundries;
Iron, steel, brass or copper works;
Machine shops;
Smelting;
Stone or monumental works;

provided that in any case:

(1) The building is not of wooden construction;

(2) Such chemical fire extinguishers as the administrative official may direct are installed;

(3) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

RULES

OIL BURNER RULES

[217-21-SR]

NOTICE—In this publication of these Rules, a new decimal numbering system has been employed, but for convenience, the former designations are also shown in brackets.

RULES COVERING THE INSTALLATION AND USE OF OIL BURNING EQUIPMENT AND THE STORAGE OF OILS USED IN CONNECTION THEREWITH

Adopted by the Board of Standards and Appeals June 15, 1934, Amended July 12, 1935, January 28, 1936, and December 4, 1936.

(Superseding Fuel Oil Rules adopted by the Board of Standards and Appeals, November 6, 1919; amended January 6, 1922; January 18, 1924; October 19, 1926; September 11, 1928; January 11, 1929; March 20, 1931; May 12, 1931; November 24, 1931; May 10, 1932; June 24, 1932, and November 4, 1932).

Authority: Section 718 A of the Charter of the City of New York to carry into effect the provisions of Chapter X, Code of Ordinances.

Rule 1. Scope.

[a] 1.1 No person shall install oil-burning, or oil-storage equipment for use within the City of New York except as provided in these rules.

[b] 1.2 These rules shall not apply to gas companies storing or using oil in the manufacture of illuminating gas for public use.

Rule 2. Definitions.

2.1 For the purpose of these rules the following terms shall be interpreted in accordance with these definitions:

2.2 APPROVED: Shall mean devices hereafter approved by the Board of Standards and Appeals and also, when required by the Board of Standards and Appeals, approved, listed as standard, and/or labeled by any nationally recognized standard testing laboratory not operated for commercial profit, provided all such devices are installed in accordance with these rules. Such approval is subject to suspension or revocation for non-compliance with these rules. All devices approved by the Board of Standards and Appeals prior to the adoption of these rules shall be accepted.

2.3 AUTOMATIC PUMP: Shall mean an automatic transfer pump operating independent of the burner to provide a continuous supply of oil.

2.4 BURNER: A device designed for the purpose of burning oil.

2.5 COMMERCIAL INSTALLATIONS—Oil burner installations in buildings, other than dwellings when used for heating and generation of power for use on premises.

2.6 CONTROLS—Such electrical or mechanical devices as are installed for the purpose of providing safe and continuous operation.

2.7 DISCHARGE LINE: That portion of the line between the discharge outlet of the pump and the burner oil inlet connection.

2.8 DOMESTIC INSTALLATIONS—Oil burner installations installed in dwellings as defined in these rules.

2.9 DWELLINGS: Buildings used exclusively for dwelling purposes and occupied by one or two families, including convents, rectories and monasteries.

2.10 ELECTRICALLY GROUNDED: For protection against lightning shall mean storage tanks set directly in or on the ground and/or with underground piping connections. Where storage tanks **without** underground piping connections are built on bases above the surface of the earth, such storage tanks shall be grounded at two (2) points, 180° (degrees) apart as follows:

2.10.1 The conductor from tank to ground connection shall be of copper not smaller than No. 6 (.162″) A.W.G. wire, or pipe not less than one-half inch (½″) in diameter.

2.10.2 One end of conductor shall be permanently and electrically bonded to tank. The other end shall be bonded to a ground connection consisting of a water pipe or a rod, pipe or plate having a surface area of not less than one hundred and ninety (190) square inches, buried in moist earth not less than two feet (2′) below the surface of the earth.

2.11 FILL PIPE: That portion of the line between the fill pipe terminal and the fill pipe connection in the storage tank.

2.12 FIRE RETARDING MATERIALS:

2.12.1 One-half (½) inch plaster boards, or asbestos boards, or three-eighths (⅜) inch gypsum wall boards weighing not less than 16 pounds per square yard with pointed joints covered with No. 26 U. S. gauge sheet metal with one (1) inch lapped seams nailed to the wood beams when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are spaced more than sixteen (16) inches on centers, or

2.12.2 Two thicknesses of one-quarter (¼) inch asbestos boards laid with tight staggered joints and nailed to the beams, when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are more than sixteen (16) inches on centers, or

2.12.3 Metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) inch thick.

2.12.4 Note—All fire retarding material to be applied as required in rules for fire retarding material of the Board of Standards and Appeals.

2.13 GROUND: An electrical conductor having capacity to absorb current.

2.14 INDUSTRIAL INSTALLATIONS: Oil burner installations for industrial purposes.

2.15 OIL: Any liquid mixture, substance or compound derived from petroleum, including kerosene and fuel oil as defined in the Code of Ordinances, Chapter X, Article 1, Section 1.

2.16 OIL BURNING EQUIPMENT: Any device including burners, oil burning heaters, internal combustion engines used for heating, power or other purposes designed for and/or using oil as defined in these rules.

2.17 OIL LEVEL INDICATING DEVICE: A means by which the level of the oil in a storage tank may be indicated.

2.18 OVERFLOW PIPE: A pipe which conveys, by gravity, the oil from the maximum level of an auxiliary tank to the storage tank or from the pump to the storage tank.

2.19 PERMANENT DEFORMATION: Wherever phrase, "without permanent deformation," is used in these rules it shall mean that the tanks or containers shall, after release of test pressure, resume their original size and shape.

2.20 PERMIT: Shall mean permit for storage of oil.

2.21 PORTLAND CEMENT CONCRETE: Shall mean a mixture of one (1) part cement and not more than two and one-half (2½) parts sand and five (5) parts of coarse aggregate and complying in all other respects with the requirements of the Code of Ordinances, Chapter V, Article 2, Section 28.

2.22 PREHEATER: A device designed for heating oil for the purpose of decreasing the viscosity.

2.23 RELIEF VALVE: A valve held shut by a spring or other means of automatically relieving pressure in excess of its setting.

2.24 RELIEF LINE: That portion of the line between the bypass connection of the relief valve and the supply line or storage tank.

2.25 REMOTE CONTROL: A hand, electric, or mechanically-operated device to shut off the oil supply. A thermostat is not acceptable as a remote control.

2.26 SCAVENGING LINE: A line installed to permit the removal of water or foreign matter from a storage tank.

2.27 SHOP FABRICATED: Shall mean completely built in the shop of the tank manufacturer.

2.28 SHUT-OFF VALVE: A device that can be actuated to prevent the flow of liquid in a line of pipe.

2.29 STORAGE CONTAINER: Any container for oil connected to a burner or oil-burning heater and having a capacity of ten (10) gallons or less.

2.30 STORAGE TANK: Any container for oil having a capacity of two hundred and seventy-five (275) gallons or more, having a fill line and vent line connected thereto.

2.31 STORAGE TANK, AUXILIARY: Any container for oil having a capacity of not over 60 gallons and used as an intermediary tank for gravity feed and equipped with an automatic or manually operated pump.

2.32 SUPPLY LINE: That portion of the line between the storage tank and the pump oil inlet connection. Where a pump is not used, it shall be that portion of the line between storage tank and burner and burner oil inlet connection.

2.33 TEST WELL: An opening in the top of the storage tank or a straight pipe connected to such opening through which a gauge stick may be inserted into the storage tank.

2.34 TRANSFER PUMP: An oil pump that is not an integral part of the burner and which is installed between storage tank and burner.

2.35 VENT PIPE: That portion of the line between vent pipe terminal and vent pipe connection in the storage tank.

Rule 3. Oil Permitted.

[a] 3.1 Oil permitted under these rules shall be any liquid mixture, substance, or compound derived from petroleum, shale oil, coal tar, and the liquid products thereof, and shall have a flash point not lower than 100 degrees Fahrenheit when tested in a Pensky-Martens closed cup tester (American Society for Testing Materials Method D93-22) and marketed under the following commercial grades:

Range Oil	SP.	Gr.	(A. P. I.)	40–44°
No. 1 Fuel Oil	"	"	"	36–40°
No. 2 " "	"	"	"	32–36°
No. 3 " "	"	"	"	28–32°
No. 4 " "	"	"	"	24°+
No. 5 " "	"	"	"	18°+
No. 6 " "	"	"	"	10°+

[b] 3.2 The use of crankcase refuse oil as fuel oil is strictly prohibited.

Rule 4. Burners.

[a] 4.1 Burners, including oil-burning heaters, shall be as approved, provided with suitable safeguards to prevent abnormal discharge of oil.

[b] 4.2 Approval of burners or oil-burning heaters designed for installation with storage of not more than six (6) gallons shall include approval of storage containers and limitations of installation. If more than six (6) gallons' storage is desired for such burners or oil-burning heaters, a storage tank shall be installed as provided for in these rules. Portable containers of not more than six (6) gallons' capacity may be filled from such storage tanks by means of an approved hand pump located above the top of the tank.

[c] 4.3 The requirements of these rules shall not apply to the use and installation of portable burners not requiring a connection to a flue where such burners are of the type commonly used for household purposes including oil stoves, oil heaters and oil lamps equipped with a woven wick, nor do the requirements of these rules apply to such portable apparatus such as blow torches, soldering pots, tar heaters, snow melters, etc.

Rule 5. Material and Construction of Tanks.

5.1 Cylindrical Tanks (except vertical tanks located outside of buildings above ground).

[a] 5.1.1 All tanks for the storage of fuel oil shall be built of steel plates made by the open hearth process and known to the trade as "tank steel." Such plates shall be free from physical imperfections, such as laminations, cracks, mill scale, etc. All steel must be new in good condition and free from rust. The thickness of steel required and the size and spacing of rivets shall be as stated in the table given below.

[b] 5.1.2 All tanks must be welded or riveted and caulked, or riveted and welded. Flanges or other pipe connections may be welded. All caulking shall be done with round nose tools and without injury to the plates. Filler of any kind between plates is prohibited.

[c] 5.1.3 Thickness of cylindrical tanks, except tanks of 275 gallons capacity or less:

Tanks 36 in. in diameter and less—¼ in. shell, ¼ in. heads.

Tanks 37 to 72 in. in diameter—¼ in. shell, 5/16 in. heads.

Tanks 73 to 120 in. in diameter—5/16 in. shell, ⅜ in. heads.

Tanks over 120 in. in diameter to be of ⅜ in. steel and to be stiffened by angle rings or equivalent members so as to retain their cylindrical form.

[d] 5.1.4 All cylindrical, oval or abround storage tanks shall have dished heads with a curvature the radius of which is not greater than the diameter of the tank. Dished heads shall be formed with an adequate cylindrical extension rim to provide welding or riveting surface. Should flat heads be used they must be braced in the same manner as described for the bracing of flat sides of rectangular tanks.

[e] 5.1.5 Diameter and spacing of rivets:

Riveting in single lap seams shall not exceed a pitch as follows:

In shell ¼ in. thick, ⅝ in. in diameter rivets 2¼ in. pitch.

In shell 5/16 in. thick, ⅝ in. in diameter rivets 2⅜ in. pitch.

In shell ⅜ in. thick, ¾ in. in diameter rivets 2½ in. pitch.

5.2 Rectangular Tanks.

[a] 5.2.1 All rectangular tanks shall be built of steel plates of the quality required for cylindrical tanks, and of a thickness of not less than 5/16 of an inch.

[b] 5.2.2 Corners may be made up by bending the plates or by use of angles.

[c] 5.2.3 Rivets in seams shall be ⅝ of an inch in diameter and spaced not more than 2¼ inches center to center.

[d] 5.2.4 All flat surfaces of rectangular tanks are to be braced. Bracing shall be done either by using structural steel members which will act as girders and which will safely carry the load with a factor of safety of five (5), or by using bars from side to side, end to end and top to bottom of the tanks as the case may be.

[e] 5.2.5 When structural steel members are used such as angle, channels or beams, etc., the distance from center to center of the rivet lines on these members must not be in excess of twenty-four inches, and the rivet spacing must be such that it will develop the full strength of the members. In no case shall the rivets be in excess of six (6) inches center to center on these members.

[f] 5.2.6 When structural steel reinforcing members are tied together with braces in order to reduce the effective length, the braces shall not be stressed higher than nine thousand (9,000) pounds per square inch taken in the minimum net section.

[g] 5.2.7 If structural steel members are omitted and the sides of the tank are braced by means of rods or bars, these members should not be spaced farther apart than twenty-four (24) inches center to center in all directions. The unit stress permitted in these members shall not be in excess of nine thousand (9,000) pounds per square inch on the minimum net section.

[h] 5.2.8 The connection between these members and the sides of the tank must in all cases be such that it will develop the full net sections of the bars so that the bar will break before the connection will let go.

5.3 All Tanks Except Vertical Above-Ground Storage Tanks.

[a] 5.3.1 All storage tanks for oil of two hundred and seventy-five (275) gallons' capacity or less shall have a minimum thickness of shell and head plates of U. S. Standard 10 gauge (.134"). Auxiliary storage tanks of 60 gallons or less shall be similarly constructed but need not be of a gauge thicker than U. S. Standard No. 14.

[b] 5.3.2 At time of installation all storage tanks shall bear a permanently fixed plate, spot-welded or equivalent, bearing the name of tank manufacturer, the gauge of material and capacity of tank. All shop fabricated storage tanks shall be installed without structural alteration.

[c] 5.3.3 All openings shall be through the top of the storage tank except that 275-gallon storage tanks may be provided with a three-quarter inch (¾") opening for gravity discharge and a one-inch (1") opening in the bottom for cleaning and protection against corrosion.

[d] 5.3.4 All buried storage tanks shall have a thorough coating on the outside of hot tar, asphaltum, or other equivalent rust-resisting material. All such tanks shall be electrically grounded.

[e] 5.3.5 Manholes; where used for oils having a viscosity less than 500 sec. Saybolt Universal at 100° F. shall have manhole covers bolted and air tight; where used for oils having a viscosity greater than 500 sec. Saybolt Universal at 100° F. (No. 5 or No. 6 Commercial Standard grades) shall have manhole covers bolted or otherwise secured to the tanks and kept hydrostatically tight at all times.

5.4 Vertical Storage Tanks Over 1,000 Gallons Capacity Located Outside of Building Above Ground.

[a] 5.4.1 Vertical tanks located outside of building above ground shall be built of steel plates of the quality required for cylindrical tanks.

[b] 5.4.2 The minimum thickness of shell or bottom plates shall be ¼ inch and the minimum thickness of roof plates ⅛ inch.

The thickness of shell plates shall be figured in accordance with the following formula:

$$t \text{ equals} \frac{P \times r \times F}{T \times E}$$

P equals head pressure at bottom of ring under consideration.

R equals radius of shell in inches.

F equals factor of safety (taken as 5).

T equals tensile strength of plate in pounds per square inch (55,000 pounds per square inch).

E equals efficiency of vertical joint in ring under consideration (calculations to be based on formulas as given in Bulletin No. 14 of the New York State Industrial Commission).

[c] 5.4.3 Roof plates shall have single riveted watertight seams and the roof shall be built to shed water. Bottom plates shall have single lap riveted seams. Shell plate seams shall be designed with proper efficiency to meet requirements of above formular for shell plates.

[d] 5.4.4 In all cases, steel tanks for the storage of fuel oil must be built metal to metal. No filler of any kind will be permitted.

5.5 Storage Containers.

[a] 5.5.1 Storage containers for oil of six (6) gallons capacity or less used in connection with burners or oil-burning heaters shall be designed to withstand a hydrostatic pressure test of five (5) pounds per square inch without permanent deformation, rupture or leakage and shall be approved as provided in Rule 4.2. Glass storage containers shall not exceed three gallons capacity, protected with a metal jacket provided with hand grips and designed to be rigidly fastened to stand or wall and shall be approved as provided in Rule 4.2.

Rule 6. Location of Tanks.

6.1 Inside of Buildings.

[a] 6.1.1 Storage tanks having a capacity of two hundred and seventy-five (275) gallons and auxiliary tanks may be installed above ground in or on the lowest story of a building, provided such tanks shall be mounted on substantial incombustible supports, with tank permanently attached thereto, and located not less than seven feet (7′), measured horizontally from any furnace or source of exposed flame unless tank is protected as provided for in Rule 6.1.2. Such storage tanks inside buildings shall be not less than two hundred and seventy-five (275) gallons' capacity and not more than one such tank shall be connected to one burner. Not more than two (2) two-hundred-and-seventy-five (275) gallons storage tanks shall be installed in a building above ground without protection as provided for in Rule 6.1.2.

[b] 6.1.2 Storage tanks having a capacity of more than two hundred and seventy-five (275) gallons, when installed inside of buildings, shall be located in or on the lowest floor level and all portions of such tanks above the floor shall be protected by a continuous jacket of not less than four inches (4″) of Portland cement concrete reinforced with not less than No. 20 steel wire gauge wire cloth 2″ x 2″ mesh, and extending at least four inches (4″) beyond the horizontal outline of tank in all directions, with weep holes along the bottom one inch in diameter not more than 3 ft. apart.
Each storage tank may be placed in an enclosure having masonry walls not less than eight inches (8″) in thickness and of dimension not less than fifteen inches (15″) greater on all sides than the outside dimensions of the storage tank. The walls of the enclosure shall be carried up to a height not less than two feet (2′) above the top of the tank. Fireproof access door or doors shall be installed in the enclosure for every twenty-five feet (25′) along the longest interior wall of such enclosure, and an additional access door shall be installed in every additional ten feet (10′) along such wall above the point where the enclosure has a capacity equal to the tank. The ceiling above the tank enclosure shall be either fireproof or fire-retarded.

[c] 6.1.3 The capacity of individual storage tanks located inside of buildings shall not exceed twenty thousand (20,000) gallons.

[d] 6.1.4 All storage containers used in connection with burners or oil-burning heaters shall be installed in a substantial and workmanlike manner with rigid metal fasteners to wall or floor and protected against mechanical injury.

6.2 Outside of Buildings, Below Ground.

[a] 6.2.1 Storage tanks located outside of buildings, below ground, shall be buried with the top of the tank not less than two feet (2′) below the surface of the ground. Tanks shall be placed on firm soil and shall be surrounded by clean sand or well tamped earth, free from ashes or other corrosive substance, and free from stones larger than will pass through a one-inch (1″) mesh. When necessary to prevent floating, tanks shall be securely anchored.

[b] 6.2.2 Along the line of subways no tank shall be placed within twenty (20′) feet of any wall, separating a building from the subway, and, if practicable, tanks shall be placed in a lower position than the roadbed of the subway, except as may be modified in specific instances by the Board of Standards and Appeals.

[c] 6.2.3 No tank shall be buried so as to be nearer than 3 feet to any foundation wall.

[d] 6.2.4 All buried storage tanks larger than two hundred and seventy-five gallons, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two (2) coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust resisting material. All tanks shall be electrically grounded.

6.3 Outside of Buildings, Above Ground.

[a] 6.3.1 Storage tanks located outside of buildings above ground shall be not less than one and one-quarter (1¼) tank diameters and in no case less than ten feet (10′) from the line of adjoining property, the nearest building or adjacent tank. Such tanks shall be electrically grounded. The maximum capacity of individual tanks located outside of buildings above ground shall be fixed by the following schedule:

If distant 25 feet from line of adjoining property which may be built upon	16,000	gallons
If distant 30 feet.....	24,000	"
If distant 40 feet.....	36,000	"
If distant 50 feet.....	48,000	"
If distant 60 feet.....	60,000	"
If distant 75 feet.....	96,000	"
If distant 85 feet, or more	100,000	"

[b] 6.3.2 Each such storage tank shall be protected by an embankment or a dyke. Such protection shall have a capacity of not less than one and one-half (1½) times the capacity of the tank so surrounded and shall be at least four feet (4′) high but in no case higher than one-fourth (¼) the height of the tank when the height of the tank exceeds sixteen feet (16′). Embankments or dykes shall be made of earthwork with clay core; or of masonry, or of impervious reinforced concrete. Earthwork embankments shall be firmly and compactly built of good earth, free from stones, vegetable matter, etc., and shall have a flat section at the top of not less than three feet (3′) and a slope of at

least one and one-half (1½) to two (2) on all sides. Concrete or masonry dykes shall be so designed as to safely carry the entire volume of the oil in the tank so surrounded. Embankments or dykes shall be continuous and unpierced. See Chapter 10, Section 111, Code of Ordinances, for required fire extinguishing system.

[c] 6.3.3 All above ground storage tanks larger than two hundred and seventy-five (275) gallons, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two (2) coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust resisting material. All tanks shall be electrically grounded.

Rule 7. Piping.

7.1 Installation of Piping.

[a] 7.1.1 Piping shall be run in a substantial and workmanlike manner. Exposed piping shall be protected against mechanical injury and shall be securely supported with rigid metal fasteners or hangers. All pipes connected to buried tanks except test well piping shall be provided with double swing joints at tank.

[b] 7.1.2 Only new standard full-weight iron, steel or brass pipe, or new extra-heavy copper brass or aluminum alloy tubing, properly marked and duly approved, may be used. Drawn metal tubing when used for conveying oil, shall be adequately protected. Such tubing shall be used only in the same room in which the burner is installed. Drawn tubing when used in domestic installations shall be not less than three-eighths inch (⅜") inside diameter. Soldered connections are prohibited. Tubing shall be submitted for approval.

[c] 7.1.3 Overflow pipes where installed shall not be smaller in size than the supply pipe.

7.2 Relief Valves.

[a] 7.2.1 Where a shut-off valve is installed in the discharge line from an oil pump a relief valve shall be installed in the discharge line between the pump and the first shut-off valve.

[b] 7.2.2 Oil preheaters shall be provided with a relief valve to prevent excessive oil pressure.

[c] 7.2.3 Relief valves shall be set to discharge at not more than one and one-half (1½) times the maximum working pressure of the system. The discharge from relief valves shall be returned to storage tank or to the supply line. There shall be no shut-off valve in the line of relief.

7.3 Vent Pipe.

[a] 7.3.1 An open vent of iron or steel, without trap, and draining to the tank, shall be provided for each storage tank. The lower end of the vent pipe shall not extend through the top of the storage tank more than one inch (1"). Cross connection between vent pipe and fill pipe is prohibited.

[b] 7.3.2 Where a battery of storage tanks, designed to hold the same grade of oil, is installed, vent pipes may be run into a main header.

[c] 7.3.3 Vents shall be not less than one and one-quarter inches (1¼") in diameter for storage tanks up to 1,100 gallons' capacity and not less than two inches (2") in diameter for storage tanks of 1,100 gallons and more. Vents for auxiliary storage tanks shall not be less than ½ inch in diameter and may be run into the storage tank vent.

[d] 7.3.4 Vent pipes shall be provided with weatherproof hoods and shall terminate outside the building not less than two feet (2') from any building opening and not less than five feet (5') nor more than twelve feet (12') above the fill pipe terminal. If the vent pipe terminal is not visible from the fill pipe terminal location, a one-inch (1") line shall be connected to tank and shall parallel the fill pipe and terminate at the fill pipe terminal with unthreaded end. Such line shall be provided with a check valve set to prevent flow of surface water to storage tank.

7.4 Fill Pipes.

[a] 7.4.1 Fill pipe shall terminate outside the buildings with the fill pipe terminal located at or above grade at least five feet (5') from any building opening or subway grating at or below the level of the fill pipe terminal. No fill pipe shall be less than 2 inches in diameter.

[b] 7.4.2 Each storage tank shall be provided with a separate fill pipe except where a battery of tanks is installed, containing the same grade of oil, a common fill and header pipe may be installed provided the area of each branch fill pipe and the header pipe is equal to the area of the fill pipe. Each branch fill pipe shall be provided with a shut-off valve.

[c] 7.4.3 Where the top of the storage tanks is above the fill pipe terminal the fill pipe shall be connected to the top of the tank and be provided with a shut-off valve and a swing check valve which shall be located at the fill pipe terminal.

[d] 7.4.4 All fill pipe terminals shall be of approved type constructed of a suitable material, provided with lugs for imbedding in concrete or in lieu thereof a set screw to fasten terminal to fill pipe. The outer flange of the fill pipe terminal shall be provided with letters reading "Fuel Oil" and the calendar number under which the fill pipe terminal has been approved. The fill pipe terminal shall be separately threaded to receive the seal cap and the fill pipe. The seal cap shall be suitably threaded and slotted for a special opening wrench. An oilproof gasket inserted in a groove in the fill pipe terminal shall be provided so as to render the fill pipe terminal leakproof. A strainer is not required but if used must be of not less than ⅛ inch mesh. Where there is a storage system of volatile inflammable oil and a storage system for fuel oil to be used in the same premises, the terminal of fuel oil fill pipe shall be provided with a left-handed thread, and the fill pipe fitting shall be of a different size than that required for the fill pipes to gasoline tanks.

7.5 Heating Coils in Storage Tanks.

7.5.1 All heating to reduce viscosity of oils in storage tanks shall be only by means of hot water or low pressure (ten (10) pounds per square inch maximum) steam coils.

7.6 Scavenging Line.

7.6.1 When a scavenging line is installed it shall terminate outside of the building and shall be capped oil tight when not in use.

Rule 8. Valves and Control of Oil Flow.

[a] 8.1 Each supply line from storage tanks of two hundred and seventy-five (275) gallons' capacity and from auxiliary storage tanks shall be provided with a shut-off valve at the tank and at the burner and when connected to burners designed for gravity feed, shall be provided with an approved constant level device.

[b] 8.2 Each supply line for storage tanks of more than two hundred and seventy-five (275) gallons' capacity, shall be provided with a shut-off valve at the burner and where the top of the tank is above the oil inlet connection to the burner and/or transfer pump, shall be provided with an approved anti-syphon device located at the highest point in supply line, except that where heavy oil (No. 6 Commercial Standard Grade) having a viscosity of one hundred (100) seconds or more Saybolt Furol at one hundred and twenty-two degrees Fahrenheit (122° F.) is used, the anti-syphon device shall not be required.

[c] 8.3 Except as may be modified in specific instances by the Board of Standards and Appeals, oil from storage tanks of two hundred and seventy-five (275) gallons' capacity or more may be delivered to burners installed above the lowest floor of a business building only under the following provisions:

8.3.1 Plans for such installations shall be submitted for approval to the administrative official having jurisdiction before such installation is made.

8.3.2 Such burners shall not be installed in any story of any building the floor of which is more than fifty feet (50') above the street level. Only one oil delivery line shall be installed for each floor.

8.3.3 Oil delivery lines to burners located above the lowest floor of a building shall not be larger than two inches (2") iron pipe size.

8.3.4 The pressure in oil lines to burners located above the lowest floor of a building shall not be more than is necessary to deliver oil to the burners and such pressure shall not in any case exceed thirty (30) pounds per square inch. With each automatic burner there shall be installed and maintained in good working order a set of suitable safety controls of the electric or mechanical type. The proper control for each burner is to be listed in the resolution under which the burner is approved. The controls are to provide the following functions:

Temperature control	
Ignition	"
Stack or Combustion	"
Pressure	"
Gravity	"

[d] 8.4 A remote control shall be provided whereby the flow of oil to any burner can be stopped, and such remote control shall be located outside the entrance to the room in which the burner is located and as close to such entrance as practical, except when outside location is impractical such control may be located immediately inside the room in which the burner is located if such location is accessible at all times. All such controls shall be legibly labeled "Remote Control for Oil Burner." On auxiliary storage tanks used with manually operated burners such remote control may be installed on feed lines between tank and burner.

[e] 8.5 Except as provided by Rule 4.2 of these rules for approved combination burner and storage container devices, pressure in storage tank or container for the purpose of discharging oil is prohibited.

[f] 8.6 In systems where either steam or air is used for atomizing the oil, the oil and the atomizing supply shall be interlocked, so that in case of the interruption of the atomizing supply, the supply of oil will immediately be cut off. Except that this requirement shall not apply to air and oil supply units directly connected to a common driver.

Rule 9. Oil Level Indicating Devices and Test Wells.

[a] 9.1 All tanks located inside of buildings shall be provided with an oil level in indicating device. Test wells shall not be permitted in tanks located inside of buildings. Unused tank openings shall be permanently sealed to prevent removal of plugs or cover.

[b] 9.2 Oil level indicating devices shall be constructed of substantial materials so designed that there can be no leakage of oil or oil vapor.

[c] 9.3 Test well shall be capped oil tight and kept closed when not in use.

Rule 10. Permits, Plans, Inspections and Tests of Storage Tanks and Piping.

10.1 Permits.

[a] 10.1.1 No oil installation of more than ten (10) gallons' capacity shall be operated until after a permit has been issued by the Fire Chief and Commissioner.

[b] 10.1.2 Applications for permit shall be made by the installer on forms furnished by the Fire Chief and Commissioner and shall provide for the location of the building in which the installation is to be made, name and address of owner and/or occupant, name and address of installer, make and approval number of burners, pumps and other devices, capacity number and location of storage tanks, together with approval of such proposed installation by the Commissioner of Buildings when required under Rule 10.2.

[c] 10.1.3 No permit shall be issued by the Fire Chief and Commissioner until the installation has been inspected by his representative.

10.2 Plans to be Filed Where Structural Considerations Are Involved.

10.2.1 Except for installations in dwellings as defined in these rules, the installer shall file with the Commissioner of Buildings plans showing the size and location of all storage tanks having a capacity greater than 275 gallons where such tanks are to be installed either inside of buildings in or below the lowest floor level or out-

side of buildings below ground. Plans, however, shall be filed where 275 gallon tanks are to be buried and for all multiple dwellings and for all places of public assembly. All plans, as in this section required, shall be certified to by the Commissioner of Buildings when approved by him as in compliance with all structural requirements, to the Fire Chief and Commissioner before any work is started and before the permit provided for in Rule 10.1 is issued.

10.3 Inspection and Tests of Installations of Storage Tanks and Piping.

[a] 10.3.1 Storage tanks not exceeding two hundred and seventy-five (275) gallons' capacity and all piping for oil connected thereto shall show no leakage when tank and all piping for oil is completely filled with oil when subjected to a test of 10 pounds per square inch for a period of ten (10) minutes.

[b] 10.3.2 Storage tanks of more than two hundred and seventy-five (275) gallons' capacity and all piping for oil connected thereto shall show no change in shape, rupture or leakage when subjected to a hydrostatic test with water or oil as follows:

10.3.2.1 Oval, obround, rectangular and specially shaped storage tanks and and piping connected thereto, twenty-five (25) pounds per square inch.

10.3.2.2 Cylindrical storage tanks and piping connected thereto, fifty (50) pounds per square inch.

Pressure shall be applied for a period of thirty minutes. When oil is used there shall be no fire or flame in the room or rooms in which the test is being conducted. All tests shall be conducted in the presence of a representative of the Fire Chief and Commissioner. The contractor shall furnish all necessary equipment for conducting tests, except gauges which shall be furnished by the administrative official. Such test may be made with oil in freezing weather for tanks located outside of building.

[c] 10.3.3 Defective tanks, if repaired by welding, shall have all oil removed and shall be purged of all explosive gases or vapors.

[d] 10.3.4 The anti-syphon devices, where used as provided for in these rules, shall be approved devices.

10.4 Fee for Permit and Test of Storage Tanks and Piping.

10.4.1 When application for permit is made, as provided for in Rule 10.1, a fee covering the permit, inspection and test of storage tank and piping shall be paid in accordance with the schedule given in the Code of Ordinances.

Rule 11. Inspection of Installations With Not More Than Six (6) Gallons' Storage Capacity.

11.1 All installations of burners with not more than six (6) gallons' storage capacity except where such installations are made in dwellings shall be reported by installer to the Fire Chief and Commissioner giving location of building in which installation is made, name and address of owner and/or occupant, name and address of installer and the make and approval number of burner. Such reported installations shall be inspected as required by Code of Ordinances.

Rule 12. Ventilation.

[a] 12.1 No burner shall be installed in any boiler, heater, range or stove unless such boiler, heater, range or stove be connected with a legal chimney, complying with Section 392, Article 19, Chapter V, of the Code of Ordinances.

[b] 12.2 Adequate ventilation, at least equivalent to area of the smoke pipe at the point where it enters the flue, shall be provided in all rooms in which burners are installed.

[c] 12.3 Dampers shall be so constructed that they cannot completely cut off the passage of flue gases at any time.

Rule 13. Automatic Pumps.

13.1 Automatic pumps, when not an integral part of the burner shall be of approved type, provided with automatic means for preventing continuous discharge of oil in case of pipe breakage.

Rule 14. Fire Protection.

[a] 14.1 The clear distance between smoke pipe connections, of any boilers, furnaces or other heating apparatus to flues, and combustible material shall not be less than eighteen (18) inches, except that this clearance may be reduced to nine (9) inches where a baffle consisting of not less than No. 29 gauge sheet metal backed by ¼ inch thick asbestos is placed two (2) inches above and extending along the entire length of the smoke pipe connections and twice the width thereof and such baffle is securely fastened from the ceiling with substantial hangers. In lieu of such baffle the combustible material may be covered with fire-retarding material as defined in these rules.

[b] 14.2 The clear distance between any non-insulated heat-producing parts of boilers, furnaces or other heating apparatus and combustible material shall not be less than twenty-four (24″) inches. Where such parts are insulated by two (2″) inches of asbestos, or equivalent, the clear distance shall be not less than twelve (12″) inches, or, in lieu of such insulation the combustible material shall be covered with fire-retarding material as defined in these rules extending 8 ft. in front and 4 ft. side and rear of the apparatus.

[c] 14.3 No combustible material shall be stored or maintained within five feet (5′) of heating apparatus, except where same is protected by fire retarding material.

[d] 14.4 Burners and all accessories, including tanks and piping, shall be maintained oil tight and kept clean at all times.

[e] 14.5 The floor beneath boiler or furnace and within five (5) feet in all directions shall be of fireproof construction.

[f] 14.6 Oil burning devices designed for installation with storage of not more than six (6) gallons shall be firmly anchored to the floor, set level, and the floor beneath the stoves or any such heating devices protected by a shield of ½″ asbestos or equiva-

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lent extending at least twelve (12″) inches beyond the outline dimension of such device where required within the specific approval of each burner.

[g] 14.7 Near each boiler or furnace of a fuel oil-burning unit there shall be kept ready for use fire extinguishing equipment of not less than two quart capacity approved as suitable for oil fires or not less than two pails of sand, the pails to have rounded bottom.

Rule 15. Instruction Cards and Certificate of Fitness.

[a] 15.1 Cards, giving complete instructions for the care and operation of the system shall be permanently fixed near the apparatus in readable condition. Where burners or oil-burning heaters designed for use with storage of not more than six (6) gallons' capacity are installed, there shall also be posted a copy of the specifications under which it was approved by the Board of Standards and Appeals in addition to the instruction card herein provided for.

[b] 15.2 All heating systems in which the oil is preheated or systems not fully automatic shall, when operating, be under the direct supervision of a person holding a certificate of fitness issued by the Fire Chief and Commissioner, except, that a person holding a certificate of fitness as a licensed engineer or as a licensed fireman under the provisions of Section 409 of the Charter of the City of New York, shall not be required to obtain such certificate.

Rule 16. Modification.

16.1 When, for any reason, it may be impracticable to comply strictly with the foregoing rules, the administrative official having jurisdiction shall have power to accept substitute methods provided the spirit and substance of these rules shall be complied with.

Rule 17. Existing Installations.

17.1 Oil burner systems heretofore installed and duly approved as complying with all laws and rules then applicable thereto shall be deemed acceptable, provided there have been no subsequent alterations to the apparatus, except as to Rule 15.2.

APPROVED APPLIANCES

APPROVED FUEL OIL PUMPS

Name of Pump	*Calendar No.*
American Marsh Duplex	638-25-SA
American Marsh Simplex	639-25-SA
Autopulse Electric Fuel Oil Pump	215-31-SA
Autopulse Electric Oil Pump Outfit, Model No. 1000	9-32-SA
Ballard Duplex Electric Driven Pump Set	1413-22-SA
Beach Russ Co. Rotary	1134-22-SA
Blackmer Rotary	935-24-SA
Blake & Knowles Horizontal Simplex Piston Pattern Pump	372-21-SA
Century Rotary	908-21-SA
Cook Electric Oil Pump	603-25-SA
Davidson	590-21-SA
Dean Bros. Durable Duplex	840-22-SA
DeLaval IMO Oil Pump	628-32-SA
Deming Double Oscillating Force Pump	458-27-SA
Deming Fuel Oil Pump	298-31-SA
Enterprise Oil Pump	11-28-SA
Exeter Rotary	507-22-SA
General Electric Oil Pump	475-32-SA
Goulds Hand Rotary	1133-25-SA
Goulds Rotary Oil Pump	437-31-SA
Goulds Triplex Plunger	257-22-SA
Hardinge Fuel Oil Pump	813-25-SA
Kinney Rotating Plunger Pump	503-24-SA
Koerting Gear Pump	1264-25-SA
Kraissl Fuel Oil Pump	60-28-SA
Leiman Rotary	95-24-SA
Marsh Fuel Oil Pump	1050-23-SA
McGowan Horizontal Duplex Fuel Oil Pump	936-23-SA
M. D. Rotary	52-27-SA
Milwaukee Piston Rotating Port Pump	763-25-SA
Monroe Oil Pump	658-26-SA
National Transit Rotary Pump for Gasoline and Fuel Oil	175-35-SA
Northern Rotary	1396-24-SA
Pascoe Pump Set	1029-26-SA
Petro-Nokol Industrial Oil Pump	570-32-SA
Quiet May Gerotor Pump	267-32-SA
Quimby Screw Pump	1193-21-SA
Range-O-Matic Oil Pump, Model 50 and Suction Model	102-35-SA
Ray Rotary	588-25-SA
Rotary Pressure Pump	1060-25-SA
Rotary Vacuum Pump	513-25-SA
Samson Magnetic Fuel Oil Pump	163-34-SA
S. B. U. Pumps, Models A, B, C and D	410-32-SA
Sundstrand Fuel Unit (Pump), Models 7-OB and 77-OB	199-36-SA
Tate-Jones	492-21-SA
Teesdale Automatic Booster Fuel Oil Pump	1279-25-SA
Tuthill Model B Fuel Oil Pump	60-28-SA
Tuthill Fuel Oil Pump, Models L, LD and 30-LE Fuelstat	568-30-SA
Union Steam Pump for Fuel Oil	705-30-SA
Viking	438-21-SA
Warren Oil Pump	1169-23-SA
Wayne Oil Pump & Fan Set	1155-25-SA
Webster Fuel Oil Pump, Types A, Q and T	23-34-SA
Worthington Duplex Double-Acting Steam Pump	184-22-SA
Worthington Show Model Duplex	194-22-SA

APPROVED APPLIANCES

Burners for Domestic and Commercial Use

Name of Burner	*Calendar No.*
A. B. C. Oil Burner	1295-24-SA
A. B. C. Oil Burner, Type H	684-29-SA
Ace Rotary Oil Burner	47-35-SA
Acme Automatic Oil Burner (Gun Type) Model A-1	112-36-SA
Acme Oil Burner, Models BO-1 and BO-2	132-34-SA
Aetna Automatic Oil Burner	1547-23-SA
Air-Blast Oil Burner	579-32-SA
Airnoil Burner	175-37-SA
Airtemp Oil Burner, Models B-6 and C-6	139-36-SA
Airtemp Oil Burner, Models D, F and G	88-34-SA
Alladin Oil Burner	298-26-SA
Alexander Oil Burner	65-28-SA
Alida Oil Burner	124-34-SA
Alpine Oil Burner, Models A and H	110-36-SA
American Blue Flame and Sun Flame Oil Burning Heaters, Models No. 73, 86, 88, 92, 93, 94, 95, 96, 4512, 4518, 4528, 4538, 4562, 4563, 4573, 4578, 4588, 4688, 4678, 4668, 4666, 4683, 4663, 4653, 4673, 4674, 4664, 4612, 4618, 4628, 4638, 4788, 4778, 4768, 4783, 4763, 4753, 4773, 4712, 4718, 4721 and 4738	298-33-SA
Aristocrat Oil Burner	222-35-SA
Associated Oil Burner	178-35-SA
Auto Heat Oil Burner	284-33-SA
Autocrat Oil Burner, Model B-1	297-31-SA
Automatic Airless Oil Burner, Model No. 1	53-34-SA
Baker Automatic House Heating Burner	1323-22-SA
Baker Oil Burner, Model L, Gun Type	404-29-SA
Baker Perkins Atomizing Type, Mechanical Draft Oil Burner, Types C and CD	329-35-SA
Ballard Baby Grand Oil Burner	447-32-SA
Ballard Oil Burner, Models B-A, 1, 2, 3 and 4	447-32-SA
Ballard Super Domestic Oil Burner	939-24-SA
Bauer Oil Burner	129-37-SA
Bayard Domestic Fuel Oil Burner	1184-22-SA
Benat Oil Burner, Models A, B and E	23-37-SA
Berggren Oil Burner	764-26-SA
Bethlehem-Doe Oil Burner, Models CE, FE, F, G and H	116-37-SA
Bethlehem-Hering Oil Burner, Models CE, FE, F, G and H	116-37-SA
Bethlehem Steam Atomizing Fuel Oil Burner	485-32-SA
Bettendorf Automatic Oil Burner, Models D, F and G	88-34-SA
Bettendorf High Pressure Oil Burner	479-31-SA
Bettendorf Oil Burner	731-28-SA
Bettendorf Oil Burner, Model H.B.	498-32-SA
Bock Oil Burner, Models A, B, C and D	123-31-SA
Bock Oil Burner, Models WH-3, WH-5, WH-6 and WH-8	102-34-SA
Borden Oil Burner, Model B	29-37-SA
Braden Automatic Fuel Oil Burner	322-30-SA
Branford Oil Burner	36-31-SA
Branford Oil Burner, Model "A"	461-32-SA
Brighton Oil Burner	372-33-SA
Bullet Automatic Oil Burners, Models A and B	195-33-SA
Caloroil Burner, Type AA	1361-24-SA
Camel Automatic Oil Burner, Model 30, Types A. B and C and Models J and A.S.	229-32-SA
Capitol Oil Burner, Models A, B and E	23-37-SA
Carboradiant Oil Burner, Models V & VS	16-31-SA
Carboradiant Oil Burner, Model VSS	49-32-SA
Carborundum Burner	571-29-SA
Carrier Oil Burner, Models CE, FE, F, G and H	116-37-SA
Cardinal Oil Burner, Model C	50-37-SA
Carter-Korth Oil Burner, Model "P"	389-32-SA
Carter-Korth Oil Burner	54-30-SA
Carter Oil Burner, Models, 4X, 5X, 6X and 10X	117-34-SA
Ceco Oil Burner	354-35-SA
Central Oil Burner, Models 4X, 5X, 6X and 10X	117-34-SA
Century Oil Burner	157-28-SA
Century Pressing Machine Oil Burner, Models U1 and U2	25-37-SA
Challenger Kleen Heat Burner, Series No. 100	813-28-SA
Challenger Oil Burner, Model "A"	86-34-SA
Chalmers-Ace (Rotary) Oil Burner	47-35-SA
Chalmers Automatic Oil Burner, Models D1 and D2	608-32-SA
Citro Oil Burner, Models A and B	86-36-SA
Commonwealth Automatic Oil Burner	348-28-SA
Concord Burner	108-35-SA
Continential Oil Burner, Models A, B and C	146-31-SA
Cook's Automatic Oil Burner	955-27-SA
Cope-Swift Safety Automatic Oil Burner	354-31-SA
Craftsman Oil Burner	222-35-SA
Crano Oil Burner, Models H-IC and H-IF	155-37-SA
Crater Automatic Oil Burner	34-34-SA
Crescent Oil Burner	222-29-SA
Crescent Type M Size I Oil Burner and Models 8, 18 and 28	592-31-SA
Creveling Oil Burner, Models A, B and E	23-37-SA
Crown Oil Burner, Type XA	426-29-SA
Crystal Blue Flame Oil Burner	423-29-SA
Dahl Vaporizing Oil Burner	915-26-SA
D'Elia Oil Burner	155-31-SA
Delco Heat Oil Burner	420-31-SA
DeWalt Oil Burner	541-31-SA
Diesel-American Oil Burner, Model D-A-1	6-37-SA
Diesel Oil Burner	354-35-SA
Dist-o-matic Oil Burner	663-28-SA
Doe Oil Burner	317-31-SA
Doherty Oil Burner	943-26-SA
Draft-Rite Oil Burner	178-35-SA
Dupont Oil Burner	248-36-SA
Easternoil Automatic Oil Burner, Models A, B and C	600-31-SA
Econ-O-Heat Oil Burner, Model E	130-37-SA
Economy Oil Burner, Type A-1	45-31-SA
Edison Oil Burner, Models A, B and E	23-37-SA
Eisler Automatic Oil Burner	481-27-SA
Elec-tro-matic Oil Burner, Type 151	125-33-SA
Electrol Automatic Oil Burner and Models BB, C, EA and TCV	259-25-SA
Ember-Glo Oil Burner	462-32-SA
Empire Oil Burner	222-35-SA
Enterprise Rotary Fuel Oil Burner	1149-27-SA
Enterprise Steam Atomizing Burner	15-33-SA
Enterprise Type Junior "W" Oil Burner, Models 1, 2 and 3	225-32-SA
Espo Oil Gas Burner	1431-23-SA
Esso Oil Burner, Models E.B. 1 and 2	520-31-SA
Esso Oil Burner, Models E.B. 3, 4 and 5	109-31-SA
Evenheet Oil Burner	554-32-SA
Everedy Oil Burner	102-33-SA
Fairfield Oil Burner	584-31-SA
Faultless Oil Burner	493-24-SA
Fine-Glo Oil Burner	178-35-SA
Flex-O-Gas Oil Burner for Pressing Machine, Model T-2	125-36-SA
Fluid Heat Domestic Oil Burner, Type O	1094-27-SA
Fluid Heat (Gun Type) Oil Burner, Model P	134-35-SA
Fluid Heat Oil Burner	361-32-SA
Forsdraft Oil Burner	41-34-SA
Foster Oil Burner	715-26-SA
Franklin Domestic Oil Burner	560-26-SA
Freeport-Silent Service Oil Burner, Models 5, 10 and 30	97-33-SA

APPROVED APPLIANCES

Name of Burner	*Calendar No.*
Fuelo Oil Burner	47-30-SA
Gar Wood Oil Burner	373-30-SA
Gar Wood Oil Burner, Models K, K-3500, T and W	481-32-SA
General Automatic Oil Burner, Model A	60-36-SA
General Electric Fuel Oil Burner	434-32-SA
General Electric Oil Burner, Type DA-2	228-33-SA
Ghapco Steam Generator	348-31-SA
Gilbarco-Ballard Heavy Oil Burner, Models BM, DM, FM, HM, BS, DS, FS, HS, BA, DA, FA, HA, BPM, DPM, FPM, HPM, BPS, DPS, FPS, HPS, BPA, DPA, FPA, HPA, BPW, DPW, FPW, HPW, BPH, DPH, FPH and HPH	1493-22-SA
Gilbarco G.B.O. Oil Burner	282-33-SA
Gilbarco Industrial Burner	350-32-SA
Gilbarco Oil Burner, Models G.B. 1 and 2	520-31-SA
Gilbarco Oil Burner, Models G.B. 3, 4 and 5	109-31-SA
Gilbert & Barker Flexible Flame Burner	109-31-SA
Gilbert & Barker Junior Flexible Flame Domestic Oil Burner	520-31-SA
Gilbert & Barker Oil Burner, Model S-1	282-33-SA
Gilbert-Bethlehem Oil Burner, Models CE, FE, F, G and H	116-37-SA
Gill Oil Burner	1231-23-SA
Gold Star Oil Burner, Models F, S, J and J-1	166-33-SA
Goodrich Oil Burner, Models G-0, G-1, G-2 and G-3	441-31-SA
Goodspeed Automatic Oil Burner	957-27-SA
Goodspeed Oil Burner, Nozzle Type 2	346-33-SA
Gould Automatic Oil Burner	178-35-SA
Grant Oil Burner	382-26-SA
Grant Oil Burner, Model "C"	232-32-SA
Hardinge Oil Burner	813-25-SA
Hardinge Oil Burner, Model 23	33-33-SA
Harris Fuel Oil Burner	690-30-SA
Hart Automatic Oil Burner	1162-24-SA
Hart Automatic Oil Burner, Model Series "DO"	595-29-SA
Hart Oil Burner, Model "H"	221-33-SA
Haywood Oil Burner (Vertical Rotary), Models AG, BG, CG, DG, AP, BP, CP and DP	696-30-SA
Hayward Oil Burner, Model 2000	118-35-SA
Heat King Oil Burner, Model 2	98-35-SA
Heat-O-Matic Oil Burner	178-35-SA
Heat-Pak Oil Burner, Models 35 and Compact	237-36-SA
Heatiator Oil Burner	1346-23-SA
Heil Combustion Fuel Oil Burner	1105-22-SA
Heil Combustion Fuel Oil Burner, Type B	295-29-SA
Henjes Oil Burner, Models 1G, 2G, 3G, 4G and 5G	265-37-SA
Herco Oil Burner, Models R15 and R35	21-36-SA
Hercules Oil Burner	510-29-SA
Hercules Oil Burner, Models H, HF and Type H, 1937 Model	309-33-SA
Hercules Oil Burner, Models M 1200 and M 1800	486-32-SA
Herman Nelson Conversion Oil Burner	144-36-SA
Hillcrest Oil Burner, Models A, B and E	23-37-SA
Hipoint Oil Burner, Models A-2, B-2 and C-2	11-36-SA
Hofmann Automatic Fuel Oil Burner, Model 41	274-35-SA
Holby Type A Fuel Oil Burner	688-29-SA
Holland Gun Type Oil Burner	225-37-SA
Holland Type "F" Oil Burner	237-34-SA
Homer Domestic Oil Burner	1211-25-SA
Homestead Oil Burner, Model E	176-36-SA
Hupp Oil Burner, Models H, U. P and PP	10-34-SA
Ideal Oil Burner, Models A, B and E	23-37-SA
Imperial Oil Burner	187-33-SA
Improved Kres-Kno Oil Burner and Model MD	591-29-SA
Inferno Oil Burner	82-33-SA
International Mechanical Draft Oil Burner	372-30-SA
International Oil Burner	1305-24-SA
Jacobsen Balanced Oil Burner, (Model V-1)	333-33-SA
Johnson Improved Rotary Fuel Oil Burner	938-22-SA
Joyce Oil Burner	852-26-SA
K. F. C. Oil Burner	846-25-SA
Kaytown Quiet Automatic Oil Burner, Models A, B and C	146-31-SA
Kelco Oil Burner	237-33-SA
Kelvinator Oil Burner	339-31-SA
Kelvinator Oil Burner, Model K	105-34-SA
KeWaNee Oil Burner, Model "C"	518-32-SA
Kingsco Oil Burner, Model E	130-37-SA
Kingsway Century Oil Burner, Models F and G	369-33-SA
Kingsway Silent Automatic Oil Burner, Model A-1	216-36-SA
Kleen Heet Oil Burner	62-24-SA
Kleen Heet Oil Burner, Type 902	99-35-SA
Kleen Heet Oil Burner, Type R	49-33-SA
Korth Oil Burner, Models G and S	136-34-SA
Kreager Oil Burner	367-30-SA
Kres-Kno Oil Burner	443-28-SA
Kres-Kno Pressing Machine Burner, Model MD, sizes KRF and KRF-1	354-34-SA
Laco Oil Burner, Model NL	670-30-SA
Laco Oil Burner, Models F, JF, BF and D	226-33-SA
Lange Economical Oil Burner	355-33-SA
Lawrence May Oil Burner	1034-27-SA
Leader Bake Oven Oil Burner	384-36-SA
Leader Oil Burner	425-31-SA
Leiman Brothers Fuel Oil Burner	314-30-SA
Liberty Automatic Heater	129-28-SA
Liberty Pressure Oil Burner	75-34-SA
Lochinvar Oil Burning Unit	142-36-SA
Lonergan Automatic Oil Burner	208-33-SA
Luxor Heat Oil Burner	322-30-SA
Lynn Power Oil Burner, Models 1, 2 and 3	166-34-SA
"M W" Domestic Oil Burners, Models Nos. 25, 26, 65, 66, 307, 308, 309, 400 and 800	341-32-SA
M. W. Emancipator Oil Burner	102-33-SA
M. W. Oil Burning Water Heater	737-29-SA
M. W. Water Heater, Model 20-D	365-34-SA
Magna Fuel Oil Burner	197-33-SA
Majestic Oil Burner	693-30-SA
Major Oil Burner, Models H, U, P and PP	10-34-SA
Marr Oil Burner, Model H, Type R	765-26-SA
Master Fuel Oil Burner	350-32-SA
Master-Kraft Oil Burner	83-33-SA
May Oil Burner	68-24-SA
May Oil Burner, Type BB	46-34-SA
Mayfield Oil Burner	568-31-SA
Mayflower Oil Burner	124-29-SA
McIlvane Oil Burner	544-29-SA
Melco Automatic Oil Burner, Type "A"	1032-25-SA
Merco Oil Burner	637-29-SA
Mercurol Oil Burner, Models 4X, 5X, 6X and 10X	117-34-SA
Metered Heat Oil Burner, Model G	136-34-SA
Metro-Pressure Oil Burner, Models A, B and C	146-31-SA
Micron Oil Burner	345-34-SA
Midget Oil Burner	155-34-SA
Midget Pressing Machine Oil Burner	122-35-SA
Mid-West Oil Burner, Models 106, 108, 208, 211, 311 and 114	327-31-SA
Minneapolis Automatic Oil Burner	34-34-SA
Mohawk Oil Burner, Models A and H	110-36-SA
Monitor Oil Burner	202-34-SA
Morgan Oil Burner, Models A and H	110-36-SA
Morrissey Oil Burner	673-27-SA
Morrissey Oil Burner, Models MA-2, MA-3, MA-4, SP-1, SP-2, SP-3, and MP-1	359-33-SA

APPROVED APPLIANCES

Name of Burner	*Calendar No.*
Morse Conical Type Steam Atomizing Burner	938-25-SA
Morse Fan Tail Type Steam Atomizing Burner	939-25-SA
Morse Fuel Oil Burner	820-23-SA
Moto-Heat Oil Burner	195-32-SA
Motorless Oilheat Burner, Models 7, 9, 11, 13 and 15	628-23-SA
Mousette Oil Burner	887-25-SA
Nabco Oil Burner	287-37-SA
Nairoil Oil Burner, Type R, Model E	13-35-SA
National Airoil High Pressure Burner	185-29-SA
National Airoil Low Pressure Burner	186-29-SA
National Airoil Type D-R Rotary Oil Burner	548-31-SA
National Barley Rotary Oil Burner	197-33-SA
National Clark Rotary Oil Burner	197-33-SA
National Devices Oil Burner	184-36-SA
National Oil Burner, Model E-J	360-34-SA
National Rotary Oil Burner	836-25-SA
Nesbitt Oil Burner, Models F, JF, BF and D	226-33-SA
New Perfection Oil Burner, Type "C"	518-29-SA
New Process Oil Burner	1071-27-SA
Nichols-McCann-Harrison Burners	255-31-SA
Noiseless Nokol Model G Oil Burner	801-28-SA
Noiseless Nokol Rotary Oil Burner, Model R	584-28-SA
Nokol Automatic Burner	1078-24-SA
Norge Oil Burner Models N8, N18 and N28.	226-34-SA
Norge Oil Burner, Models N8-8C and N13-8C	543-37-SA
Norge Water Heater, Models 23 and 45	365-34-SA
Nu-Way Oil Burner	773-26-SA
Oilbuilt Burner	85-33-SA
Oliver Oil Gas Burner, No. 30-A	1359-24-SA
Orco Oil Burner, Model A-1	216-36-SA
Oronoque Oil Burner	394-30-SA
Orr Fuel Oil Burner	113-26-SA
Pacific Oil Burner	343-35-SA
Packard Fuel Oil Burner	77-34-SA
Paragon Oil Burner, Model A-25	248-37-SA
Paragon Oil Burner, Models R-15 and R-35	21-36-SA
Paramount Oil Burner	1193-25-SA
Paramount Oil Burner, Model A	617-30-SA
Pascoe Oil Burner	1029-26-SA
Penn Automatic Oil Burner, Gun Type	250-37-SA
Penn Rotary Oil Burner	236-35-SA
Peoples Silent Oil Burner, Models O and G	313-35-SA
Perfect Automatic Oil Burner, Models DL-7, DL-8, DL-10, 0-5, 0-7, 0-8 and 0-10	264-35-SA
Perfect Automatic Oil Burner (Gun Type), Model A-1	112-36-SA
Perfect-Pantex Oil Burner	271-33-SA
Perfex Airnoil Burner	175-37-SA
Petro Domestic Burner	161-26-SA
Petro Model T Oil Burner	451-31-SA
Petro Model W Oil Burner	452-31-SA
Petro Burner, Model O	78-28-SA
Petro Burner, Model P-2	735-30-SA
Petro Oil Burner, Model W-2	244-33-SA
Petro Oil Burner, Models W-1 and W-1½	245-33-SA
Petro Oil Burner, Models D-10, D-11, D-12, D-13, D-14 and D-15	40-31-SA
Petroleum Heat & Power Company Fuel Oil Burner Model W-AH	614-32-SA
Philco Oil Burner, Models AM and B	27-37-SA
Pioneer Automatic Oil Burner	1259-27-SA
Precision Oil Burner, Model W	137-37-SA
Preferred Oil Burner (Manual Operation), Model D. O.	253-35-SA
Pressure Oil Burners, Models A B and C	146-31-SA
Presto Automatic Oil Burner	294-34-SA
Prize Automatic Oil Burner, Models A, B and C	600-31-SA
Progressive Oil Burner, Models G4, G5, G6 and G7	411-32-SA
Progressive Press Machine Oil Burner, Models PMB and PMBS	224-34-SA
Public Service Oil Burner, Models R-15 and R-35	21-36-SA
Pyrolene Oil Burner	184-36-SA
Quiet Ballard Automatic Oil Burner	660-30-SA
Quiet Heet Oil Burner	49-36-SA
Radiant Oil Burner, Models 1G, 2G, 3G, 4G and 5G	265-37-SA
Rasol Oil Burner	108-34-SA
Ray Rotary Fuel Oil Burner, Types A and B	504-23-SA
Ray-Dio Sunshine Oil Burner, Model C, sizes 12, 14 and 16	368-34-SA
Rayfield Oil Burner	504-26-SA
Real Host Oil Burner	38-34-SA
Re-Ly-On Oil Burner	745-26-SA
Remington Domestic Oil Burner, Type B	532-31-SA
Remington Oil Burner	891-26-SA
Rexoil Domestic and Industrial Fuel Oil Burner	667-28-SA
Reynolds Automatic Oil Burner, Model R-G.	410-37-SA
Reynolds Oil Burner, Model GC	266-34-SA
Richfield Oil Burner, Pressure Gun Type	73-36-SA
Richmond Gravity Fuel Oil Burner	1193-22-SA
Rickard Oil Burner	1011-27-SA
Ritz Oil Burner, Model A	378-36-SA
Rohr Schanck Fuel Oil Burner	583-21-SA
Rotoflame Gem Oil Burner	187-33-SA
Round Oak Oil Burner	343-35-SA
Ryan & Scully Commercial and Domestic Oil Burner	304-32-SA
S. & K. Mechanical Fuel Oil Burner	1115-22-SA
S & K Wide Range Fuel Oil Burner	10-33-SA
S-K Oil Burner, Models F and G	369-33-SA
S. T. Johnson Co., Type 30-A, Rotary Fuel Oil Burner	197-32-SA
S. T. Johnson Co., Type 30-H, Rotary Fuel Oil Burner	198-32-SA
S. T. Johnson Oil Heat Servant	157-34-SA
Sachem G.B.O. Oil Burner	282-33-SA
Schulse Home Oil Burner	1487-23-SA
Scott-Newcomb Pioneer Oil Burner, Models C, CA, CJ, CV and SN Junior	436-32-SA
Sealdheet Oil Burner, Model SH	160-36-SA
Security Oil Burner	56-28-SA
Shepard Oil Burner	563-30-SA
Shill Oil Burner	315-30-SA
Shur-Heat Oil Burner, Models R-15 and R-35	21-36-SA
Silent-Auburn Fuel Oil Burner, Models A, B, C, O and A1	463-31-SA
Silent Automatic Oil Burner	458-26-SA
Silent Automatic Burner, Model "B"	709-30-SA
Silent Automatic Burner, Model "E"	710-30-SA
Silent Flame Oil Burner, Model M	172-37-SA
Silent Flash Oil Burner, Model C1	38-33-SA
Silent Glow Mid-West Oil Burner for Pressing Machines, Model 106	328-37-SA
Silent Glow Oil Burner, Model G	600-30-SA
Silent Glow Oil Burner, Models 600, 800, 1000, 1200, 1800, 2800, 3800, 6800 and 8800.	345-31-SA
Silent Glow Oil Burner, Model 1300	12-37-SA
Silent Glow Oil Burner for Pressing Machines, Models 600 and 800	327-37-SA
Silent Heet Oil Burner, Models A, B and E	23-37-SA
Silent Heet Oil Burner, Model C	96-36-SA
Silent Paramount Oil Burner, Models F and G	369-33-SA
Simplex Domestic Oil Burner, Type P.A.	446-30-SA
Simplex Domestic Type "S.P." Oil Burner	145-31-SA
Simplex Horizontal Rotary Oil Burner, Types H, H.E.G. and H.E.G.-H	367-36-SA
Simplex Turbine Fuel Oil Burner, Models C.O.G. and M.O.G.	1203-22-SA
Socony Arrow Oil Burner	1191-24-SA
Standard Automatic Oil Burner, Type 14-G.	536-31-SA
Standard Automatic Oil Burner, Type 11-G.	537-31-SA

APPROVED APPLIANCES

Name of Burner	*Calendar No.*
Standardyne Oil Burner	34-34-SA
Stephens Oil Burner, Models Nos. 1 and 2	146-33-SA
Sterling Oil Burner	322-30-SA
Stromberg Oil Burner, Models A, B and E	23-37-SA
Stuhler Oil Burner	618-27-SA
Stuhler Oil Burner, Model R	84-36-SA
Summerheet Oil Burner	581-26-SA
Sundstrand Automatic Oil Burner	755-26-SA
Sundstrand Purmaco Automatic Oil Burner, Models A-2, 4-B, C-5, A-3U, 3K, B-5U, B-5K and C-6U	658-30-SA
Sunflower Model S-1 Oil Burner	657-29-SA
Sunflower Oil Burner, Model S-2	587-30-SA
Sun-Glo Oil Burner, Models A, B and E	23-37-SA
Sun Heat Oil Burner	603-29-SA
Sun-Ray Fuel Oil Burner	106-33-SA
Sunway Oil Burner	624-30-SA
Super Automatic Oil Heater Model SSH	715-29-SA
Super Automatic Zephyr Oil Burner, Model A	463-31-SA
Superb Oil Burner, Models A and B	86-36-SA
Superfex Oil Burner, for Warm Air Furnaces	400-32-SA
Superheet Oil Burner, Model D	254-33-SA
Superior Oil Burner, Models A and H	110-36-SA
Supreme Oil Burner, Model G	136-34-SA
Sword Automatic Oil Burner	951-25-SA
Syncro-Flame Oil Burner, Models R and RH	139-35-SA
Tabor Automatic Oil Heater, Type "D"	778-28-SA
Thermoil Oil Burner, Model G1	324-36-SA
Thompson-Gould Oil Burner	178-35-SA
Thoroburn Oil Burner, Model A-1-16-G	269-33-SA
Timken Oil Burner, Model 20	287-28-SA
Timken Rotary Oil Burner	297-29-SA
Timken Silent Automatic Heater (Water Heater Unit) Models 40-A and 50-B	121-35-SA
Timken Silent Automatic Oil Burner, Model G	266-34-SA
Todd Mechanical Oil Burner, Type Hex-Press	177-35-SA
Todd Rotary Burner, Models A, B and C	454-25-SA
Todd Spiro Oil Burner	470-31-SA
Todd Spiro Burner (pump type)	94-32-SA
Toridheet Oil Burner	63-28-SA
Toridheet Oil Burner, Model G	17-35-SA
Tri-Aire Oil Burner, Model C-3	188-36-SA
Trojan Domestic and Industrial Fuel Oil Burner	667-28-SA
Tropic Heat Oil Burner, Model G	136-34-SA
Twin City-on-the-Door Oil Burner	129-27-SA
U and S Oil Burner for Pressing Machine, Models A, B and C	331-36-SA
Uni-Lec-Tric Oil Burner	498-29-SA
United States Gun-type Oil Burner	222-35-SA
United States Oil Burner	620-28-SA
Universal Fuel Oil Burner	6-24-SA
Universal Oil Burner	584-31-SA
Vapomatic Oil Burner	275-34-SA
Vaporoil Burner	44-32-SA
Vesta Oil Burner	451-26-SA
Victor Oil Burner	612-30-SA
Victory Oil Burner	320-30-SA
Viking Oil Burner	396-32-SA
Vitro-Heet Oil Burner, Model MD	591-29-SA
Vitro-Heet Pressing Machine Burner, Model MD, sizes KRF and KRF-1	354-34-SA
Volcano Automatic Oil Burner	556-29-SA
Volcano Automatic Oil Burner, Models EW, EW-1, EW-2 and E	341-33-SA
Volcano Automatic Oil Burner, Models D, H and K	234-37-SA
Warner Oil Burner, Model A	16-34-SA
Wayne Oil Burner	1155-25-SA
Wayne Domestic Oil Burner, Model K	115-32-SA
Wayne S-2 Domestic Oil Burner	115-32-SA
Weco Multi Oil Burner, Low Pressure Type	24-36-SA
Wheco Oil Burner	108-34-SA
White Flame Oil Burner	357-35-SA
White Heat Oil Burner	232-36-SA
Williams Oil-O-Matic Oil Burner, Models J, JJ, Junior, K, KA, KB, and R	918-22-SA
Windsor Oil Burner, Models A-3U, B-5U and C-6U	658-30-SA
Winslow Kleen Heet Burner, Models 805 and 820	19-25-SA
Wisconsin Fuel Oil Burner, Models O, A and B	32-33-SA
Wizard Automatic Oil Burner	181-33-SA
York Automatic Oil Burner	44-29-SA
York Bake Oven Oil Burner	384-36-SA
York Horizontal Rotary Oil Burner (Type AP)	56-36-SA
York-Lalor Oil Burner	261-37-SA
Yorktown Oil Burner	166-33-SA
Yorktown Oil Burner, Model A	3-35-SA
Zenith Oil Burner	270-34-SA

NOTICE

FORMS FOR NOTICES TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

MULTIPLE DWELLING LAW ON SALE

Copies of the Multiple Dwelling Law are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50c; by mail 54c.

Copies of the Supplemental Rules and Regulations of the Tenement House Department on Fire Retarding, Fire Escapes, Fire Stairs and Fire Towers are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 10c; by mail 12c.

Copies of the Official Directory of the City of New York for the year 1937 (The Little Green Book), containing the latest authentic information in relation to City, State and Federal Departments, Bureaus, Offices and Courts, are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50 cents; by mail, three cents per copy must be added for postage.

APPROVED APPLIANCES

Burners for Industrial Use

Name of Burner	*Calendar No.*
Ace Rotary Oil Burner	47-35-SA
Air-Blast Oil Burner	579-32-SA
Airnoil Burner	175-37-SA
Airtemp Oil Burner, Models D, F and G	88-34-SA
Alpine Oil Burner, Models A and H	110-36-SA
Anthony Nebulyte Oil Burner	1026-22-SA
Aristocrat Oil Burner	222-35-SA
Associated Oil Burner	178-35-SA
Auto Heat Oil Burner	284-33-SA
Automatic Airless Oil Burner, Model No. 1	53-34-SA
Babcock & Wilcox Mechanical Oil Burner	45-21-SA
Ballard Automatic Oil Burner	1363-23-SA
Ballard Oil Burner, Models B-A 1, 2, 3 and 4	447-32-SA
Ballard Low Pressure Mechanical Oil Burner	1493-22-SA
Ballard Jr. Oil Burner	1176-27-SA
Ballard Staples & Pfeiffer Steam Atomizing High Pressure Burner	1414-22-SA
Bauer Oil Burner	129-37-SA
Berggren Oil Burner	764-26-SA
Best Calorex Burner	1464-21-SA
Bethlehem Steam Atomizing Fuel Oil Burner	485-32-SA
Bettendorf Automatic Oil Burner, Models D, F and G	88-34-SA
Bock Oil Burner, Models A, B, C and D	123-31-SA
Bock Oil Burner, Models WH-3, WH-5, WH-6 and WH-8	102-34-SA
Borden Oil Burner, Model B	29-37-SA
Brighton Oil Burner	372-33-SA
Bullet Automatic Oil Burners, Models A and B	195-33-SA
Burnwell Mechanical Burner	957-22-SA
Caloroil Burner, Type AA	1361-24-SA
Carter Oil Burner, Models 4X, 5X, 6X and 10X	117-34-SA
Central Oil Burner, Models 4X, 5X, 6X and 10X	117-34-SA
Century pressing Machine Oil Burner, Models U1 and U2	25-37-SA
Chalmers-Ace (Rotary) Oil Burner	47-35-SA
Chalmers Automatic Oil Burner, Models D1 and D2	608-32-SA
Coen Mechanical Oil Burner	942-21-SA
Concord Burner	108-35-SA
Cornell No. 1 Type A Oil Burner	397-23-SA
Craftsman Oil Burner	222-35-SA
Crater Automatic Oil Burner	34-34-SA
Dahl Mechanical Fuel Oil Burner	13-21-SA
D'Elia Oil Burner	155-31-SA
DeWalt Oil Burner	541-31-SA
Doe Oil Burner	317-31-SA
Draft-Rite Oil Burner	178-35-SA
Empire Oil Burner	222-35-SA
Enco Type 400 Steam Atomizing Oil Burner	1414-23-SA
Enco Mechanical Oil Burner	509-30-SA
Enterprise Rotary Fuel Oil Burner	1149-27-SA
Enterprise Steam Atomizing Burner	15-33-SA
Fess Turbine Burner, Airoil Fan and Pump Set	26-22-SA
Fine-Glo Oil Burner	178-35-SA
Forsdraft Oil Burner	41-34-SA
Frankfort Type P Oil Burner	1046-23-SA
Gem Fuel Oil Burner	111-26-SA
General Electric Fuel Oil Burner, Model D-1	434-32-SA
General Electric Oil Burner, Type DA-2	228-33-SA
Ghapco Steam Generator	348-31-SA
Gilbarco-Ballard Heavy Oil Burner, Models BM, DM, FM, HM, BS, DS, FS, HS, BA, DA, FA, HA, BPM, DPM, FPM, HPM, BPS, DPS, FPS, HPS, BPA, DPA, FPA, HPA, BPW, DPW, FPW, HPW, BPH, DPH, FPH and HPH	1493-22-SA
Gilbarco Industrial Burner	350-32-SA
Gilbert & Barker Fuel Oil Burner	1636-21-SA
Gold Star Oil Burner, Models F and S	166-33-SA
Goodspeed Oil Burner, Nozzle Type 2	346-33-SA
Gould Automatic Oil Burner	178-35-SA
Grant Oil Burner, Model "C"	232-32-SA
GRD Fuel Oil Atomizer	128-27-SA
Greenawalt Down Draft Combustion Oil Burning Furnace	85-35-SA
Hammond Oil Burner	72-31-SA
Harris Fuel Oil Burner	690-30-SA
Hart Oil Burner, Model "H"	221-33-SA
Hauck Venturi Low Pressure Oil Burner	88-27-SA
Hayward Oil Burner (Vertical Rotary), Models AG, BG, CG, DG, AP, BP, CP and DP	696-30-SA
Hayward Oil Burner, Model 2000	118-35-SA
Heat-O-Matic Oil Burner	178-35-SA
Herco Oil Burner, Models R15 and R35	21-36-SA
Hobeco Oil Burner	1278-21-SA
Holby Oil Burner	328-27-SA
Holby Type B Fuel Oil Burner	689-29-SA
Holland Gun Type Oil Burner	225-37-SA
Hupp Oil Burner, Models H, U, P and PP	10-34-SA
Induslo Fuel Oil Burner 1-27	5-24-SA
Kelvinator Oil Burner, Model K	105-34-SA
Kingsway Century Oil Burner, Models F and G	369-33-SA
Kingsway Silent Automatic Oil Burner, Model A-1	216-36-SA
Korth Oil Burner, Models G and S	136-34-SA
Kreager Oil Burner	367-30-SA
Kres-Kno Pressing Machine Burner, Model MD, sizes KRF and KRF-1	354-34-SA
Laco Oil Burner, Models F, JF, BF and D	226-33-SA
Leader Bake Oven Oil Burner	384-36-SA
Leiman Brothers Fuel Oil Burner	314-30-SA
Liberty Automatic Heater	129-28-SA
Liberty Pressure Oil Burner	75-34-SA
Leintz Oil Burner	155-20-SA
Lonergan Automatic Oil Burner	208-33-SA
Lynn Power Oil Burner, Models 1, 2 and 3	166-34-SA
Magna Fuel Oil Burner	197-33-SA
Mahrvel Low Pressure Burner	859-26-SA
Major Oil Burner, Models H, U, P and PP	10-34-SA
Master Fuel Oil Burner	350-32-SA
Maxon Oil Burner (New Style)	1026-22-SA
May Oil Burner	68-24-SA
Mercurol Oil Burner, Models 4X, 5X, 6X and 10X	117-34-SA
Metered Heat Oil Burner, Model G	136-34-SA
Micron Oil Burner	345-34-SA
Midget Oil Burner	155-34-SA
Midget Pressing Machine Oil Burner	122-35-SA
Mid-West Oil Burner, Models 106, 108, 208, 211, 311 and 114	327-31-SA
Minneapolis Automatic Oil Burner	34-34-SA
Mohawk Oil Burner, Models A and H	110-36-SA
Monarch Industrial Oil Burner	133-35-SA
Morgan Oil Burner, Models A and H	110-36-SA
Morrissey Oil Burner, Models MA-2, MA-3, MA-4, SP-1, SP-2, SP-3 and MP-1	359-33-SA
Morse Conical Type Steam Atomizing Burner	938-25-SA
Morse Fan Tail Type Steam Atomizing Burner	939-25-SA
Morse Fuel Oil Burner	820-23-SA
Nabco Oil Burner	287-37-SA
National Airoil High Pressure Burner	185-29-SA
National Airoil Low Pressure Burner	186-29-SA
National Airoil Type D-R Rotary Oil Burner	548-31-SA

APPROVED APPLIANCES

Name of Burner	*Calendar No.*
National Barley Rotary Oil Burner	197-33-SA
National Clark Rotary Oil Burner	197-33-SA
National Devices Oil Burner	184-36-SA
Nesbitt Oil Burner, Models F, JF, BF and D	226-33-SA
Nichols-McCann-Harrison Burners	255-31-SA
Norge Oil Burner, Models N8-8C and N13-8C	543-37-SA
North American Low Pressure Oil Burner	792-26-SA
Oilbilt Burner	85-33-SA
Orco Oil Burner, Model A-1	216-36-SA
Oronoque Oil Burner	394-30-SA
Packard Fuel Oil Burner	77-34-SA
Paragon Oil Burner, Models R-15 and R-35	21-36-SA
Paramount Oil Burner, Model A	617-30-SA
Peabody-Fisher Wide Range Mech. Oil Burner	644-21-SA
Penn Automatic Oil Burner, Gun Type	250-37-SA
Perfect-Pantex Oil Burner	271-33-SA
Perfex Airnoil Burner	175-37-SA
Petro Mechanical Burner and Air Register	735-24-SA
Petro Model W Oil Burner	452-31-SA
Petro Oil Burner, Models D-10, D-11, D-12, D-13, D-14 and D-15	40-31-SA
Petroleum Heat & Power Company Fuel Oil Burner, Model W-AH	614-32-SA
Preferred Oil Burner (Manual Operation), Model D. O.	253-35-SA
Presto Automatic Oil Burner	294-34-SA
Progressive Press Machine Oil Burner, Models PMB and PMBS	224-34-SA
Public Service Oil Burner, Models R-15 and R-35	21-36-SA
Pyrolene Oil Burner	184-36-SA
Quiet Ballard Automatic Oil Burner	660-30-SA
Quiet Heet Oil Burner	49-36-SA
Quigley No. 10 Low Pressure Oil Burner	436-31-SA
Quinn Oil Burning Equipment	367-21-SA
Rasol Oil Burner	108-34-SA
Ray Rotary Fuel Oil Burner, Types A and B	504-23-SA
Rexoil Domestic and Industrial Fuel Oil Burner	667-28-SA
Reynolds Oil Burner, Model GC	266-34-SA
Rockwell Fuel Oil Burner	341-21-SA
Rohr Schanck Fuel Oil Burner	583-21-SA
S. & K. Mechanical Fuel Oil Burner	1115-22-SA
S. & K. Wide Range Fuel Oil Burner	10-33-SA
S. K. Oil Burner, Models F and G	369-33-SA
S. T. Johnson Co., Type 30-A, Rotary Fuel Oil Burner	197-32-SA
S. T. Johnson Co., Type 30-H, Rotary Fuel Oil Burner	198-32-SA
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Silent Glow Oil Burner for Pressing Machines, Models 600 and 800	327-37-SA
Silent Flame Oil Burner, Model M	172-37-SA
Silent Paramount Oil Burner, Models F and G	369-33-SA
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Simplex Turbine Fuel Oil Burner, Models C.O.G. and M.O.G.	1203-22-SA
Standardyne Oil Burner	34-34-SA
Steam Oil Burner	183-22-SA
Stephens Oil Burner, Models No. 1 and No. 2	146-33-SA
Stewart Gasifier Oil Burner	146-35-SA
Sun Heat Oil Burner	603-29-SA
Sun-Ray Fuel Oil Burner	106-33-SA
Sunway Oil Burner	624-30-SA
Superior Oil Burner, Models A and H	110-36-SA
Supreme Oil Burner, Model G	136-34-SA
Surface Combustion Low Pressure Burner	92-23-SA
Syncro-Flame Oil Burner, Model R	139-35-SA
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Todd Mechanical Oil Burner, Type Hex-Press	177-35-SA
Todd Rotary Burner, Models A, B and C	454-25-SA
Todd Spiro Oil Burner	470-31-SA
Todd Spiro Burner (pump type)	94-32-SA
Todd Steam Atomizing Fuel Oil Burner	123-23-SA
Trojan Domestic and Industrial Fuel Oil Burner	667-28-SA
Tropic Heat Oil Burner, Model G	136-34-SA
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United States Oil Burner	620-28-SA
Vapofier Oil Burner	184-34-SA
Vapomatic Oil Burner	275-34-SA
Vaporoil Burner	44-32-SA
Vitro-Heet Pressing Machine Burner, Model MD, Sizes KRF and KRF-1	354-34-SA
Warner Oil Burner, Model A	16-34-SA
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White Heat Oil Burner	232-36-SA
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Wizard Automatic Oil Burner	181-33-SA
York Bake Oven Oil Burner	384-36-SA
York-Lalor Oil Burner	261-37-SA
Yorktown Oil Burner	166-33-SA
Yorktown Oil Burner, Model A	3-35-SA

APPROVED APPLIANCES

APPROVED FIRELINE HOSE VALVES

TYPE A—150 LBS. WATER WORKING PRESSURE

May be installed on all 4-inch and 6-inch systems and on uppermost stories on 8-inch systems

Fairbanks Company	81-20-SA
Walworth Company	899-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Croker National Fire Prev. Eng. Co.	304-28-SA
Jenkins Brothers	779-28-SA
W. D. Allen Mfg. Co.	890-28-SA
John Simmons Co.	209-29-SA
Grinnell	651-30-SA
Elkhart	14-31-SA

TYPE B—250 LBS. WATER WORKING PRESSURE

May be installed on all standpipe systems

New York Brass Foundry Co. (Stillbech)	53-21-SA
Walworth Company	900-27-SA
W. D. Allen Mfg. Company	1151-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Jenkins Brothers	780-28-SA
Croker National Fire Prev. Eng. Co.	970-28-SA
Fairbanks Company	268-29-SA
Pratt & Cady	231-30-SA
Elkhart	15-31-SA

APPROVED APPLIANCES

APPROVED RANGE OIL BURNERS AND SPACE HEATERS

Name of Burner	*Calendar No.*
A.B.C. Range Burner Assemblies, Models AS-4, AS-6, AD-6, AS-9 and A-3798 Water Heater Assembly	250-34-SA
Aetna Range Oil Burner	29-35-SA
Aetna Water Heater, Models 6, 7, 9 and 47 W.H.T. and 15 and 16 W.H.T.	148-37-SA
Air-O-Flame Space Heater, Models 108 and 810 (pot type)	190-35-SA
Air-O-Flame Space Heater, Models 71, 91, 1572 and 1582 (sleeve type)	206-35-SA
Air-O-Flame Range Burner	236-34-SA
American Beauty Heater (Pot Types), Models 1P61, 1P62, 1P91 and 1P92	224-36-SA
Ameroil Oil Burner for Stoves and Ranges	592-32-SA
Biltwell Range Oil Burner, Models B-1 and B-2	196-34-SA
Bland Range Oil Burner	234-34-SA
Blue Glow Range Oil Burners, Models Supreme and DeLuxe	308-34-SA
Brigham Range Oil Burner	217-35-SA
Caloroil Range Oil Burner	172-34-SA
Champion Range Oil Burner, Models A and B	291-34-SA
Cole Hot Blast Oil Burning Stove, Model No. 912	207-35-SA
Coleman Oil Burning Circulating and Space Heater, Model 825	308-36-SA
Diamond Range Oil Burner	325-34-SA
Easyway Range Oil Burner, Models D27, DC27, G27 and NG27	157-35-SA
Easyway Space Heater, Models CRL19, CRN17, CSP27 and CSP19	158-35-SA
Easyway Water Heater, Models H.W.1 and H.W.2	159-35-SA
Ellington Range Oil Burner, Square Circulating Heater and Round Circulating Heater	351-34-SA
Ellington Range Oil Water Heater, Models M and J	40-35-SA
Evur-Ready Range Oil Burner, Models Leader, Standard and DeLuxe	311-34-SA
Fairfax Range Burner	302-34-SA
Florence Oil Heater, Models KC-9, GC-6, GC-7, GS-27, CH-9, CH-27, CH-28, CH-29, RH-7 and RH-9	62-33-SA
Florence Oil Space Heater, Models PH-28, PH-8, PC-8, PC-28, PR-10, PR-81 and PR-82	172-35-SA
Florence Range Burners	219-34-SA
Fox Range Oil Burner	200-34-SA
Hi-Heat Range Burner, Models A and DeLux	323-34-SA
Hupp Range Oil Burner, Models S.D. and C.D.	309-34-SA
Ker-Oil Automatic Water Heater	263-35-SA
Kerogas Bowl Type Space Heater, Models 300-300-A, 303-303-A, 310-310-A, 315-315-A and 320-320A	266-35-A
Kerogas Hot Blast Oil Heater, Models 210, 135, 110, 207 and 115	339-34-SA
Kolrid Range Burner	48-34-SA
Kres-Kno Range Oil Burner, Model MD. Sizes KR, KRF, KRF-1 and 1R	355-34-SA
Lochinvar Automatic Oil Burning Water Heater	143-36-SA
Lonergan Automatic Hot Water Heater	179-35-SA
Lonergan Oil Burning Heater, Models F-2, F-3, C-4, R-1 and R-2	263-34-SA
Loyalty Range Burner	302-34-SA
Lynn-Range Burner, Models Junior, Lypre and DeLuxe	238-33-SA
M.W. Bake Oven Range Burner, Model 448 and M.W. Core Oven Range Burner, Model 450	367-34-SA
M.W. Circulating and Radiant Heaters, Models 501, 601, 701 and 801	366-34-SA
M.W. Oil Burning Range, Commercial Models 152 and 251 and Domestic Models 101-G and 126-B	364-34-SA
Majestic Range Oil Burner, Models 27B and 27T	180-35-SA
Majestic Space Heater, Models 247T and 248.	181-35-SA
Majestic Water Heater, Models 255A and 255B	182-35-SA
Matchless Self-Lighting Range Oil Burner	410-37-SA
Moderne Range Oil Burner, Models Regular, Junior and Firenew	357-34-SA
National Range Oil Burner	361-34-SA
Nesco Circulating Heater, Models 041, 41, 042 and 42	264-36-SA
No-Wyck-Koaless Range and Stove Oil Burner	251-34-SA
Norge Space Heater, Models 75, 50, 37 and 37-R	366-34-SA
Octo Range Oil Burner	410-37-SA
Odin Beauty (Space Heater), Models 61, 62, 91 and 92	233-35-SA
Odin Beauty Heater (Pot Types), Models 1P61, 1P62, 1P91 and 1P92	224-36-SA
Putnam Range Oil Burner	54-35-SA
Quaker Burnoil Stove	11-31-SA
Quick Meal Range Burner	304-34-SA
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Quick Meal Water Heater, No. 5681-0	305-34-SA
Ray-Dio Sunshine Range Oil Burner, Models A, Daisy and Water Heater	32-31-SA
Sachem Oil Space Heater, Models GB-811, GB-815, GB-1011, GB-1015 and GB-1315.	56-37-SA
Samco Oil Space Heater, Models 1108 and 1110	73-37-SA
Sears Roebuck Oil Burning Water Heater, Hercules Model No. 2544	303-36-SA
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Serv-Well Space Heater, Models 247T and 248	166-35-SA
Serv-Well Water Heater, Models 255A and 255B	167-35-SA
Silent Glow Range Oil Burner	172-34-SA
Silent Glow Si-Glo-Lo Oil Space Heater, Models 15, 35, 60 and 80	24-37-SA
Silent Heet Oil Burner for Ranges and Stoves	592-32-SA
Smith-Whaley Range Oil Burner, Models SW-1 and SW-2	196-34-SA
Speedy Hot Oil Space Heater, Models GB-811, GB-815, GB-1011, GB-1015 and GB-1315	56-37-SA
Superfex Oil Burning Heater, Models 1031, 1032, 1035, 1036, 1107, 1108, 1109, 1110, 1117, 1118, 1119 and 1120 and Superfex Heat Projector, Models 1051, 1052, 1053 and 1054	491-31-SA
Tower Range Oil Burner	126-33-SA
Vap-R-Oil Oil Burner for Ranges and Stoves	592-32-SA
Victor Range Oil Burner, Models VJ-275, VJ-195 and VO-275	329-34-SA
Viking Pot Type Space Heater, Models 120, 165 and 170	310-35-SA
Viking Range Oil Burner and Range Oil Burning Heater, Models 20, 30, 60, 65, 70 and 80	333-34-SA
Viking Range Water Heater, Models 222, 232 and 242	65-35-SA
Vitro-Heet Range Oil Burner, Model MD, sizes KR, KRF, KRF-1 and 1-R	355-34-SA

RULES

FIRE RETARDING RULES FOR GARAGES, ETC.

Adopted by the Board of Standards and Appeals Aug. 30, 1917; Amended Nov. 1, 1917, and Feb. 3, 1922.

Rule 1. Fire Retarding Materials for Garages, Motor Vehicle Repair Shops and Oil Selling Stations. In garages, motor vehicle repair shops and oil selling stations any material or form of construction shall be deemed fire-retarding within the meaning of §73, subdivision 3, of the building code, that resists the action of flame and heat when subjected to a continuous fire for one hour at an average temperature of seventeen hundred (1700) degrees Fahrenheit without the passage of flame, and with a maximum temperature rise to four hundred (400) degrees Fahrenheit on the side away from the fire. The point at which the temperature of transmitted heat is measured shall be protected from external air and weather conditions.

When the test specimen is in the form of partition construction, the area under test shall be not less than one hundred (100) square feet and least dimension shall be not less than nine (9) feet. When in the form of floor construction, the area under test shall be not less than two hundred (200) square feet and the least dimension shall be not less than fourteen (14) feet.

During the fire, the floor construction shall support the live load for which it is designed, and after the fire shall safely sustain twice the designed live load with a maximum deflection of not more than one two-hundredth (1/200) part of the span.

Rule 2. Wood Joisted Floor Construction. Wood jointed floor construction shall be accepted as fire-retarding construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations when the beams are protected on the upper and under sides with the fire-retarding materials specified in rules for floor and ceiling coverings.

Rule 3. Floor Covering. Any one of the following forms of construction shall be accepted as fire-retarding for the covering of the upper sides of wood floor beams in joisted floor construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations.

(a) Seven-eighths (⅞) inch wood underflooring protected with a membrane of two-ply waterproofing covered with not less than two and one-half (2½) inches of 1:2½:5 concrete or better, reinforced with not less than one-fourth (¼) of one (1) per cent of steel mesh;

(b) Two and one-half (2½) inches of 1:2:4 concrete applied directly to the top of the joists, with or without temporary support, reinforced with not less than one-fourth of one per cent steel rods, mesh or steel lath, and having the tops of the joists coated with approved waterproof paint or protected by tar paper on the top and on the sides for a distance of three inches from the top.

Rule 4. Ceiling Covering. Any one of the following forms of construction shall be accepted as fire-retarding for the covering of the undersides of wood floor beams in joisted floor construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations:

(a) One-half (½) inch plaster boards, or three-eighths (⅜) inch gypsum wall boards weighing not less than 16 pounds per square yard with pointed joints covered with No. 26 U. S. gauge sheet metal with one (1) inch lapped seams nailed to the wood beams when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are spaced more than sixteen (16) inches on centers;

(b) Two thicknesses of one-quarter (¼) inch asbestos board laid with tight staggered joints and nailed to the beams, when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are more than sixteen (16) inches on centers;

(c) Metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) inch thick.

Rule 5. Attachment to Ceiling. Fire-retarding ceilings in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations shall be attached to wood floor beams and girders in such manner as to maintain an air space between the wood beams and all wood beams shall be seasoned before applying the protective coat.

Rule 6. Openings in Fire-Retarding Floors. Pipes or conduits which pass through floors shall be fitted with metal thimbles and made watertight for a height of three (3) inches above the floor.

Rule 7. Columns. All structural posts and columns in non-fireproof buildings required to be fire-retarded shall be protected with fire-retarding materials specified for ceiling coverings in these rules, or with any of the materials accepted in fireproof construction; except that an air space shall not be required around steel or cast iron columns.

Where necessary for protection against mechanical injury, the fire-retarding protection on columns shall be jacketed to a height of five (5) feet from the ground with No. 4 U. S. gauge metal.

Rule 8. Girders. All girders in non-fireproof buildings required to be fire-retarded shall be protected with the fire-retarding materials specified for ceiling coverings in these rules, or with any of the materials acceptable in fireproof construction; except that an air space need not be provided around steel girders.

Rule 9. Shaft Enclosures. Existing stairways and vertical shafts in non-fireproof business buildings hereafter converted to be used as garages, motor vehicle repair shops or oil selling stations shall be enclosed in fire-retarding partitions continued through the non-fireproof floor construction, and when unfilled wood stud partitions are used, the space between the floor beams shall be fire-stopped with incombustible materials. All openings in such partitions shall be protected with accepted metal-covered fire doors or windows. Wherever necessary for protection against mechanical injury, the partition shall be jacketed to a height of five (5) feet on the garage side with No. 4 U. S. gauge metal. Any one of the following forms of partitions shall be accepted for the enclosure:

(a) Two by four inch wood studs, spaced not more than sixteen (16) inches on centers, covered both sides with metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) of an inch thick;

(b) Two by four inch wood studs placed not more than sixteen (16) inches on centers, covered both sides with seven-eighths (⅞) inch wood sheathing, one-half (½) inch plaster boards with pointed joints and No. 26 U. S. gauge sheet metal with one-inch lapped seams;

(c) Two by four inch wood studs spaced not more than sixteen (16) inches on centers, covered both sides with seven-eighths (⅞) inch wood sheathing, two thicknesses of one-quarter (¼) inch asbestos boards laid with tight staggered joints and jacketed with No. 16 U. S. gauge metal on the garage side to a height of five (5) feet;

(d) Two by four inch wood studs spaced not more than sixteen (16) inches on centers, filled in solidly between the studs with four inches of approved fireproof materials and covered on both sides with No. 26 U. S. gauge metal;

(e) Existing wood stud, lath and plaster partitions covered on the garage side with No. 26 U. S. gauge sheet metal with one inch lapped seams.

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BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

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CHIEF JOHN J. MCELLIGOTT

EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.

TELEPHONE—WORTH 2-0184.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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All hearings are held in Room 1013, Municipal Building, Manhattan.

HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

CALL OF CLERK'S CALENDAR

The *Clerk's Calendar* consists of applications under the Building Zone Resolution, and its object is to give interested property owners opportunity to file objections, if any, and will be called in Room 1013, *Monday, January* 10, 1938, at 2 o'clock. At this call each case is set for hearing on a definite day.

The next subsequent Call of the Calendar will be on *Monday, January* 17, 1938, at 2 o'clock.

The *Clerk's Calendar* is not to be confused with the calendar of cases that have been definitely set for hearing on fixed days.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

DOCKET

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624-37-BZ.....D.B.Bx.....2421 Boston road, northwest corner Waring avenue (Block 4430, Lot 57), Borough of The Bronx, Decision.

625-37-SA.....F.D.....Superseal Gas Connection, Appliance.

626-37-BZ.....D.B.Q.....99-01 22nd street, 222-02 to 222-18 99th avenue, southeast corner (Block 1737, Lots 1-6-9), Queens Village, Borough of Queens, Applic. 9938-37.

627-37-S.....D.B.B.....862-870 DeKalb avenue, south side DeKalb avenue, 310 ft. west of Sumner avenue (Block 1782, Lot 22), Borough of Brooklyn, 19387-LD; 19388-LD.

628-37-BZ.....D.B.M.....97 Dyckman street and 173 Nagle avenue, southeast corner (Block 2150, part of Lot 91), Borough of Manhattan, Applic. 233-37.

629-37-A.....F.D.....234 46th street, south side, 46th street, 200 ft. east of 2nd avenue (Block 754, Lot 17), Borough of Brooklyn, 73272-LC.

1-38-SR.....Rules for Welding.

2-38-A.....F.D.....1551-1553 Broadway, northwest corner of West 46th street (Block 1018, Lots 26 and 126), Borough of Manhattan, Decision.

3-38-A.....D.B.Bx.....3214-3222 Henry Hudson parkway, 3221-3335 Arlington avenue, east side Henry Hudson parkway, 217.8 ft. north of West 232nd street (Block 3409, Lot 24), Borough of The Bronx, Applic. 549-37.

4-38-BZ.....D.B.Bx.....453 Bolton avenue, west side, 125 ft. south of Lacombe avenue (Block 3499, Lot 50), Borough of The Bronx, N.B. Applic. 620-37.

5-38-S.....D.B.B.....124-8 Stuyvesant avenue and 331-337 Van Buren street, northwest corner (Block 1610, Lot 49), Borough of Brooklyn, 15316-L.D.

Restored to Calendar

1254-23-BZ....D.B.M.....14 Second avenue, east side, 47 ft. 10 in. south of East 1st street (Block 442, Lot 6), Borough of Manhattan, Alt. Applic. 2292-23.

327-31-SA.....F.D.....Caloroil Horizontal Rotary Oil Burner, Models 1, 2, 3, 4, 5 and 6, Appliance.

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D.B.B.. .....Department of Buildings, Brooklyn
D.B.M.....Department of Buildings, Manhattan
D.B.Q.....Department of Buildings, Queens
D.B.R.....Department of Buildings, Richmond
D.B.Bx.....Department of Buildings, Bronx
T.H.D..... .....Tenement House Department
F.D.....Fire Department

DESIGNATIONS: H.B.—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

RULES

	Last Publication in Bulletin
Carbon Dioxide Liquefier Rules	Dec. 7, 1937—Vol. 22, No. 49
Certificate of Occupancy, approved forms	Aug. 2, 1932—Vol. 17, No. 31
Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
Concrete Rules (Hydrated Lime)	Aug. 3, 1937—Vol. 22, No. 31
Elevator rules	Mar. 3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors)	June 15, 1937—Vol. 22, No. 24
Factory Exit Rules	Nov. 9, 1937—Vol. 22, No. 45
Fire Alarm Rules (Interior)	Dec. 28, 1937—Vol. 22, No. 52
Fire Drill Rules	Sept. 7, 1937—Vol. 22, No. 36
Fire Retarding Rules for Garages, etc.	Jan. 4, 1938—Vol. 23, No. 1
Fireproof Wood, Testing of	Apr. 13, 1937—Vol. 22, No. 15
Frame Garages, Ruling for	Jan. 21, 1919—Vol. 4, No. 3
Gas Shut-Off Rules	Apr. 7, 1925—Vol. 10, No. 14
Hatchway Protection	June 5, 1928—Vol. 13, No. 23
Oil Burner Rules	Jan. 4, 1938—Vol. 23, No. 1
Paint, Varnish and Lacquer Spraying Rules	Oct. 5, 1937—Vol. 22, No. 40
Platform Trucks, Specifications for	Nov. 24, 1936—Vol. 21, No. 47
Plumbing Rules	Aug. 3, 1937—Vol. 22, No. 31
Procedure, Rules of	Sept. 7, 1937—Vol. 22, No. 36
Refrigerating Systems, Extract C.O.	Nov. 23, 1937—Vol. 22, No. 47
Smoking in Factories, Rules for	Jan. 4, 1938—Vol. 23, No. 1
Sprinkler Rules	June 29, 1937—Vol. 22, No. 26
Standpipe Fireline Rules	June 8, 1937—Vol. 22, No. 23
Structural Alterations, Reporting	June 7, 1932—Vol. 17, No. 23
Tank Trucks, Fuel Oil, etc.	Nov. 24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc.	Nov. 24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr. 10, 1923—Vol. 8, No. 15

LIST OF APPROVED APPLIANCES

Anti-Siphon Valves	Mar. 5, 1935—Vol. 20, No. 10
Fireline Hose Valves	Jan. 11, 1938—Vol. 23, No. 2
Fuel Oil Burners for Domestic and Commercial Use	Jan. 4, 1938—Vol. 23, No. 1
Fuel Oil Fill Pipe Terminals	Jan. 4, 1938—Vol. 23, No. 1
Fuel Oil Burners for Industrial Use	Jan. 4, 1938—Vol. 23, No. 1
Fuel Oil Pumps	
Paint, Varnish and Lacquer Spraying Equipment	Oct. 5, 1937—Vol. 22, No. 40
Range Oil Burners and Space Heaters	May 26, 1936—Vol. 21, No. 21 Jan. 11, 1938—Vol. 23, No. 2

CALENDAR

CALL OF CLERK'S CALENDAR

MONDAY, JANUARY 10, 1938, AT 2 P. M.

Building Zone Cases.

279-37-BZ.
APPLICANT—Bertram J. Barrett, for Estate of A. & W. H. Jackson, owner.
PREMISES—41-10 28th avenue, south side, 75 ft. east of 41st street (Block No. 664, Lot No. 20), Astoria, Borough of Queens.
APPLICATION, under section 7h of the building zone resolution,
TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

134-37-BZ.
APPLICANT—Isidore Herman (lessee), for Annie Chutick, owner.
PREMISES—1043-1053 Winthrop street, northeast corner of East 93rd street (Block No. 4612, Lot No. 43), Borough of Brooklyn,
APPLICATION, under section 7h of the building zone resolution,
TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

164-37-BZ.
APPLICANT—Charles Hoffman (lessee), for Bessie Greenwald, owner.
PREMISES—9716-9718 Church avenue, south side, 72 ft. 6½ in west of East 98th street (Block No. 4718, Lot Nos. 41 and 42), Borough of Brooklyn,
APPLICATION, under section 7h of the building zone resolution,
TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

444-37-BZ.
APPLICANT—T. R. Galloway, Structural Engineer, for New York and Queens Electric Light and Power Company, owner.
PREMISES—136-20 to 136-26 39th avenue (Locust avenue), south side, 184.934 ft. east of Main street and 136-19 to 136-25 Roosevelt avenue, north side, 175 ft. east of Main street (Block No. 4980, Lot No. 11), Flushing, Borough of Queens.
APPLICATION, under section 21 of the building zone resolution,
TO PERMIT in a business use district the parking and storage of more than five (5) motor vehicles.

473-37-BZ.
APPLICANT—Lama and Proskauer, for Carrie Eidel and Estate of James S. Rourke, owners.
PREMISES—230-234 Norman avenue and 229-237 North Henry street, southwest corner (Block No. 2655, Lot Nos. 6 and 8), Borough of Brooklyn,
APPLICATION, under section 21 of the building zone resolution,
TO PERMIT in a business use district the erection and maintenance of a building to be used as a garage for more than five (5) motor vehicles and motor vehicle repair shop and also the establishment of a gasoline service station.

337-37-BZ.
APPLICANT—Thomas W. Golding, for Intrastate Theatres Corporation, owner.
PREMISES—309-329 West 44th street, north side, 125 ft. west of 8th avenue and 322-324 West 45th street (Block No. 1035, Lot Nos. 25, 26, 27, 17, 20 and 22), Borough of Manhattan.
APPLICATION, under sections 7a and 21 of the building zone resolution,
TO PERMIT in a resident use district the extension in area of a building used as offices and film storage.

483-37-BZ.
APPLICANT—Thomas W. Lamb, Inc., for 167 West 53rd Street Corporation, owner.
PREMISES—821-825 Seventh avenue, 159-167 West 53rd street, northeast corner and 158 West 54th street (Block No. 1006, Lot Nos. 1, 2, 3, 4, 5 and 59½), Borough of Manhattan.
APPLICATION, under sections 7e and 21 of the building zone resolution,
TO PERMIT on a plot located partly in a retail use district and partly in a business use district the erection of a building to be occupied as stores and open parking, the roof of this building and the remaining vacant portion of this plot to be occupied for parking and storage of more than five (5) motor vehicles.

JANUARY 11, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, January* 11, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 178-37-BZ—Application, April 21, 1937, under section 7h of the building zone resolution, of Morton Wollman, applicant and lessee, on behalf of Edbro Realty Co., Inc., owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 979-989 Clarkson avenue, northeast corner of Remsen avenue (Block No. 4626, part of Lot No. 37), Borough of Brooklyn.

CAL. NO. 555-37-BZ—Application, November 24, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Monahan Express Co., Realty Dept., owner, to permit in a business use district and extending into an unrestricted use district the maintenance of a building for car washing, lubritorium and office, etc., as an accessory use to an existing gasoline service station; premises 1415-1423 Emmons avenue, northwest corner of East 15th street (Block No. 7488, Lot No. 44), Borough of Brooklyn.

CAL. NO. 301-37-BZ—Application, June 21, 1937, under section 21 of the building zone resolution, of Sidney L. Krakower, applicant, on behalf of Sadie Wilner, owner, to permit in a residence use district the maintenance of an existing business use (refreshment stand); premises 1429 Franklin avenue and 612 Crotona Park South, southwest corner (Block No.

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2932, Lot No. 14), Borough of The Bronx.

CAL. NO. 626-32-BZ—Application of Philip Bardes, applicant, on behalf of United States Trucking Corporation, owner, reopened December 21, 1937 for consideration as to extension of time to complete work—time having expired by limitation—re Application, granted on condition, under sections 7b and 21 of the building zone resolution, permitting the extension from an unrestricted use district into a business use district of a proposed motor vehicle repair shop; premises 368-380 Front street, north side, 114 ft. west of Jackson street (Block No. 243, Lot Nos. 70 to 76), Borough of Manhattan.

CAL. NO. 285-31-BZ—Application of Louis Gallucci, applicant, on behalf of Niacol Realty Corporation, present owner, reopened December 21, 1937 for consideration as to extension of permit—re Application, granted on condition, under section 7f of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station for a temporary period; premises Northwest corner of Jamaica Bay boulevard and Nolins avenue (165th avenue); Block No. 4153, Lot No. 146), Shellbank Basin, Borough of Queens.

CAL. NO. 314-35-BZ—Application of Harry Yahr, applicant, on behalf of Shelton Holding Corporation, owner, reopened December 21, 1937 for consideration as to extension of permit—re Application, granted on condition, under section 7h of the building zone resolution, permitting for a period of not more than two (2) years in a retail use district the use of a vacant plot of ground as a parking space for the storage of more than five (5) motor vehicles; premises 15-23 West 43rd street, north side, 225 ft. west of Fifth avenue (Block No. 1259, Lot Nos. 25, 28 and 28½), Borough of Manhattan.

CAL. NO. 221-37-BZ—Application, April 17, 1937, under sections 7a and 21 of the building zone resolution, of Harry L. Marcus, applicant, on behalf of Max Feld, owner, to permit in a residence use district the maintenance of an extension to a business and manufacturing building; premises 82-20 Caldwell avenue, south side, 153 ft. east of Eliot avenue (Block No. 2939, Lot No. 40; Block No. 2940, Lot No. 15; Block No 2967, Lot No. 11 and Block No. 2968, Lot No. 1), Elmhurst, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

JANUARY 11, 1938, 2 P. M.

Appeals from Administrative Orders.

471-37-A—86-82 76th street, west side, 137 ft. south of Jamaica avenue (Block No. 8904, part of Lot No. 7), Woodhaven, Borough of Queens.

516-37-A—3227 Mermaid avenue, northeast corner of West 33rd street (Block No. 7007, Lot No. 50), Borough of Brooklyn.

465-37-A—7-57 Hall street, 297-313 Park avenue, northeast corner, 2-60 Ryerson street and 248-254 Flushing avenue (Buildings N, D, G, F, AF, AD, AC, AA, AH, L, I, AG and M); (Block No. 1876, Lot No. 1), Borough of Brooklyn.

617-37-A—815-829 Eighth avenue, west side, between West 49th street and West 50th street, 307 West 49th street and 304 West 50th street (Block No. 1040, Lot No. 29), Borough of Manhattan.

621-37-A—2360 Bedford avenue and 2301-2323 Beverly road, northwest corner (Block No. 5133, Lot No. 14), Borough of Brooklyn.

623-37-A—906-910 Dean street, south side, 250 ft. west of Classon avenue (Block No. 1141, Lot Nos. 33 and 34), Borough of Brooklyn.

629-37-A—234 46th street, south side, 200 ft. east of Second avenue (Block No. 754, Lot No. 17), Borough of Brooklyn.

Variations of Labor Law.

400-37-S—11-19 Green Lane, east side, 100 ft. north of York street (Block No. 57, Lot No. 1), Borough of Brooklyn.

510-37-S—150-152 Maiden lane, southwest corner of Front street (Block No. 37, Lot No. 33), Borough of Manhattan

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CALL OF THE CLERK'S CALENDAR

MONDAY, JANUARY 17, 1938, AT 2 P. M.

Building Zone Cases.

106-37-BZ.

APPLICANT—Arthur W. Renander, for Abraham D. Van Siclen, owner.

PREMISES—89-17 to 89-19 165th street, east side, and 89-18 to 89-20 166th street, west side, 150 ft. south of 89th avenue (Shelton avenue); (Block No. 866, Lot No. 83), Jamaica, Borough of Queens.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles.

467-37-BZ.

APPLICANT—H. L. Brandt, for Owen Realty Company, owner.

PREMISES—5060-5076 Broadway and 501-507 West 215th street, northeast corner, 500 west 216th street and 4036-4050 Tenth avenue (Block No. 2232, Lot No. 18), Borough of Manhattan.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the conversion of the occupancy of the first story of an existing building (now occupied in the cellar as a garage) to a motor vehicle repair shop.

324-37-BZ.

APPLICANT—Joseph M. Lonergan, for Mathilda Litchman and Bruno Bernabo, owners.

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PREMISES—4727-4729 Third avenue, west side, and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.
APPLICATION, under section 21 of the building zone resolution,
TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

431-37-BZ.
APPLICANT—James J. Millman, for T. H. Fraser Mortgage Company, owner.
PREMISES—5813-5823 20th avenue and 2001-2011 59th street, northeast corner (Block No. 5507, Lot No. 1), Borough of Brooklyn.
APPLICATION, under section 21 of the building zone resolution,
TO PERMIT in a business use district the conversion of occupancy of an existing wet wash laundry to a garage for more than five (5) motor vehicles and gasoline service station.

54-37-BZ.
APPLICANT—92-32 Union Hall Street, Inc., owner.
PREMISES—160-13 to 160-21 Archer avenue, north side, 110 ft. west of Union Hall street (Block No. 1051, Lot No. 150), Jamaica, Borough of Queens.
APPLICATION, under section 7h of the building zone resolution,
TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles.

450-37-BZ.
APPLICANT—Samuel Rosenblum, for Pasquale Fiero, owner.
PREMISES—1040-1050 East New York avenue, southeast corner of 94th street (Block No. 4597, Lot Nos. 1, 2 and 4), Borough of Brooklyn,
APPLICATION, under sections 7c and 21 of the building zone resolution,
TO PERMIT, partly in a business use district and partly in a residence use district, the extension of an existing gasoline service station and also the erection and maintenance of an accessory building to be used as office, lubritorium, auto laundry and motor vehicle repair shop.

JANUARY 18, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, January* 18, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 595-30-BZ—Application of Michael J. Bartholomew, applicant, on behalf of Diamond Evangelist, owner, reopened December 21, 1937 for consideration as to extension of time to complete work—time having expired by limitation—re Application, granted on condition, under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station; premises 2478-2488 Coney Island avenue, northwest corner of Avenue V (Block No. 7136, part of Lot Nos. 35 and 39), Borough of Brooklyn.

CAL. NO. 322-37-BZ—Application, June 29, 1937, under section 7h of the building zone resolution, of Edward Martinek, applicant and lessee, on behalf of Peter Doegler, Inc., owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 509-511 East 76th street, north side, 173 ft. east of York avenue (Block No. 1488, Lot Nos. 8 and 9), Borough of Manhattan.

CAL. NO. 207-37-BZ—Application, May 6, 1937, under sections 7g and 21 of the building zone resolution, of Larsen Baking Company, Inc., applicant and owner, to permit in a business use district the conversion of occupancy of an existing building to a garage for more than five (5) motor vehicles; premises 1490 Clove road, southwest corner of Tioga street (Block No. 661, Lot No. 7), West New Brighton, Borough of Richmond.

CAL. NO. 415-37-BZ—Application, August 23, 1937, under section 21 of the building zone resolution, of Wallace Gordon, applicant and lessee, on behalf of Beaver Film Corporation, owner, to permit in a business use district the conversion of occupancy of an existing building to paper stock and baling or a junk business; premises 215 Liberty avenue, northwest corner of Magnolia avenue (Block No. 3343, Lot Nos. 56 and 59), Dongan Hills, Borough of Richmond.

CAL. NO. 458-37-BZ—Application, September 24, 1937, under sections 7c and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of East Brooklyn Savings Bank, owner, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a building to be used as a garage for more than five (5) motor vehicles and a motor vehicle repair shop and also the establishment of a gasoline service station; premises 374-386 Willoughby avenue and 903-907 Bedford avenue, southeast corner (Block No. 1762, Lot Nos. 32 and 36), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

JANUARY 18, 1938, 2 P. M.

Appeals from Administrative Orders

486-37-A—69 St. Marks place, north side. 175 ft. northwest of First avenue (Block No. 450, Lot No. 40), Borough of Manhattan.

439-37-A—150-18 Jamaica avenue, southwest corner of 151st street (Block No. 1044, Lot No. 6), Jamaica, Borough of Queens.

606-37-A—25-29 William street and 40 Exchange place, southwest corner (Block No. 25, Lot No. 27), Borough of Manhattan.

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590-37-A-WF—South side of Northern boulevard, 100 ft. east of Willets Point boulevard (Block No. 838, Lot No. 221), Corona, Borough of Queens.

JANUARY 21, 1938, 10 A. M.

SPECIAL MEETING.

Appeal from Administrative Order.

553-37-A—1815-1825 Ocean avenue, east side, 280 ft. south of Avenue M (Block No. 7656, Lot No. 55 and part of Lot Nos. 5 4and 58), Borough of Brooklyn.

CALL OF CLERK'S CALENDAR

MONDAY, JANUARY 24, 1938, AT 2 P. M.

Building Zone Cases

166-37-BZ.

APPLICANT—Mary B. Roberts (lessee), for Lawida Corporation, owner.

PREMISES—4485-4519 Broadway, northwest corner of West 192nd street (Block No. 2180, Lot Nos. 633, 635 and part of Lot No. 646), Borough of Manhattan.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the use of a plot of ground for the parking and storage of more than five (5) motor vehicles and also for used car sales.

366-37-BZ.

APPLICANT—F. Oscar Larson, for Queensboro Investing Company and Jackson Avenue Corporation, owners.

PREMISES—37-05 75th street, 37-04 76th street and 75-10 37th avenue, south side, between 75th street and 76th street (Block No. 465, Lot Nos. 30, 31, 35, 38, 40 and 42), Jackson Heights, Borough of Queens.

APPLICATION, under sections 7h and 21 of the building zone resolution,

TO PERMIT partly in a business use district and partly in a residence use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

429-37-BZ.

APPLICANT—Samuels and Samuels, for Morris Roth, owner.

PREMISES—47-11 108th street and 109-09 48th avenue. northeast corner (Block No. 2003, Lot No. 84), Corona, Borough of Queens.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station.

314-36-BZ.

APPLICANT—Maragaret Farrell (lessee), for Estate of Margaret Rowan, owner.

PREMISES—619-623 East 163rd street, north side, 60 ft. west of Cauldwell avenue and 606-608 Teasdale place (Block No. 2621, Lot Nos. 29, 30, 31, 18 and 20), Borough of The Bronx.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles.

430-37-BZ.

APPLICANT—Goelet Realty Company (lessee), for Robert Walton Goelet, owner.

PREMISES—384-390 Park avenue and 51-67 East 53rd street, northwest corner (Block No. 1289, Lot No. 36), Borough of Manhattan.

APPLICATION, under sections 7b, 7c and 21 of the building zone resolution,

TO PERMIT partly in a retail use district and partly in a restricted retail use district the erection of a motion picture theatre.

JANUARY 25, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, January* 25, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 226-37-BZ—Application, May 18, 1937, under section 21 of the building zone resolution, of Samuel Falk, applicant, on behalf of Hada Realty Company, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 3051-3067 Otis avenue, 1050-1066 Hollywood avenue and 3050-3068 Layton avenue, south side, from Otis avenue to Hollywood avenue (Block No. 5422, Lot No. 65), Borough of The Bronx.

CAL. NO. 99-36-BZ—Application of Lama and Proskauer, applicants, on behalf of Peter Dinnella, owner, reopened and restored to calendar October 13, 1937, under section 21 of the building zone resolution, to permit in a residence use district and partly in an "F" area and partly in a "C" area district the erection and maintenance of a multiple dwelling not conforming with the building zone requirements as to yards and also area of the plot occupied (previously withdrawn); premises 84-14 Forest parkway, west side, 91.60 ft. south of Park lane south (Block No. 12, Lot Nos. 288, 325 and 327), Forest Hills, Borough of Queens.

CAL. NO. 372-37-BZ—Application, July 20, 1937, under section 21 of the building zone resolution, of Albert C. Fach, applicant, on behalf of Staten Island Savings Bank, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 203-207 Jersey street, northeast corner of Crescent avenue (Block No. 50, Lot No. 1), New Brighton, Borough of Richmond.

CAL. NO. 419-37-BZ—Application, August 27, 1937, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Eva Rosenbush,

CALENDAR

owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 110-02 to 110-18 Astoria boulevard and 32-03 110th street, southeast corner (Block No. 1704, Lot No. 172), Corona, Borough of Queens.

CAL. NO. 345-36-BZ—Application, November 12, 1936, under section 21 of the building zone resolution, of Hahn and Coller, applicants, on behalf of John Seinfeld, owner, to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use (stores); premises 2095 Grand Concourse, west side, 93.63 ft. north of East 180th street (Block No. 3161, Lot No. 26), Borough of The Bronx.

CAL. NO. 341-37-BZ—Application, July 2, 1937, under section 21 of the building zone resolution, of Fred B. McDuffee, Engineer, Department of Sanitation, applicant, on behalf of Department of Sanitation, City of New York, owner, to permit in a residence use district the erection and maintenance of a garage for more than five (5) motor vehicles in conjunction with a Section Station for use by the Department of Sanitation; premises 5520-5606 19th avenue, west side, 155 ft. 7⅜ in. south of 55th street (Block No. 5494, part of Lot No. 8), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman*

JANUARY 25, 1938, 2 P. M.

Appeal from Administrative Order

548-37-A—499-505 Court street, 185-197 West 9th street and 182-202 Huntington street (Block No. 476, Lot No. 6), Borough of Brooklyn.

FEBRUARY 1, 1938, 10 A. M.

Building Zone Application

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, February* 1, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 89-37-BZ—Application, March 6, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Sam Kupferman, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 2209 Mott avenue and 1147 Regina boulevard, southwest corner (Block No. 218, Lot No. 45), Far Rockaway, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 1, 1938, 2 P. M.

Building Zone Application

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, February* 1, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 120-33-BZ—Application of Eadie, Nunley and Eadie, applicants, on behalf of Harry Hugger, owner, reopened and restored to the calendar May 4, 1937, under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a motor vehicle repair shop, and, also, a gasoline service station (previously dismissed for lack of prosecution); premises 2030 Hylan boulevard, southwest corner of Hamden avenue (Block No. 3688, Lot No. 9), Grant City, Borough of Richmond.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 8, 1938, 10 A. M.

Building Zone Application

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, February* 8, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 263-37-BZ—Application, June 4, 1937, under section 21 of the building zone resolution, of Bertram J. Barrett, applicant, on behalf of Estate of A. & W. H. Jackson, owner, to permit in a residence use district the parking and storage of more than five (5) motor vehicles; premises 28-11 41st street, east side, 100 ft. south of 28th avenue (Block No. 664, Lot Nos. 15 and 16), Astoria, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

NOTICE

FORMS FOR NOTICES TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, JANUARY 4, 1938.

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the Special meeting of the board held on Friday morning, December 17, 1937; the minutes of the regular meeting of the board held on Tuesday morning, December 21, 1937, and the minutes of the Regular meeting of the board held on Tuesday afternoon December 21, 1937, were approved as printed in Bulletin No. 52, Vol. XXII.

BUILDING ZONE CASES

263-37-BZ.

APPLICANT—Bertram J. Barrett, for Estate of A. & W. H. Jackson, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a residence use district the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—28-11 41st street, east side, 100 ft. south of 28th avenue (Block No. 664, Lot Nos. 15 and 16), Astoria, Borough of Queens.

APPEARANCES—

For Applicant: Bertram J. Barrett.

For Opposition: None.

ACTION OF BOARD—Laid over to February 8, 1938, at 10 A.M., to be heard with Cal. 279-37-BZ, affecting adjoining lot in same ownership.

221-37-BZ.

APPLICANT—Harry L. Marcus, for Max Feld, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7a and 21 of the building zone resolution, to permit in a residence use district the maintenance of an extension to a business and manufacturing building.

PREMISES AFFECTED—82-20 Caldwell avenue, south side, 153 ft. east of Eliot avenue (Block No. 2939, Lot No. 40, Block No. 2940, Lot No. 15, Block No. 2967, Lot No. 11 and Block No. 2968, Lot No. 1), Elmhurst, Borough of Queens.

APPEARANCES—

For Applicant: Harriet Parker.

For Opposition: Julius Zizmor.

ACTION OF BOARD—Laid over to January 11, 1938 at 10 A. M. upon request of applicant's representative.

103-37-BZ.

APPLICANT—Henry C. Brucker, for Jacob Bromberg and Joseph Danziger, owners.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7h and 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED — 2514-2518 Catalpa avenue, southwest corner of 62nd street (Sedgwick street); (Block No. 3628, Lot No. 5), Ridgewood, Borough of Queens.

APPEARANCES—

For Applicant: Daniel J. Byrne and William Peterson.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(103-37-BZ)

WHEREAS, Henry C. Brucker, for Jacob Bromberg and Joseph Danziger, owners, filed March 12, 1937, an application under the building zone resolution to permit partly in a business use district and partly in a residence use district, the parking and storage of more than five (5) motor vehicles; premises: 2514-2518 Catalpa avenue, southwest corner of 62nd street (Sedgwick street): (Block No. 3628, Lot No. 5), Ridgewood, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, January 4, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Catalpa avenue, Fresh Pond road and Cypress Hills street are business use districts, 62nd street is a residence and business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered November 16, 1937 (No. 296/37), reads:

"Regarding request which you made to this department for issuance of a Certificate of Occupancy to cover use of premises situated on the southwest corner of Catalpa avenue and 62nd street, Ridgewood, Borough of Queens, for open air parking and storage of more than five motor vehicles, be advised that your application is hereby DENIED, as this location is situated in a district which is zoned "Business and Residence" and such use and occupancy would be contrary to Subdivision 15, Section 4, and Section 3 of the Building Zone Resolution of the City of New York."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 100 ft. on Catalpa avenue and 200 ft. on 62nd street. The north half of the plot is in a Business use district and the south half is located in a Residence use district. It is proposed to use the plot for parking or storage of more than five motor vehicles; and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board in order to be informed prior to the hearing; and

WHEREAS, the board deemed this was a proper case to exercise its discretion under section 7, subdivision H of the building zone resolution, as to the portion within the Business area and that hardship existed to warrant granting, temporarily, under section 21, the use desired within the residential portion of the plot.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under sections 7-H and 21 *for a period of two (2) years*, from the date of this action, to permit the plot under appeal to be used for *parking* and *storage* of more than five motor vehicles, *on condition* that the plot shall be levelled substantially to the grade of adjoining streets and shall be surfaced with steam cinders or other suitable material, properly rolled and bound to prevent dusting, and so graded as to provide surface drainage; that there shall be erected on the street lot lines and interior lot lines, a substantial fence except where walls of adjoining buildings exist on the interior lot lines, such fences to be kept in good repair and painted; that only one entrance shall be maintained from Catalpa avenue, with a curb cut not exceeding 15 ft.; that no signs shall be displayed on the premises other than a neat sign at entrance, advertising the parking and

storage use; that no building shall be erected on the premises other than a building not exceeding 10 ft. square, and not over one story in height, as a shelter for the attendant; that any lights for illumination shall be suitably placed so as to reflect away from adjoining premises; that during the terms of this variance, the plot shall be used for no other use than the use herein permitted; that the storage and parking shall be limited to pleasure vehicles only, excluding all trucks and commercial vehicles and that all permits shall be obtained within three months from the date of the resolution.

162-37-BZ.

APPLICANT—I. L. Crausman, for Treville Holding Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district, the inclusion in an existing gasoline service station of a motor vehicle repair shop and also a parking and storage space for more than five (5) motor vehicles.

PREMISES AFFECTED—2221 Boston road, west side, 18.22 ft. north of Pelham parkway north (Block No. 4339, Lot Nos. 8, 10 and 11), Borough of The Bronx.

APPEARANCES—

For Applicant: Joseph Greenspan and Ben. Beskwit.

For Opposition: M. Michalowitz, Department of Parks.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(162-37-BZ)

WHEREAS, I. L. Crausman, for Treville Holding Corporation, owner, filed April 6, 1937, an application under the building zone resolution to permit in a business use district, the inclusion in an existing gasoline service station of a motor vehicle repair shop and also a parking and storage space for more than five (5) motor vehicles; premises: 2231 Boston road, west side, 18.22 ft. north of Pelham parkway north (Block No. 4339, Lot Nos. 8, 10 and 11), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, January 4, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Boston road, Pelham parkway north, Olinville avenue, and Thwaites place are in Residence and Business use districts; and

WHEREAS, the decision of the commissioner of buildings, rendered April 6, 1937, reads:

"Your request of July 2, 1936 for a repair shop for motor vehicles at premises 2221 Boston road in the Borough of The Bronx is hereby denied as the premises are located in a business district and the occupancy of premises as a motor vehicle repair shop is contrary to the provisions of the Building Zone Resolution."

and

WHEREAS, the decision of the commissioner of buildings, dated April 7, 1937, reads:

"Your request of July 2, 1936, for a permit to occupy premises at 2221 Boston road, west side, 18.22 ft. north of Pelham parkway north, for the parking or storage of more than five (5) motor vehicles by the Treville Holding Corporation is hereby denied as the premises are located in a business district as established by the Building Zone Resolution in which the occupancy of premises for storage or parking of more than five motor vehicles is prohibited."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 70 ft. 2 in. on Olinville avenue and a distance of 106 ft. 6 in. along the north lot line. Upon the Olinville avenue front of the plot there is located a one story building irregular in area and having a depth of 67 ft. 3 in. along the north lot line—occupied as store, office, auto laundry and lubritorium. It is proposed to use part of this existing building as a motor vehicle repair shop and for the parking and storage of more than five motor vehicles. The Boston road front of the plot is occupied as a gasoline service station. It is proposed to use the north part of this area for parking and storage of more than five motor vehicles; and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board in order to be informed prior to the hearing; and

WHEREAS, the board deemed that applicant was entitled to relief under section 21 on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 21, to permit automobile repairing of a minor nature, *on condition* that such repairing shall be done with hand tools only and shall be done entirely within the building, and permitting the storage of not over ten (10) cars within the building, *on further condition* that all roof signs on the accessory building and on the building adjoining to the south, now occupied as stores and under the same ownership, shall be entirely removed, and that no new signs shall be installed or constructed above the existing parapets of these present buildings; that the sign on the lot line to the north shall be re-located so that the top of sign is not above the top of the parapet of accessory building; that such signs shall be completely removed and replaced in accordance with these requirements before a new permit is issued; that other permitted signs shall consist only of a permanent sign attached to the parapet of existing accessory building and illuminated globes of the pumps, and one post standard within the building line for the support of a sign advertising only the brand of gasoline on sale, excluding all temporary signs; that no additional gasoline pumps shall be installed other than now existing; that no portable gasoline pumps shall be maintained on the premises; that the building and the premises shall not be extended in height or area; and that all work shall be done and all permits shall be obtained within six months from the date of this action.

185-31-BZ.

APPLICANT—Sidney H. Kitzler, for Estate of David Stern, owner.

SUBJECT—Application reopened October 5, 1937 (re decision of the commissioner of buildings) under section 7a of the building zone resolution, to permit in a residence use and "C" area district the extention of an existing factory building (bakery) with the omission of the required rear yard.

PREMISES AFFECTED—1157-1161 Madison street, north side, 100 ft. east of Central avenue (Block No. 3360, Lot No. 52), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sidney H. Kitzler and Benjamin Stern.

For Opposition: Anthony Sovoco, Maria Voit and Frances Conti.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0
Absent 0

THE RESOLUTION—

(185-31-BZ)

WHEREAS, this application of Henry J. Narick, for David Stern, owner, under section 7a, to permit in a residence use district, the erection and maintenance of an extension to an existing business building (bakery), affecting premises 1157-1161 Madison street, north side, 100 ft. east of Central avenue (Block No. 3360, Lot No. 52), Borough of Brooklyn, was granted by the board November 17, 1931, on certain conditions; and

WHEREAS, Sidney H. Kitzler, for estate of David Stern, owner, requested a reopening of the case to permit the further extension of the existing factory building with the omission of the required rear yard in a residence use "C" area district; and

WHEREAS, this application was reopened by vote of the board October 5, 1937; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, January 4, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Madison street is in a residence and business use and "C" area; Central avenue, business use and "C" area; Woodbine street, residence and business use and "C" area; and

WHEREAS, the decision of the commissioner of buildings, rendered July 26, 1937, in acting on App. No. 12060-37, reads:

"Proposed extension of business use in a residential district is contrary to Art. II, Sect. 6a of Zone Resolution.

"Provide rear yards in back of the buildings Nos. 3 and 4 as required by Art. IV, Sect. 17 of Zone Resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 75 ft. and a depth of 100 ft.; on the westerly street front of the plot there is a two and three-story non-fireproof building 50 ft. by 50 ft. in area, occupied on the 1st story as a bakery and dwellings above; on the rear of the lot there are located two one-story store rooms 50 ft. by 22 ft. in area and also a one-story, five-car garage 25 ft. by 50 ft. in area. It is proposed to erect a one-story building 28 ft. by 50 ft. in area on the existing yard space between the front and rear buildings and to erect a one-story extension 25 ft. by 50 ft. in area on the easterly (vacant) portion of the plot in question. It is also proposed to erect a new cellar under building No. 2. Incorporated in this building is a one-car garage. It is proposed to occupy the entire premises as a bakery and retail store—with the exception of the 2nd and 3rd stories of the three-story section of the building on the front of the plot which are to be used as dwellings. A 6 ft. deep rear yard at rear of building on the easterly rear of plot will be provided. According to "C" area requirements a 10 ft. in depth rear yard should be provided; and

WHEREAS, these premises were inspected by a committee of the board in order to be informed prior to the hearing; and

WHEREAS, the board deemed that the provisions of section 7, subdivision A of the building zone resolution, under which section this application was made, empowered it to exercise its discretion and to grant this application under such conditions that would safeguard the character of the more restricted district.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-A thereof, *on condition* that the plans shall be carried out substantially as filed with this application, with the exception that the storage space indicated in the proposed one-story extension in the garage for one car shall be eliminated and the gasoline tank and pump shall be completely removed from the premises; that the cellar bakery shall have exhaust ventilation at the rear as approved by the Department of Health and exhausting above the roof, to comply with Art. 12 of the State Labor Law; that the rear yard indicated at the rear portion of building, No. 1161, shall be 10 ft. in depth instead of 6 ft., as shown on plans; that there shall be no skylights in the roof of the building proposed to be erected on this plot at No. 1161 and that the ceiling shall be fire-retarded throughout in accordance with the rules of the Board of Standards and Appeals; that there shall be no openings in the lot line walls to the east; that the chimney proposed to be erected to the rear of the building at No. 1161 shall be carried up at least twenty-five (25) feet and located at the other side of the building, so as to be at least twenty-five (25) feet away from the adjoining premises to the east; that the requirements of the building code shall be complied with as to the proposed office in the second story of the building at No. 1157; that there shall be no openings in the side lot line walls to adjoining properties to the west; that the sidewalk in front of the premises shall be repaired and kept in good condition; that no loading or unloading of merchandise shall be done other than inside the building; that any hand trucks used on the premises shall be equipped with solid rubber tires; that signs shall be limited to the flat signs attached to the face of the existing buildings, excluding all temporary signs and roof signs; that the building shall not be further increased in height or area other than as herein permitted; that all permits shall be obtained and all work completed within one year from the date of this action.

Adjourned, 11:15 A. M.

EDWARD V. BARTON, Chief Clerk.

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication in this BULLETIN of the calendars of the board, each case being set down by Calendar Number and premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the offices of the board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the board is to dispose of all cases promptly, for the reason that the pendancy of an appeal or application ties the hands of the administrative official in enforcing his order; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, JANUARY 4, 1938.

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

1254-23-BZ.

APPLICANT—Samuel Rosenblum, for 14 Second Avenue Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the superintendent of buildings) under section 7e of the building zone resolution, permitting in a business use district alteration of an existing building and change of occupancy from stable to garage for storage of more than five (5) motor vehicles.

PREMISES AFFECTED—14 Second avenue, east side, 47 ft. 10 in. south of East First street (Block No. 442, Lot No. 6), Borough of Manhattan.

APPEARANCES—

For Applicant: Samuel Rosenblum.

ACTION OF BOARD—Application reopened, subject to usual procedure, the board having deemed that there were substantial new facts to warrant a rehearing as to the storage of gasoline.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

110-35-BZ.

APPLICANT—Louis Susman, for D. A. F. Realty Corporation, present owner.

SUBJECT—Request for consideration — reopening and amendment—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a residence use district the erection and maintenance of a business building (stores).

PREMISES AFFECTED — 2206-2210 Grand Concourse and 200 East 182nd street, southeast corner (Block No. 3157, Lot No. 32), Borough of The Bronx.

APPEARANCES—

For Applicant: Louis Susman.

ACTION OF BOARD—Request to reopen, denied.

THE VOTE TO REOPEN—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(110-35-BZ)

WHEREAS, this application affecting premises 2206-2210 Grand Concourse and 200 East 182nd street, southeast corner (Block No. 3157, Lot No. 32), Borough of The Bronx, was granted by the board July 2, 1935, on certain conditions; and

WHEREAS, a new owner requested that the conditions set forth in the resolution of the board, be amended so as to remove the limitations as to store occupancy; and

WHEREAS, the board deemed that the relocation requested should not be permitted.

Resolved, that the request to reopen this application be and it hereby is *denied*.

477-28-BZ.

APPLICANT—John J. Dunnigan for Cabin Holding Corporation, owner.

SUBJECT—Application reopened June 22, 1937—(re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a roof sign on a business building (stores and motion picture theatre) previously granted by the board.

PREMISES AFFECTED—2029 Grand Concourse, southwest corner of Burnside avenue (Block No. 2808, Lot No. 82), Borough of The Bronx.

APPEARANCES—

For Applicant: None.

For Opposition: None.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS FOR LACK OF PROSECUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(477-28-BZ)

WHEREAS, the application to permit partly in a business use district and partly in a residence use district the erection and maintenance of a roof sign on a business building (stores and motion picture theatre) previously granted by the board, affecting premises 2029 Grand concourse, southwest corner of Burnside avenue (Block No. 2808, Lot No. 82), Borough of The Bronx, was reopened by vote of the board June 22, 1937; and

WHEREAS, no one appeared at the public hearing January 4, 1938, when the case was called.

Resolved, that the application be and it hereby is *dismissed* for lack of prosecution.

388-37-BZ.

APPLICANT—Samuel Rosenblum, for W. P. A. Realty Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit, for a period of not more than two (2) years, in a business use district the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—2159 White Plains avenue, west side, 400 ft. south of Pelham parkway south (Block No. 4317, Lot No. 56), Borough of The Bronx.

APPEARANCES—

For Applicant: Samuel Rosenblum.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(388-37-BZ)

WHEREAS, Samuel Rosenblum, for W. P. A. Realty Corporation, owner, filed July 30, 1937, an application under the building zone resolution to permit in a business use district the parking and storage of more than five (5) motor vehicles; premises: 2159 White Plains

avenue, west side, 400 ft. south of Pelham parkway south (Block No. 4317, Lot No. 56), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, January 4, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that White Plains avenue is in a business use district; Bolton avenue is in a residence use district; and Lydig avenue is in business and residence use districts; and

WHEREAS, the decision of the commissioner of buildings, rendered July 6, 1937, re N.B. App. No. 667-1937, reads:

"Proposed automobile storage and parking of more than five motor vehicles located in a business district is contrary to provisions of Section 4, Art. 2 of Amended Building Zone Resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 205.2 ft. and a depth of 100 ft. It is proposed to use the plot for the parking and storage of more than 5 motor vehicles for a temporary period of two years; and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board, report of which inspection was read at this hearing, and which report follows:

REPORT OF COMMITTEE

January 3, 1938.

Re.: Cal. No. 388-37-BZ.
Premises: 2159 White Plains avenue, The Bronx.

This application under section 7H is for a zoning variance to permit this vacant plot to be used for transient parking. In view of the local shopping area nearby at Lydig avenue and the need for transient parking facilities for the accommodation of those who drive into the city and take the subway at this point, the committee recommends that the application be granted under the usual conditions which should include exclusion of the rear twenty-five feet not available because of the low grade and also to keep parked cars further removed from the apartment houses in the rear. The existing garages are constructed in an area zoned for unrestricted use, where garages are legally permitted up to ten or twelve stories.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
Committee.

and

WHEREAS, this report recommended the granting of this application, and the board deemed that this was a proper case to permit the board to exercise its discretion under section 7(h).

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 7(h) for a temporary period of two years from the date of this action, permitting the plot under appeal to be used for transient parking *only,* and no storage, *on condition* that such use shall be carried on for a depth of 75 ft. only, westerly from the street line of White Plains avenue; that this portion of the plot shall be leveled substantially to the grade of White Plains avenue and shall be covered with steam cinders properly rolled and bound to prevent dusting and arranged to provide for surface drainage; that there shall be erected a suitable barricade, to prevent cars being parked beyond this 75 ft. depth; that there shall be erected along the street building line, a substantial woven wire fence not less than 5 ft. in height with not over one opening from White Plains avenue, this opening not to exceed 30 ft. in width; that a similar fence shall be maintained on the side lot lines for a depth of at least 75 ft.; that no building shall be erected on the plot other than a building not exceeding 10 ft. by 10 ft. and one story in height, as an office and shelter for the attendant; that no advertising shall be permitted on the premises other than a neat sign at the entrance, advertising transient parking use; that during the term of this variance, the premises shall be used for no other use other than that permitted; that any lights erected for general illumination shall be so arranged as to reflect toward the center of the premises and away from the adjoining occupancies; that all permits shall be obtained within two months from the date of this action.

604-28-BZ.
APPLICANT—Archibald H. Kurland, for Jane Riley, owner.
SUBJECT—Application reopened July 7, 1937 under new facts—(re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station (previously denied).
PREMISES AFFECTED — 5001-5027 Kings Highway, northeast corner of Utica avenue and southwest corner of Glenwood road (Block No. 7734, Lot No. 34), Borough of Brooklyn.
APPEARANCES—
For Applicant: J. B. Niponnich.
For Opposition: None.
ACTION OF BOARD—Application denied.
THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(604-28-BZ)

WHEREAS, Archibald H. Kurland, for Jane Riley, owner, reopened July 7, 1937, an application under the building zone resolution to permit in a business use district the erection and maintenance of a gasoline service station (previously denied); premises: 5001-5027 Kings highway, northeast corner of Utica avenue and southwest corner of Glenwood road (Block No. 7734, Lot No. 34), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, January 4, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Kings highway is in business and residence use districts; Utica avenue is in business and unrestricted use districts; Glenwood road is in business, residence and unrestricted use districts and East 49th street is in business, unrestricted and residence use districts; and

WHEREAS, the decision of the commissioner of buildings, rendered October 6, 1937, re App. No. 4394-1937, reads:

"1. Proposed gasoline service station and auto repair shop not permitted within business use zone as per Art. II, Sec. 4 (a 29) and (a 46) of Zone Resolution.

"Above application is hereby denied."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 176 ft. 3 in. on Utica avenue, 227 ft. on Kings highway and 143 ft. on Glenwood road. It is proposed to erect upon the westerly corner of the plot a one story, non-fireproof building 82 ft. by 41 ft. in area to be used as office, car washing, greasing and brake testing (motor vehicle repair shop); proposes to use the remainder of the plot as a gasoline service station; and

WHEREAS, the premises in question was the subject of an inspection by a committee of the board, report of which

inspection was read at this hearing, and which report follows:

REPORT OF COMMITTEE

January 3, 1938.

Re.: Cal. No. 604-28-BZ.
5001-5027 Kings highway, Borough of Brooklyn.

The plot under appeal is triangular, bounded by Kings highway, Utica avenue and Glenwood road. A previous application for a zoning variance to permit the plot to be used for a gasoline service station was denied on December 11, 1928. Upon a request for a rehearing on new facts, the appeal was reopened. The plot is now occupied as a sales lot for automobiles and the income partly pays the taxes. It is claimed that the plot cannot be used for a conforming business use because of lack of support from the surrounding area. Across Kings highway there has been a considerable development of private dwellings within the past two years, but on this side of Kings highway conditions are substantially as they were when the application was considered in 1928.

There are a number of gasoline stations in existence along Kings highway in the neighboring blocks and three plots for which variances were granted by the board some years ago for gasoline stations have not been developed for that use, leading to the conclusion that there are already ample for the needs. For this reason and the present existing use, together with the lack of convincing proof that this plot is unique and is subject to unnecessary hardship, so as to preclude the possibility of a conforming use, the committee recommends that the previous decision of the board to deny, be affirmed and this application be again denied.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
Committee.

and

WHEREAS, the board deemed that the applicant did not substantiate his basis of appeal under section 21 of the building zone resolution, practical difficulties and unnecessary hardships.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed* and that the application be and it hereby is *denied.*

2-36-BZ.

APPLICANT—Max Dreyfuss, for Romabe Realty Corporation, owner.

SUBJECT—Application reopened December 14, 1937, for consideration as to extension of time to complete work—time having expired by limitation—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a residence use "F" area district the erection and maintenance of a multiple dwelling not conforming with the requirements of the building zone resolution as to set back from the building line and as to area.

PREMISES AFFECTED—83-02 to 83-10 Parsons boulevard and 150-54 to 150-62 Grand central parkway, southwest corner (Block No. 2601 (6717), Lot Nos. 96 and 99), Jamaica, Borough of Queens.

APPEARANCES—
For Applicant: Max Dreyfuss.
For Opposition: M. Michalowitz, Department of Parks.

ACTION OF BOARD — Resolution amended, time extended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(2-36-BZ)

WHEREAS, Max Dreyfuss, for Romabe Realty Corporation, owner, filed January 3, 1936, an application under the building zone resolution to permit in a residence use "F" area district the erection and maintenance of a multiple dwelling not conforming with the requirements of the building zone resolution as to set back from the building line and as to area; premises: 83-02 to 83-10 Parsons boulevard and 150-54 to 150-62 Grand Central parkway, southwest corner (Block No. 2601 (6717), Lot Nos. 96 and 99), Jamaica, Borough of Queens; and

WHEREAS, this application was granted by the board May 12, 1936, on certain conditions and applicant requests an extension of time to complete work; and

WHEREAS, this application was reopened by vote of the board December 14, 1937; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, January 4, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the resolution adopted by the board on May 12, 1936, be and it hereby is *amended,* only so far as it has reference to the obtaining of permits and completion of work, so that as amended the resolution will read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the area district regulations of the building zone resolution, and that the application be and it hereby is *granted on condition* that the building shall comply with the "F" district requirement of section 16-a on Grand Central parkway and along Parsons boulevard except that the distance between the building line of Parsons boulevard and the proposed building shall not be less than 10 ft.; that the rear yard shall be located along the westerly interior lot line and shall comply with the requirements of the Multiple Dwelling Law therefor; that the westerly wall of the building along the rear yard shall be faced with face brick similar to that to be used on the front wall for a distance of at least 45 ft.; that the building may be built to the rear line of the southerly interior lot line; that any court constructed along this interior lot line shall comply with the requirements of the Multiple Dwelling Law in lieu of the side lot line requirements of section 16-c and except that any such court shall extend down to cellar floor level; that service entrance to cellar shall be located in the unoccupied space along Parsons boulevard not nearer than 50 ft. from the Grand Central parkway building line; that the side wall of adjoining business building on Parsons boulevard shall be faced for its full height where exposed to view from the street with face brick as proposed for building on plot under appeal; that in lieu of requirements of section 16-d, the building shall in no part, except required bulkheads, exceed in height three stories or 40 ft. to top of parapet, nor occupy at curb level a greater area of the plot than 6800 sq. ft.; and that all permits shall be obtained and all work completed within one year from the date of this action."

31-35-BZ.

APPLICANT—Herman M. Cohn, for Whitlock Building Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of permit—time of permit having expired by limitation—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a business use district the alteration and change of occupancy of an existing building to a motor vehicle repair shop for a temporary period.

PREMISES AFFECTED—1506 Jerome avenue, east side, 55.36 ft. north of East 172nd street (Block No. 2846, Lot No. 4), Borough of The Bronx.

MINUTES

APPEARANCES—
For Applicant: Herman M. Cohn.
ACTION OF BOARD—Application reopened and permit extended.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO EXTEND PERMIT—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(31-35-BZ)

WHEREAS, this application affecting premises 1506 Jerome avenue, east side 55.36 ft. north of East 172nd street (Block No. 2846, Lot No. 4), Borough of The Bronx, was granted by the board April 23, 1935, on certain conditions and owner requested an extension of the period of time imposed.

Resolved, that the resolution adopted by the board on April 23, 1935, be and it hereby is *amended,* only so far as it has reference to the temporary period of the permit, so that as amended the resolution will read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted under section* 21 *for a temporary period of two* (2) *years from the date of this amended resolution,* permitting the existing building to be used as automobile repair shop *on condition* that only such repair work shall be carried on as can be done with manual tools, but permitting the use of motor driven tools requiring not more than ½ h. p. motor each, excluding the use of anvils, forges, acetylene torches, welders or other open flame; that the boiler room shall be protected with fire-retarded ceiling and that the boiler room shall be enterable from the exterior of building only; and that no windows shall be installed in the exterior lot line walls other than those now existing."

278-33-BZ.
APPLICANT—Sidney Daub, for Esromer Realty Corporation, owner.
SUBJECT—Application for consideration—reopening and amendment—re application (decision of the commissioner of buildings) under sections 7c and 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the alteration and change of occupancy of part of the first story of an existing building from dwelling to business use.
PREMISES AFFECTED—2401-2407 Broadway and 251-255 West 88th street, northwest corner (Block No. 1236, Lot No. 10), Borough of Manhattan.
APPEARANCES—
For Applicant: Sidney Daub.
ACTION OF BOARD—Application reopened and resolution amended.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(278-33-BZ)

WHEREAS, Lloyd L. Mellor, for S. E. and M. E. Bernheimer Co., owner, filed August 22, 1933, an application, under the building zone resolution, to permit, partly in a business district and partly in a residence district, the alteration and change of occupancy of part of the first story of an existing building from dwelling to business use; premises 2401-2407 Broadway and 251-255 West 88th street, northwest corner (Block No. 1236, Lot No. 10), Borough of Manhattan; and

WHEREAS, this application was granted by the board November 14, 1933, on certain conditions, and owner requested an amendment of the resolution.

Resolved, that the resolution adopted by the board on November 14, 1933, be and it hereby is *amended,* only so far as it has reference to the occupancy of the basement, so that as amended the resolution will read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted,* permitting the partitions forming the apartment in the rear, facing east, as indicated on plans filed with this application, to be removed and the space now occupied by this apartment located in a residential area to be used for business in connection with the existing restaurant and dining room indicated on the plans, *on condition* that there shall be no exit door or other opening from the restaurant and dining room to the main hall of the multiple dwelling; that the windows in the kitchen opening upon the inner court shall be made fireproof and self-closing and glazed with wire glass; that the stair indicated from the kitchen to the basement shall be constructed of fireproof materials, enclosed in fireproof partitions, and with a fireproof, self-closing door at the bottom thereof; that the space used by this restaurant in the basement, *as indicated by revised plans marked 'Received July 23, 1937' for restaurant or storage or any other purpose connected with the restaurant use,* shall be cut off from the balance of the basement with fireproof walls and *there shall be* no opening from *any portion of this* space to *other parts* of the basement; that the second means of exit from this restaurant and dining room shall be maintained as indicated by means of a door to the passage leading to the rear yard and thence to West 88th street; that all permits required shall be obtained within two months and all work completed within four months from the date of this action."

APPEALS FROM ADMINISTRATIVE ORDERS

486-37-A.
APPLICANT—L. B. DeGarmo, for The Emergency Shelter, Inc., lessee.
SUBJECT—Appeal from a decision of the commissioner of buildings.
PREMISES AFFECTED—69 St. Marks place, north side, 175 ft. northwest of First avenue (Block No. 450, Lot No. 40), Borough of Manhattan.
APPEARANCES—
For Applicant: Reuben Golin and L. B. De Garmo.
For Administration: S. L. Becker, Department of Buildings.
ACTION OF BOARD—Laid over to January 18, 1938, at 2 P. M., for further information.

439-37-A.
APPLICANT—Montgomery Ward & Co., Inc., owner.
SUBJECT—Appeal from an order and a decision of the fire commissioner.

MINUTES

PREMISES AFFECTED—150-18 Jamaica avenue, southwest corner of 151st street (Block No. 1044, Lot No. 6), Jamaica, Borough of Queens.
APPEARANCES—
For Applicant: Arthur D. Kraut.
For Administration: Inspector Meyer, Fire Dept.
ACTION OF BOARD—Laid over to January 18, 1938, at 2 P. M., for inspection by a committee of the board.

606-37-A.
APPLICANT—Erwin Rebafka, for 40 Exchange Place Corporation, owner.
SUBJECT—Appeal from an order and a decision of the commissioner of buildings.
PREMISES AFFECTED—25-29 William street and 40 Exchange place, southwest corner (Block No. 25, Lot No. 27), Borough of Manhattan.
APPEARANCES—
For Applicant: Erwin Rebafka.
For Administration: Inspector Maher, Department of Buildings.
ACTION OF BOARD—Laid over to January 18, 1938, at 2 P. M. for further consideration.

590-37-A-WF.
APPLICANT—Arthur Hamburger, for Hydor Realty Associates, Inc., owner and Lincoln Associates, lessees.
SUBJECT—Appeal from a decision of the commissioner of buildings.
PREMISES AFFECTED—South side of Northern boulevard, 100 ft. east of Willets Point boulevard (Block No. 838, Lot No. 221), Corona, Borough of Queens
APPEARANCES—
For Applicant: Harry Ginsberg, A. Hamburger and Daniel J. Riesner.
For Opposition: Wharton Green and Latham C. Squire.
For Administration: Dep. Comm. Hirsch, Department of Licenses.
ACTION OF BOARD—Laid over to January 18, 1938 at 2 P. M. on request of objector representing World's Fair Corp.

468-37-A.
APPLICANT—Otto J. Sambach, for Joseph Cafiero, owner.
SUBJECT—Appeal from a decision of the commissioner of buildings.
PREMISES AFFECTED — 2101-2127 Neptune avenue, northeast corner of West 22nd street (Block 6991, Lot 41), Borough of Brooklyn.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Appeal withdrawn upon written request of applicant.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

587-37-A.
APPLICANT—John J. Gilmartin, for Hergus Holding Corporation, owner.
SUBJECT—Appeal from decisions of the commissioner of buildings.
PREMISES AFFECTED—120-126 Sutton street and 665-673 Morgan avenue, west side, 180 ft. south of Norman avenue (Block No. 2659, Lot No. 16), Borough of Brooklyn.
APPEARANCES—
For Applicant: John J. Gilmartin.
For Administration: Inspector Carroll, Department of Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(587-37-A)

WHEREAS, John J. Gilmartin, for Hergus Holding Corporation, owner, filed on December 10, 1937, an appeal from a decision of the commissioner of buildings, affecting premises 120-126 Sutton street and 665-673 Morgan avenue, west side, 180 ft. south of Norman avenue (Block No. 2659, Lot No. 16), Borough of Brooklyn; and

WHEREAS, the decision of the commissioner of buildings, dated November 20, 1937, on Alt. App. 4307-37, reads as follows:

"5. This existing sprinkler system was installed about 1931 as records indicate, etc., and as the number of heads in the average fire area indicate an excess of 200 heads, Rule 25 of Sprinkler Rules would require an 8 in. connection; plans filed show a 6 in. connection on existing system. The above subject to the approval of Chief Engineer or Commissioner."

and

WHEREAS, the decision of the commissioner of buildings, dated December 1, 1937, reads as follows:

"This will serve to acknowledge receipt of your letter dated October 1, 1937.

"In reply thereto, please be advised that objection was filed on January 18, 1932, to the increase of the supply over the 6 in. tap. The number of heads installed is 78 in excess of the 200 heads allowed for 6 in. connections. Section 26 of the Sprinkler Rules states that the size of the supply shall be the same as the main. This will have to be followed."

and

WHEREAS, the building in question is one story, 25 ft. 8 in., in height, 120 ft. by 200 ft. in area, of non-fireproof construction; equipped with a standpipe system and sprinkler system; erected in 1931; located in an unrestricted use district and occupied since 1934 as follows: Dyeing—25 persons, for which no certificate of occupancy has been issued; and

WHEREAS, the applicant contends that there is a sprinkler system which has been installed for the past five years; that recently an order was issued by the Division of Fire Prevention, Department of Buildings, requesting the owners to file plans and applications for the approval of the existing sprinkler system; after submitting plans and applications with the Department of Buildings under App. No. 4307/37, an objection was raised by the commissioner of buildings that the tap should be 8 in. as well as the lines; under Rule 25 of the Sprinkler Rules of the Board of Standards and Appeals, that this sprinkler system has a 6 in. tap to a main supplied two ways; that Rule 25 does not apply in this particular case but rather Rule 48, as the present sprinkler installation is in compliance with Rule 48 in every respect, having a 6 in. tap to the street main and sufficient water to supply all heads with a statis pressure of 15 lbs.; that the pressure on the water main averages from 47 lbs. to 59 lbs.

Resolved, that the decision of the commissioner of buildings be and it hereby is *modified*, and the appeal be and it hereby is *granted on condition* that the sprinkler system shall comply with the requirements of the New Building Code, section 15.12.1 as to 6-in. nipple and that the number of heads shall meet the requirements of the Code of Ordinances as to permitted number for 8-in. supply; and that in all other respects the Code requirements shall be complied with.

MINUTES

509-37-A.

APPLICANT—The Odosin Corporation, for Duray Realty Corporation, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—323-327 West 16th street, north side, 275 ft. west of Eighth avenue (2nd floor); (Block No. 740, Lot Nos. 19 and 20), Borough of Manhattan.

APPEARANCES—

For Applicant: B. J. Gillray, A. Weil.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(509-37-A)

WHEREAS, The Odosin Corporation, for Duray Realty Corporation, owner, filed on October 22, 1937, an appeal from an order of the fire commissioner, affecting premises 323-327 West 16th street, north side, 275 ft. west of Eighth avenue, 2nd floor, (Block No. 740, Lot Nos. 19 and 20), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, No. 8986-LC, dated September 24, 1937, reads as follows:

"With reference to your application dated June 23rd, 1937, for transfer of permit to manufacture a combustible mixture from 542 First avenue, Manhattan, to 323 West 16th street, Manhattan, I regret to inform you that I am without power to grant such a transfer for the reason;

Building in part is used for the storage of cotton and lacquer, Sec. 131 F, Ch. 10, Code of Ordinances as required by Section 141-1, Ch. 10, Code of Ordinances.

You are therefore, hereby, ordered to:

1. Discontinue the manufacture of a combustible mixture on these premises."

and

WHEREAS, the representative of the fire department states that the cause for issuance of violation has been removed and that the order will be rescinded if appeal is withdrawn.

Resolved, that the appeal be and it hereby is *withdrawn.*

588-37-A.

APPLICANT—Stanco Distributors, Inc., for Stanco Incorporated, owner.

SUBJECT—Appeal from a decision of the fire commissioner, relative to the manufacture, storage, sale and transportation of Anti-Freeze, "Ford" and "Tri-Rad" in non-refillable cans in New York City.

APPEARANCES—

For Applicant: J. E. Devine.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(588-37-A)

WHEREAS, Stanco Distributors, Inc., for Stanco, Inc., owner, filed on December 13, 1937, an appeal from a decision of the fire commissioner, relating to the sale and storage of "Ford" anti-freeze and "Tri-Rad" anti-freeze in one-quart and one-gallon sealed cans which are not in compliance with section 131-3 of the Code of Ordinance; and

WHEREAS, the decision of the fire commissioner, dated December 6, 1937, reads as follows:

"In order to obtain a certificate of approval for your anti-freeze (inflammable mixtures) it will be necessary for you to submit labels bearing the name of the product; the name and address of the manufacturer; and, in large letters, the words

CAUTION,
INFLAMMABLE MIXTURE,
DO NOT USE NEAR FIRE OR FLAME,
CERTIFICATE OF APPROVAL or C. OF A.

It will also be necessary for you to submit a letter to this department which will be properly signed by your company and which will agree to our following requirements:

'Please be advised that this department disapproves all cans used for packing and shipping anti-freeze (inflammable mixtures) other than the type as specified and provided for in section 131, subdivision 3, chapter 10, Code of Ordinances of the City of New York, for the reason that

"inflammable mixtures shall be packed and shipped in cans of a capacity not exceeding five (5) gallons each; cans to be fitted with a tight fitting replaceable top, cap or other device, so made that the can shall be airtight when closed; or in steel barrels or drums of a capacity not exceeding fifty-five (55) gallons each."'"

and

WHEREAS, the applicant contends that the product is a blend of synthetic methyl and isopropyl alcohols, as follows:

Per cent by volume of synthetic methanol	53.25%
Per cent by volume of isopropyl alcohol	43.75%
Per cent inhibitor (this is an oil soluble sodium sulphonate inhibitor	.50%
Per cent by volume mineral oil seal and color	2.00%
Water	.50%

Resolved, that the decision of the fire commissioner, dated December 6, 1937, be and it hereby is *modified,* and the appeal be and it hereby is *granted,* permitting the transportation, sale, storage and manufacture of anti-freeze (inflammable mixture) as described in this appeal in one-gallon and one-quart cans without a tight-fitting replaceable top, *on condition* that there shall appear on each can, a prominent notice reading: "UPON OPENING REMOVE ENTIRE CONTENTS AT ONCE"; that such notice shall have white letters on a fire department red background or fire department red letters on a white or aluminum background; that such notice shall be part of the lithographed label on the side or top of the can; and that the label shall also contain the additional words:

"THIS CONTAINER FOR ANTI-FREEZE APPROVED BY THE BOARD OF STANDARDS AND APPEALS UNDER CAL. NO. 588-37-A";

that the application to the fire commissioner shall state the name of the manufacturer of such anti-freeze; that these products may be marketed in cans bearing the names of the manufacturer or agent with the respective brands or trade names as follows: "FORD ANTI-FREEZE" and "TRI-RAD ANTI-FREEZE."

402-37-A.

APPLICANT—Vim Electric Co. (lessee), for City Savings Bank of Brooklyn, owner.

SUBJECT—Appeal from an order and decision of the fire commissioner.

PREMISES AFFECTED—105 Flatbush avenue, northeast side, 138 ft. 3 in. northwest of Ashland place (Block No. 2110, Lot Nos. 8 and 9), Borough of Brooklyn.

APPEARANCES—

For Applicant: Irving Goldenberg.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal withdrawn.

MINUTES

THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(402-37-A)

WHEREAS, Vim Electric Co., lessee, for City Savings Bank of Brooklyn, owner, filed on August 11, 1937, an appeal from an order and a decision of the fire commissioner, affecting premises, 105 Flatbush avenue, northeast side, 138 ft. 3 in. northwest of Ashland place (Block No. 2110, Lot Nos. 8 and 9), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, No. 71426-LC, dated June 9, 1937, reads:

"An inspection of your refrigerating system located at the above premises, shows that the following must be done to conform with Fire Department regulations.

"1. Either remove the refrigerating chemical from each refrigerating system, or provide tight partitions with close fitting self-closing doors for each room wherein such system is offered for sale or use of demonstrating purposes.

"Note: Under the provisions of Chapter 503, Laws of 1916, this order may be appealed within 30 days from date to Board of Appeals, Room 1001, Municipal Building. In order that the appeal may stay proceedings under this order, a copy of the appeal must be filed with the Fire Commissioner."

and

WHEREAS, the decision of the fire commissioner; dated July 14, 1937, reads as follows:

"Referring to your letter of July 13, 1937, relative to Order No. 71426-LC, Folder No. 102904.11, referring to refrigerator systems on premises located at 105 Flatbush avenue, Brooklyn, New York, you are herewith advised that this Department is without power to grant your appeal.

"You are referred to the footnote typewritten at the bottom of said order, giving instructions as to the proper body to whom you may make such appeal.

"Since the time for making such appeal has elapsed, I feel confident that upon presentation of this denial, the Board of Standards and Appeals will accept this letter in lieu of new orders."

and

WHEREAS, the building in question is three stories, 36 ft. in height, 40 by 77 ft. in area, of non-fireproof construction, equipped with a standpipe system, located in a business use district, and erected in 1905; OCCUPIED since 1935 as follows: Cellar—bakery; 1st floor, salesroom for sport goods, radio and refrigerators, 7 persons; 2nd floor, display of radios, no persons; 3rd floor, vacant, for which no certificate of occupancy has been issued; and

WHEREAS, the Division of Combustibles of the Fire Department had advised that this order will be rescinded upon the withdrawal of this appeal, inasmuch as it has determined that the premises in question are not classified as a department store, which, for the purpose of section 222 of chapter 10 of the Code of Ordinances has been defined by the department as "a building occupied by one tenant or more than one tenant under the same management, where more than one hundred (100) persons commonly assemble above the first floor for the purpose of buying personal wearables and other merchandise used in the home.

Resolved, that the appeal be and it hereby is *withdrawn.*

449-37-A.
APPLICANT—Buckley-Newhall Company, lessee.
SUBJECT—Appeal from an order and a decision of the fire commissioner.
PREMISES AFFECTED—1333-1339 Broadway, northeast corner of Linden street (Block No. 3321, Lot No. 52), Borough of Brooklyn.
APPEARANCES—
For Applicant: None.
For Administration: Inspector Meyer, Fire Dept.
ACTION OF BOARD—Appeal withdrawn.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(449-37-A)

WHEREAS, Buckley-Newhall Company, lessee, filed August 13, 1937 an appeal from an order and a decision of the fire commissioner affecting premises 1333-1339 Broadway, northeast corner of Linden street (Block No. 3321, Lot No. 52), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner No. 71272-LC, dated June 3, 1937, reads as follows:

"An inspection of your refrigerating system located at the above premises, shows that the following must be done to conform with fire department regulations:

1. Either remove the refrigerating chemical from each refrigerating system, or provide tight partitions with close fitting self-closing doors for each room wherein such system is offered for sale or use or demonstrating purposes."

and

WHEREAS, the decision of the fire commissioner, dated August 10, 1937, reads:

"In answer to your request please be advised that this department does not rescind an order and reissue it so that it may be taken to the Board of Standards and Appeals when you have exceeded the time limit in which to file your appeal.

However, we have been advised that the Board of Standards and Appeals will accept a letter from this department as the basis for an appeal. For that purpose, this communication is forwarded and will certify that order No. 71272-LC was issued against Buckley-Newhall Company and reads as follows:

'1. Either remove the refrigerating chemical from each refrigerating system or provide tight partitions with close fitting self-closing doors for each room wherein such system is offered for sale or use or demonstrating purpose.'"

and

WHEREAS, the building in question is 4 stories in height, of non-fireproof construction, 90 by 120 feet in area, equipped with a standpipe and sprinkler system, located in a business use district, erected in 1912 and occupied since 1921 as follows: Cellar—showroom, office and storage, 20 persons; 1st story—furniture showroom, 6 persons; 2nd story—same, 1 person; 3rd story—furniture showroom, no persons; 4th story—showroom, storage, 2 persons; for which certificate of occupancy No. 83883 was issued September 1, 1937; and

WHEREAS, there are 5 refrigerators located in the front of the basement story, containing sulphur dioxide in the following amounts: 1—1 lb.; 2—1 lb. 2 ounces; 2—1 lb. 3 ounces; the machines are not in operation; and

WHEREAS, the applicant contends there is no danger connected with the few machines on the floor as the building is covered by sprinkler and stand pipe, and a fire alarm system connected up with the sprinkler system; and

WHEREAS, the division of combustibles of the fire department had advised that this order will be rescinded upon the withdrawal of this appeal inasmuch as it has determined that the premises in question are not classified as a department store, which, for the purpose of section 222 of chapter 10 of the Code of Ordinances has been defined by the department as "A building occupied by one tenant or more than one tenant under the same management, where more than one hundred (100) persons com-

monly assemble above the first floor for the purpose of buying personal wearables and other merchandise used in the home."

Resolved, that the appeal be and it hereby is *withdrawn.*

296-37-A.

APPLICANT—Samuel Thierman, for Ludwig Baumann & Co., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—218-220 Livingston street, 205-209 Schermerhorn street and 45-51 Hoyt street, east side, from Livingston street to Schermerhorn street (Block No. 165, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(296-37-A)

WHEREAS, Samuel Thierman, for Ludwig Baumann & Co., lessee, filed June 16, 1937, an appeal from an order of the fire commissioner affecting premises 218-220 Livingston street, 205-209 Schermerhorn street and 45-51 Hoyt street, east side, from Livingston street to Schermerhorn street (Block No. 165, Lot No. 1), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, No. 71097-LC, dated May 18, 1937, reads as follows:

"1. Either remove the refrigerating chemical from each refrigerating system, or provide tight partitions with close fitting self-closing doors for each room wherein such system is offered for sale or use or demonstrating purpose."

and

WHEREAS, the building in question is 10 stories, 139 ft. in height, 92 ft. 6½ in. by 171 ft. 7¾ in. in area, of fireproof construction, equipped with a standpipe and a sprinkler system, erected in 1928, located in a business use, "B" area, two times height district and occupied as follows: Cellar—storage, 1 person; 1st floor—store, 12 persons; 2nd floor—showroom and office, 30 persons; 3rd floor—showroom, 7 persons; 4th floor—showroom, 6 persons; 5th floor—showroom, 3 persons; 6th floor—showroom and repair, 2 persons; 7th floor—showroom and repair, 3 persons; 8th floor—showroom and repair, 3 persons; 9th floor—showroom and repair, 2 persons; 10th floor—showroom and repair, 10 persons; for which Certificate of Occupancy No. 49496 was issued February 27, 1928; refrigerators are stored and sold on the premises; and

WHEREAS, the Division of Combustibles of the Fire Department had advised that this order will be rescinded upon the withdrawal of this appeal inasmuch as it has determined that the premises in question are not classified as a department store, which, for the purpose of section 222 of chapter 10 of the Code of Ordinances has been defined by the department as "a building occupied by one tenant or more than one tenant under the same management, where more than one hundred (100) persons commonly assemble above the first floor for the purpose of buying personal wearables and other merchandise used in the home.

Resolved, that the appeal be and it hereby is *withdrawn.*

316-37-A.

APPLICANT—John A. Schwarz, for John A. Schwarz, Inc., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—1295 Broadway, north side, 125 ft. west of Grove street, (Block No. 3293, Lot No. 43), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(316-37-A)

WHEREAS, John A. Schwarz, for John A. Schwarz, Inc., lessee, filed June 24, 1937, an appeal from an order of the fire commissioner, affecting premises 1295 Broadway, north side, 125 ft. west of Grove street (Block No. 3293, Lot No. 43), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, dated May 25, 1937, re Order No. 71211-LC, reads:

"1. Either remove the refrigerating chemical from each refrigerating system, or provide tight partitions with close fitting self-closing doors for each room wherein such system is offered for sale or use or demonstrating purposes."

and

WHEREAS, the building in question is three stories, 42 ft. in height, 50 ft. by 150 ft. in area; EQUIPPED with a standpipe and sprinkler system and occupied since November 1, 1935, as follows: Cellar—furniture display, 6 persons; 1st floor—furniture display, 12 persons; 2nd floor—furniture display, 12 persons; 3rd floor—furniture display, 6 persons, for which certificate of occupancy No. 82240 was issued on May 7, 1937; refrigerators are stored and sold on the premises; and

WHEREAS, the Division of Combustibles of the Fire Department had advised that this order will be rescinded upon the withdrawal of this appeal inasmuch as it has determined that the premises in question are not classified as a department store, which, for the purpose of section 222 of chapter 10 of the Code of Ordinances has been defined by the department as "A building occupied by one tenant or more than one tenant under the same management, where more than one hundred (100) persons commonly assemble above the first floor for the purpose of buying personal wearables and other merchandise used in the home.

Resolved, that the appeal be and it hereby is *withdrawn.*

317-37-A.

APPLICANT—Philip Caro, for J. Michaels, Inc., doing business as Long Island Furniture Co., Inc., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED — 46-48 Myrtle avenue, south side, 24 ft. east of Pearl street and 357 Pearl street (Block No. 146, Lot No. 18), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(317-37-A)

WHEREAS, Philip Caro, for J. Michaels, Inc., lessee, filed

MINUTES

June 24, 1937, an appeal from an order of the fire commissioner, affecting premises 46-48 Myrtle avenue, south side, 24 ft. east of Pearl street and 357 Pearl street (Block No. 146, Lot No. 18), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, dated May 25, 1937, re Order No. 71208-LC, reads:

"1. Either remove the refrigerating chemical from each refrigerating system, or provide tight partitions with close fitting self-closing doors for each room wherein such system is offered for sale or use or demonstrating purpose."

and

WHEREAS, the premises in question consists of one building on Myrtle avenue, 45 ft. by 78 ft. in area and one building on Pearl street, 22 ft. by 69 ft. in area; maximum height, 5 stories, 63 ft.; OCCUPIED throughout as a retail furniture store; and

WHEREAS, refrigerators are stored and sold on the premises; and

WHEREAS, the Division of Combustibles of the Fire Department had advised that this order will be rescinded upon the withdrawal of this appeal inasmuch as it has determined that the premises in question are not classified as a department store, which, for the purpose of section 222 of chapter 10 of the Code of Ordinances has been defined by the department as "A building occupied by one tenant or more than one tenant under the same management, where more than one hundred (100) persons commonly assemble above the first floor for the purpose of buying personal wearables and other merchandise used in the home.

Resolved, that the appeal be and it hereby is *withdrawn.*

323-37-A.

APPLICANT—Herman Lobell, for Prosperity Operating Co., Inc., owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—1331 Flatbush avenue, east side, 84 ft. 9¼ in. north of Foster avenue (Block No. 5211b, Lot No. 60), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(323-37-A)

WHEREAS, Herman Lobell, for Prosperity Operating Co., Inc., owner, filed June 29, 1937, an appeal from an order of the fire commissioner affecting premises 1331 Flatbush avenue, east side, 84 ft. 9¼ in. north of Foster avenue (Block No. 5211b, Lot No. 60), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, dated June 3, 1937, re 71265-LC, reads:

"An inspection of your refrigerating system located at the above premises, shows that the following must be done to have the system conform with Fire Department regulations:

"1. Either remove the refrigerating chemical from each refrigerating system, or provide tight partitions with close fitting self-closing doors for each room wherein such system is offered for sale or use or demonstrating purpose."

and

WHEREAS, the building in question is three stories, 35 ft. in height, 20½ ft. 6 in. by 60 ft. in area, of ordinary brick construction, erected in 1916, located in a business use district and occupied as follows: Cellar—ordinary use; 1st floor—store, 4 persons, where refrigerators are stored and sold; 2nd and 3rd floors—1 family each story, for which certificate of occupancy No. 63786, was issued May 2, 1937; and

WHEREAS, the Division of Combustibles of the Fire Department had advised that this order will be rescinded upon the withdrawal of this appeal inasmuch as it has determined that the premises in question are not classified as a department store, which, for the purpose of section 222 of chapter 10 of the Code of Ordinances has been defined by the department as "A building occupied by one tenant or more than one tenant under the same management, where more than one hundred (100) persons commonly assemble above the first floor for the purpose of buying personal wearables and other merchandise used in the home.

Resolved, that the appeal be and it hereby is *withdrawn.*

333-37-A.

APPLICANT—Davega-City Radio, Inc., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—409-421 Fulton street, north side, between Pearl and Willoughby streets and 2-18 Willoughby street (Block No. 149, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(333-37-A)

WHEREAS, Davega-City Radio, Inc., applicant and lessee, filed on June 30, 1937, an appeal from an order of the fire commissioner affecting premises 409-421 Fulton street, north side, between Pearl and Willoughby streets and 2-18 Willoughby street (Block No. 149, Lot No. 1), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner No. 71321-LC, dated June 4, 1937, reads as follows:

"1. Either remove the refrigerating chemical from each refrigerating system, or provide tight partitions with close fitting self-closing doors for each room wherein such system is offered for sale or use or demonstrating purpose."

and

WHEREAS, the premises in question, 2 stories (36 ft.) in height, 192 ft. by 81 ft. in area, is of ordinary brick construction; erected in 1919; located in a business use district, and occupied as follows: Cellar—boiler room and retail stores, 19 persons; 1st floor—retail store, 28 persons; 2nd floor—retail store, 10 persons, for which certificate of occupancy No. 61030 was issued July 12, 1930; there are refrigerators stored and sold on premises; and

WHEREAS, the Division of Combustibles of the Fire Department had advised that this order will be rescinded upon the withdrawal of this appeal inasmuch as it has determined that the premises in question are not classified as a department store, which, for the purpose of section 222 of chapter 10 of the Code of Ordinances has been defined by the department as "A building occupied by one tenant or more than one tenant under the same management, where more than one hundred (100) persons commonly assemble above the first floor for the purpose of buying personal wearables and other merchandise used in the home.

Resolved, that the appeal be and it hereby is *withdrawn.*

MINUTES

342-37-A.

APPLICANT—Davega-City Radio, Inc., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—924 Flatbush avenue, west side 503 ft. 11 in. north of Albemarle road (Block No. 5102, Lot No. 33), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(342-37-A)

WHEREAS, Davega-City Radio, Inc., applicant and lessee, filed on July 2, 1937, an appeal from an order of the fire commissioner, affecting premises 924 Flatbush avenue, west side, 503 ft. 11 in. north of Albemarle road (Block 5102, Lot No. 33), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, dated June 4, 1937, No. 71267-LC, reads as follows:

"1. Either remove the refrigerating chemical from each refrigerating system, or provide tight partitions with close fitting self-closing doors for each room wherein such system is offered for sale or use or demonstrating purpose."

and

WHEREAS, the premises in question consist of a building, 2 stories (26 ft.) in height, 40 ft. by 100 ft. in area on 1st floor, 40 ft. by 70 ft. in area above; of ordinary brick construction, erected in 1918; located in a business use district and occupied as follows: Cellar—coal, storage and stock room, no persons; 1st floor—store, 15 persons, where refrigerators are stored and sold; 2nd floor—beauty shop and optician, 9 persons; for which certificate of occupancy No. 65578 was issued on October 20, 1931; and

WHEREAS, the Division of Combustibles of the Fire Department had advised that this order will be rescinded upon the withdrawal of this appeal inasmuch as it has determined that the premises in question are not classified as a department store, which, for the purpose of section 222 of chapter 10 of the Code of Ordinances has been defined by the department as "A building occupied by one tenant or more than one tenant under the same management, where more than one hundred (100) persons commonly assemble above the first floor for the purpose of buying personal wearables and other merchandise used in the home.

Resolved, that the appeal be and it hereby is *withdrawn.*

346-37-A.

APPLICANT—John A. Schwarz for John A. Schwarz, Inc., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—334-340 Livingston street and 27-29 Nevins street, southeast corner (Block No. 167, Lot No. 3), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(346-37-A)

WHEREAS, John A. Schwarz, for John A. Schwarz, Inc., lessee, filed July 6, 1937, an appeal from an order of the fire commissioner, affecting premises 334-340 Livingston street, southeast corner of Nevins street (Block No. 167, Lot No. 3), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, dated June 4, 1937, No. 71336-LC, reads:

"1. Either remove the refrigerating chemical from each refrigerating system, or provide tight partitions with close fitting self-closing doors for each room wherein such system is offered for sale or use or demonstrating purpose."

and

WHEREAS, the building in question is 4 stories, 58 ft. in height, 65 ft. by 55 ft. in area, of non-fireproof construction, used since September 30, 1922, as follows: Cellar—furniture showroom, 5 persons; 1st floor—furniture showroom and office, 10 persons; 2nd floor—furniture showroom, 5 persons; 3rd floor—furniture showroom, 5 persons; 4th floor—furniture showroom, 5 persons; there are refrigerators stored and sold on the premises; and

WHEREAS, the Division of Combustibles of the Fire Department had advised that this order will be rescinded upon the withdrawal of this appeal inasmuch as it has determined that the premises in question are not classified as a department store, which, for the purpose of section 222 of chapter 10 of the Code of Ordinances has been defined by the department as "A building occupied by one tenant or more than one tenant under the same management, where more than one hundred (100) persons commonly assemble above the first floor for the purpose of buying personal wearables and other merchandise used in the home.

Resolved, that the appeal be and it hereby is *withdrawn.*

350-37-A.

APPLICANT—Davega-City Radio, Inc., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—36-58 Main street, northwest corner of 37th avenue (Block No. 4971, Lot No. 59), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: None.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(350-37-A)

WHEREAS, Davega-City Radio, Inc., lessee, filed July 8, 1937, an appeal from an order of the fire commissioner, affecting premises 36-58 Main street, northwest corner of 37th avenue (Block No. 4971, Lot No. 59), Flushing, Borough of Queens; and

WHEREAS, the order of the fire commissioner, dated June 29, 1937, re. Order No. 71758-LC, reads:

"1. Either remove the refrigerating chemical from each refrigerating system, or provide tight partitions with close fitting self-closing doors for each room wherein such system is offered for sale or use or demonstrating purpose."

and

WHEREAS, the building in question is four stories, 43 ft. in height, 22 ft. by 104 ft. in area at the first floor and 22 ft. by 63 ft. in area above; of ordinary brick construction, erected in 1887, located in a business use district and occupied as follows: Cellar—storage; 1st floor—retail

store selling refrigerators, 9 persons; 2nd floor—storage; 3rd floor—residential, 2 perons; 4th floor—residential, 5 persons; and

WHEREAS, the Division of Combustibles of the Fire Department had advised that this order will be rescinded upon the withdrawal of this appeal inasmuch as it has determined that the premises in question are not classified as a department store, which, for the purpose of section 222 of chapter 10 of the Code of Ordinances has been defined by the department as "A building occupied by one tenant or more than one tenant under the same management, where more than one hundred (100) persons commonly assemble above the first floor for the purpose of buying personal wearables and other merchandise used in the home.

Resolved, that the appeal be and it hereby is *withdrawn.*

401-37-A.

APPLICANT—Vim Electric Company, lessee, for B. D. L. & S. Realty Corporation, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—36-38 Main street, west side, 197 ft. 11¾ in. north of 37th avenue (Block No. 4971, Lot No. 50), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: None.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(401-37-A)

WHEREAS, the Vim Electric Company, for B. D. L. & S. Realty Corporation, filed August 11, 1937, an appeal with the Board of Standards and Appeals from an order of the fire commissioner, affecting premises 36-38 Main street, west side, 197 ft. 11¾ in. north of 37th avenue (Block No. 4971, Lot No. 50), Flushing, Borough of Queens; and

WHEREAS, the order of the fire commissioner, No. 71751-LC, reads:

"1. Either remove the refrigerating chemical from each refrigerating system, or provide tight partitions with close fitting self-closing doors for each room wherein such system is offered for sale or use or demonstrating purpose."

and

WHEREAS, this building is two stories (24 ft.) in height, 20 ft. by 113 ft. 8 in. in area, of frame and brick construction, erected in 1910, located in a business use district; the premises are occupied on the first floor as a retail store—6 persons; refrigerators are stored and sold on the premises; and

WHEREAS, the Division of Combustibles of the Fire Department had advised that this order will be rescinded upon the withdrawal of this appeal inasmuch as it has determined that the premises in question are not classified as a department store, which, for the purpose of section 222 of chapter 10 of the Code of Ordinances has been defined by the department as "A building occupied by one tenant or more than one tenant under the same management, where more than one hundred (100) persons commonly assemble above the first floor for the purpose of buying personal wearables and other merchandise used in the home.

Resolved, that the appeal be and it hereby is *withdrawn.*

586-37-A.

APPLICANT—Clarence A. Tuthill, for Hygrade Food Products Corporation, owner.

SUBJECT—Appeal from an order and a decision of the commissioner of buildings.

PREMISES AFFECTED—146-154 Broadway, south side, 60 ft. east of Bedford avenue and 131-133 South Eighth street (Block No. 2132, Lot Nos. 11, 12, 13, 36 and 37), Borough of Brooklyn.

APPEARANCES—

For Applicant: Clarence A. Tuthill.

For Administration: Inspector Carroll, Department of Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(586-37-A)

WHEREAS, Clarence A. Tuthill, for Hygrade Food Products Corporation, owner, filed December 9, 1937, an appeal from an order and a decision of the commissioner of buildings affecting premises 146-154 Broadway, south side, 60 ft. east of Bedford avenue and 131-133 South 8th street (Block No. 2132, Lot Nos. 11, 12, 13, 36 and 37), Borough of Brooklyn; and

WHEREAS, the order of the commissioner of buildings, No. 18497-LF, dated October 21, 1937, reads as follows:

"Install an approved standpipe system in accordance with the rules of the Board of Standards and Appeals. Section 580-1, Chapter 5, Code of Ordinances."

and

WHEREAS, the decision of the commissioner of buildings, dated December 8, 1937, reads as follows:

"In reply to yours of December 3, 1937, advising that you wish to appeal from the requirements of Order 18497-LF, and that you are unable to do so, due to the fact that the Board of Standards and Appeals will not accept an apppeal for the reason that the time limit of 30 days had elapsed and request dismissal and re-issuance of the above order.

"You are advised that the order cannot be dismissed or reissued. Therefore your request is denied."

and

WHEREAS, premises consist of several 3 and 4 story buildings interconnected on the first story, which is 100 by 200 ft. in area, of non-fireproof construction, located in an unrestricted use district, erected about 1880 and occupied since 1927 as follows: Cellar—pickling of meat, 4 persons; 1st floor—manufacturing meat products, 80 persons; 2nd floor—office, 3 persons; 3rd floor—office, 10 persons; 4th floor—offices, 2 persons; for which no certificate of occupancy has been issued; and

WHEREAS, applicant contends that the installation of a standpipe would be costly and almost impossible to install, adding to the already large amount of piping in the building; and would answer no useful purpose; that all manufacturing is on the first floor and in case of fire, hose can be brought in from both sides of the building.

Resolved, that the order of the commissioner of buildings, No. 18497-LF, and the decision of the commissioner of buildings be and they hereby are *modified,* waiving the requirements for a standpipe system as long as the building is used as herein described and is not increased in height or area, *on condition* that such portable fire-extinguishing appliances shall be installed as the fire commissioner may direct.

525-37-A.

APPLICANT—Acorn Textile Printing Co., Morris M. Feldman, lessee; Lafayette National Bank of Brooklyn in New York, owner.

SUBJECT—Appeal from an order of the fire commissioner.

MINUTES

PREMISES AFFECTED—10-25 to 10-27 46th avenue, north side, 205 ft. east of Vernon boulevard (3rd floor, south half); (Block No. 49, Lot No. 10), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Morris Feldman.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(525-37-A)

WHEREAS, Acorn Textile Printing Co., by Morris M. Feldman, lessee, filed on November 5, 1937, an appeal from an order of the fire commissioner, affecting premises 10-25 to 10-27 46th avenue, north side, 205 ft. east of Vernon boulevard (third floor, south half); (Block No. 49, Lot No. 10), Long Island City, Borough of Queens; and

WHEREAS, the order of the fire commissioner, dated October 5, 1937, No. 72642-LC, reads as follows:

"You are hereby notified that an inspection of the above premises used to store paint shows that the following must be done before the permit requested by you can be issued:

1. Provide a spray room with fire retarding material with a waterproof floor and adequately ventilated by mechanical means. Rule 4.1.1, Spray Rules.
7. Provide stem typerigid type, keyless sockets and vapor-proof lights that are within spray room. Rule 4.5.1, Spray Rules."

and

WHEREAS, the building is 4 stories (44 ft.) in height, 50 ft. by 200 ft. in area, of non-fireproof construction; equipped with a standpipe and sprinkler system, located in an unrestricted use district; erected in 1906 and occupied since November 5, 1937, as follows: 1st floor—manufacturing of sheet metal and stencil machines, 18 persons; 2nd floor—manufacturing of musical strings, 24 persons; 3rd floor—textile printing machine shop, 18 persons, of which 3 are employed in the textile printing plant which is the subject area of this appeal; 4th floor—textile manufacturing, 15 persons; for which building no certificate of occupancy has been issued; and

WHEREAS, the applicant contends that the spray room cannot be fire-retarded since the entire area leased to the applicant is being used as a spray room; that the electric light installation is entirely new and was approved by the Board of Fire Underwriters and the Department of Water Supply, Gas and Electricity.

Resolved, that the order of the fire commissioner, No. 72642-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted,* to permit the premises under appeal to be used for spraying, *on condition* that the number of operators at spraying shall at no time exceed four (4); that the sprinkler system shall at all times be maintained in a condition satisfactory to the commissioner and that during the time the spraying is carried on, the windows on both sides of the spraying space shall be kept open sufficiently to provide adequate cross-ventilation; that no spray materials shall be maintained on the open floor other than the amounts required for immediate spraying use; and that supplies for spraying materials shall be kept in a separate room, separated from the main spraying room by walls and doors that are reasonably tight-fitting and which room shall have ventilation to the outer air; that the other items on Order No. 72642-LC not appealed from shall be complied with.

589-37-A.

APPLICANT—Henry W. Adams, for Chrysler Motor Parts Corporation, owner.

SUBJECT—Appeal from a decision of the fire commissioner relative to the manufacture, storage, sale and transportation of "Mo Par Super Anti-Freeze" in non-refillable cans in New York City.

APPEARANCES—

For Applicant: Henry W. Adams.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(589-37-A)

WHEREAS, Henry W. Adams, for Chrysler Motor Parts Corporation, owner, filed December 13, 1937, an appeal from a decision of the fire commissioner affecting the storage and sale of "Mo Par Super Anti-Freeze" in one gallon and one quart cans, not of the type required by section 131-3 of the Code of Ordinances; and

WHEREAS, the decision of the fire commissioner, dated December 8, 1937, reads:

"Responding to your favor of November 30, 1937, regarding certificate of approval for your product known as MO PAR SUPER ANTI-FREEZE, please be advised that this Department disapproves all cans used for parking and shipping anti-freeze (inflammable mixtures) other than the type as specified and provided for in Section 131, sub-division 3, Charter 10, Code of Ordinances of the City of New York, for the reason that 'inflammable mixtures shall be packed and shipped in cans of a capacity not exceeding five (5) gallons each; cans to be fitted with a tight fitting replaceable top, cap or other device, so made that the can shall be air-tight when closed; or in steel barrels or drums of a capacity not exceeding Fifty-five (55) gallons each.'"

and

WHEREAS, the applicant contends that MO PAR Super Anti-freeze is manufactured by the Publicker Commercial Alcohol Company but is sold under its name. It is made up exactly the same as "Publicker's Thermo Royal" brand, which is made from completely denatured Ethyl alcohol (Ethanol) formula No. 13, 200 proof; that this formula in itself contains approximately 7 per cent of oily content; that to this is added a color and a stabilizing agent which tends to prevent the formation of solidites; that because of the color and the oily content this material is utterly unfit for any household purpose that its only possible use is as an anti-freeze in the radiator of an automobile.

Resolved, that the decision of the fire commissioner, dated December 8, 1937, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* permitting the transportation, sale, storage and manufacture of anti-freeze (inflammable mixture) as described in this appeal in one gallon and in one quart cans without tight-fitting replaceable top, *on condition* that there shall appear on each can a prominent notice reading "UPON OPENING REMOVE ENTIRE CONTENTS AT ONCE"; that such notice shall have white letters on fire department red background or fire department red letters on white or aluminum background; that such notice shall be part of the lithographed label on the side or top surface of the can; that this label shall also contain the words "THIS CONTAINER FOR ANTI-FREEZE APPROVED BY THE BOARD OF STANDARDS AND APPEALS UNDER CAL. NO. 589-37-A"; that the application to the fire commissioner shall state the name of the manufacturer of such anti-freeze; that this product may be marketed in cans as herein permitted, bearing the name of the manufacturer or agent with the respective brand or trade name as follow:

MO PAR SUPER ANTI-FREEZE.

MINUTES

756-30-A.
APPLICANT—F. Sidney Williams, for Percy Kent Bag Co., Inc., owner.
SUBJECT—Application for consideration—reopening and amendment—re appeal from an order of the commissioner of buildings.
PREMISES AFFECTED—236-260 44th street, south side, 300 ft. east of Second avenue (Block No. 736, Lot No. 23), Borough of Brooklyn.
APPEARANCES—
For Applicant: F. Sidney Williams.
For Administration: Inspector Carroll, Department of Buildings.
ACTION OF BOARD—Appeal reopened and resolution amended.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(756-30-A)

WHEREAS, this appeal affecting premises 236-260 44th street, south side, 300 ft. east of Second avenue (Block No. 736, Lot No. 23), Borough of Brooklyn, was granted by the board April 21, 1931, on certain conditions and applicant requested an amendment of the resolution.

Resolved, that the resolution adopted by the board on April 21, 1931 be and it hereby is *amended*, so that as amended the resolution will read:

"that the order and decision of the fire commissioner, dated December 8, 1930, as to Order No. 79706-F, and the order of the commissioner of buildings, No. 18411-LF, dated October 19, 1937 be *modified* and the appeal *granted on condition* that the building shall be equipped with an approved sprinkler system and that such system shall be maintained at all times to the satisfaction of the administrative official; that such fire-fighting appliances as shall be required by the fire commissioner shall be installed and maintained; that the building shall not be increased in height or area, and that the occupancy and use of the building shall remain substantially unchanged."

VARIATIONS OF LABOR LAW

510-37-S.
APPLICANT—Louis E. Jallade, for Estate of Bradish Johnson, owner.
SUBJECT—Variation of the labor law as cited in orders and a decision of the commissioner of buildings.
PREMISES AFFECTED—150-152 Maiden lane, southwest corner of Front street (Block No. 37, Lot No. 33), Borough of Manhattan.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Laid over to January 11, 1938, at 2 P. M. No appearances for applicant.

521-37-S.
APPLICANT—DeRose and Cavalieri, for Bowery Savings Bank, owner.
SUBJECT—Variation of the labor law as cited in a decision of the commissioner of buildings.
PREMISES AFFECTED—2999 Third avenue, west side, 51.44 ft. north of East 154th street and 698-700 Elton avenue (Block No. 2376, Lot No. 51), Borough of The Bronx.
APPEARANCES—
For Applicant: Anthony M. DeRose.
ACTION OF BOARD—Application denied.
THE VOTE TO GRANT—
Affirmative 0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Absent 0
THE RESOLUTION—

(521-37-S)

WHEREAS, DeRose & Cavalieri, applicants, for the Bowery Savings Bank, owner, filed on November 3, 1937, an application for a variation of the Labor Law, as cited in a decision of the commissioner of buildings, affecting premises 698-700 Elton avenue and 2999 Third avenue, west side, 51.44 ft. north of East 154th street (Block No. 2376, Lot No. 51), Borough of The Bronx; and

WHEREAS, the decision of the commissioner of buildings on Alt. App. No. 743-37, dated October 4th, 1937, reads as follows:

"1. Stairways must be enclosed by fireproof partitions in compliance with subdivision 4 of section 270 of the Labor Law.

2. All stairways must lead continuously to the street or to a fireproof passageway leading to the street independent of other exits, as per subdivision 4 of section 270 of the Labor Law."

and

WHEREAS, the building in question is three and four stories, 48 ft. 9 in. in height, 51 ft. 5 in. by 121 ft. 3 in. in area, erected in 1925, occupied as follows Cellar—boiler room, no persons; 1st floor—stores and storage, 10 persons; 2nd floor—showroom and factory, 60 persons; 3rd and 4th floors—factory, 60 persons each; for which certificate of occupancy No. 1421-1925 was issued. The building is equipped with two interior stairs, constructed of slate treads and platforms on steel, enclosed with a partition of wood studs, wire lath and Portland cement plaster on both sides; equipped with kalamein self-closing doors at the openings; and

WHEREAS, the applicant contends that it is proposed to make the following alterations:

1st story—

Fire retard ceiling of south store and storage space along southerly building wall occurring beneath new exit passageway on the 2nd story along south.

2nd story—

1. Create additional toilet room for females, east of the inner court along the northerly building wall.

2. Create exit passageway from the bottom of east stairway to the entrance hall on Elton avenue, entirely of fire-retarded construction.

3. Provide a fire-retarded enclosure around the existing stairs at southwest, which leads to the storage space on the first story.

3rd story—

1. Create additional toilet room for females, east of inner court along the northerly building wall.

2. Rearrange exit facilities at entrance to westerly stairway.

4th story—

1. Create additional toilet room for females, east of inner court, along the northerly building wall.

and

WHEREAS, the applicant contends that the building on this property was completed in 1925 for an occupant who used the entire building; that it was exceptionally well constructed and today is in good physical condition; that for economic reasons the original occupant no longer uses the entire building and since it has not been possible to rent the building for a sound rental; that while the building is four (4) stories high, facing Third avenue, it is only three stories in height facing Elton avenue and there-

fore the egress to and from the floors used for manufacturing purposes will only be from Elton avenue; that the second story of this building is really the first story on the Elton avenue side. Egress to and from the said story is more than adequate, as will be noted by drawing of said story. Therefore, the question raised by the Department of Buildings really only involves the third and fourth stories. The stairways now in, with the additional exit facilities to be provided, are adequate for the proposed use within the spirit of the law for public safety. Practical difficulties and unnecessary hardship will accrue to the owners to carry out the full provision of the law. Therefore the petitioners respectfully request that the variations be granted; and

WHEREAS, the premises were inspected by a committee of the board, who found that the building was not constructed for factory occupancy and that it should be properly reconstructed to comply with section 270 of the Labor Law.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed* and that the application be and it hereby is *denied.*

592-37-S.

APPLICANT—Edward J. Hurley, for Julia Realty Co., owner.

SUBJECT—Variation of the labor law as cited in a decision of the Board of Health and a decision of the Department of Health.

PREMISES AFFECTED—491 East 172nd street, north side, 54 ft. west of Bathgate avenue (Block No. 2914, Lot No. 43), Borough of The Bronx.

APPEARANCES—

For Applicant: Edward J. Hurley.

For Administration: John L. Goechler, Department of Health.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(592-37-S)

WHEREAS, Edward J. Hurley, for Julia Realty Co., owner, filed December 14, 1937, an application for a variation of the labor law as cited in a decision of the Board of Health and a decision of the Department of Health, affecting premises 491 East 172nd street, north side, 54 ft. west of Bathgate avenue (Block No. 2914, Lot No. 43), Borough of The Bronx; and

WHEREAS, the order of the health commissioner, dated November 1, 1937, reads as follows:

"As no exemption received for this cellar bakery is on file at office of department instructed operator that he would have to appeal to the Board of Standards and Appeals. Suggested landlord be appraised of this matter."

and

WHEREAS, the decision of the Board of Health, dated September 13, 1937, reads as follows:

Application No. 3974—

Philip Beberman, Inc.

At a meeting of the Board of Health of the Department of Health of The City of New York, held September 13, 1937

an application for a Sanitary Certificate for a Cellar Bakery,

491 E. 172nd street, in the Borough of The Bronx, was denied.

and

WHEREAS, the building is 6 stories (65 ft. 6 in.) in height, 60.44 ft. by 77 ft. in area, of non-fireproof construction, erected June 1, 1915, under a new building plan filed May 29, 1915, and occupied as follows: Cellar—bakery, boiler room and storage, 8 persons; 1st floor—4 stores, 2 apartments, 15 persons; 2nd floor to 6th floor—6 apartments, per floor, 30 persons, each floor, for which a certificate of occupancy was issued February 3, 1916, by the Tenement House Department; and

WHEREAS, the appellant contends that the clere height from floor to ceiling of the cellar bakery is 10 ft. 9 in.; that the ceiling of the cellar bakery is located 2 ft. 6 in. above the curb level and the floor of the bakery is 6 in. above the yard; that the cellar bakery was shown on original plan filed with Building Department May 29, 1915 (N.B. App. 322-15) and with Tenement House Department on same date (N.B. App. 149-15) and has been in use since the Tenement House Department granted a certificate of occupancy on February 3, 1916; that the use was covered by a Department of Health permit until April 15, 1937; that the then tenant applied for renewal in the name of a corporation and was served with violation order on November 1, 1937; that the ovens are in the rear yard; that the bakery space is in the rear part of cellar and cut off from front by fire walls and has fireproof ceiling, adequate ventilation is provided; that windows and doors open into yard and two side courts giving ventilation on three sides; and

WHEREAS, applicant has filed copies of the following letters from files of the Tenement House Department, a letter to Department of Health on May 29, 1915, advising that plan for the new building had been approved and that a bakery would be maintained in the cellar; an acknowledgment of this letter from the Department of Health dated June 4, 1915; and a letter to Department of Health on February 3, 1916, advising that a certificate of compliance for premises had been issued and that a bakery would be maintained in the cellar.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* from the requirements of the labor law, and that the application be and it hereby is *granted on condition* that the bakery shall be substantially the same as approved on plans filed with the building department of 1915 under N.B. Applic. No. 332-1915 and as approved by the Tenement House commissioner under N.B. Applic. No. 149-1915.

541-37-S.

APPLICANT—Jack Z. Cohen, for Lilyan Falk, owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the commissioner of buildings.

PREMISES AFFECTED—1099-1105 Flushing avenue and 1-15 Porter avenue, northeast corner and 114-122 Thames street (Block No. 3015, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Larry Meltzer.

For Administration: Inspector Carroll, Department of Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(541-37-S)

WHEREAS, Jack Z. Cohen, for Lilyan Falk, owner, filed on November 16, 1937, an application for a variation of the Labor Law as cited in an order and a decision of the commissioner of buildings, affecting premises 1099-1105 Flushing avenue, 114-122 Thames street, and 1-15 Porter avenue (Block No. 3015, Lot No. 1), Borough of Brooklyn; and

WHEREAS, the Order No. 12977-LD issued by the commissioner of buildings, December 3, 1936, reads as follows:

"1. Arrange iron bars on windows of 1st story on north, south and west sides of building so as to be readily movable or removable from both sides in such a manner as to afford the free and unobstructed use of such windows for the purposes of egress."

and

WHEREAS, the decision of the commissioner of buildings, dated November 8, 1937, reads as follows:

"In reply to your letters of November 5th, 1937, advising that you have been retained by the owners to appeal from requirements of Order Nos. 12977-LD and 12979-LD and that you are unable to do so due to the fact that the Board of Standards and Appeals will not accept an appeal for the reason that the time limit, thirty (30) days, had elapsed, and request dismissal and re-issuance of the above orders.

You are advised that the orders cannot be dismissed or re-issued. Therefore, your requests are denied."

and

WHEREAS, the building in question is 4 stories, 45 ft. in height, 77 ft. 8¼ in. by 119 ft. 4¼ in. in area, of non-fireproof construction, erected in 1920, and occupied as follows: Cellar—boiler room, no persons; 1st floor—paper box manufacturing, 20 persons; 2nd floor—clothing manufacturing, 25 persons; 3rd floor—clothing manufacturing, 50 persons; 4th floor—clothing manufacturing, 25 persons; for which certificate of occupancy No. 6736 was issued September 30, 1920; that the building is equipped with a sprinkler system and an interior fire alarm system; that there are two interior stairs located on the easterly side of the building, and these stairs are of fireproof construction throughout and extend from the street to the roof; that there are 13 windows affected, located on the 1st story, street front, as shown on plans filed November 16, 1937; and

WHEREAS, the applicant contends that barred windows occur only on the 1st floor; that these windows are of wood sash type and the bars were installed several years ago as a precaution against burglary; that the building is located in the outlying district of the borough where burglary is a common occurrence; that since there are only 30 persons employed on the 1st floor, and the entire building has an approved sprinkler and fire alarm system and fire drills are conducted frequently, and, therefore, a variation of the Labor Law so as to permit the barred windows to remain should be granted.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* from the requirements of the Labor Law, and that the application be and it hereby is *granted* as to Order No. 12979-LD of the commissioner of buildings, permitting the continuance of the screens and bars on first floor windows opening upon Flushing avenue, Porter avenue and Thames street, *on condition* that there shall be two window openings on Porter avenue remote from each other and not less than 2 ft. 6 in. in width each, so arranged as to be openable in compliance with the Labor Law during working hours; and that this variation shall continue only so long as the occupancy of the first floor is substantially maintained.

APPLIANCES SUBMITTED FOR APPROVAL

547-37-SA.

APPLICANT—Fairfield Oil Heating Co., Inc., owner.
SUBJECT—Fairfield Model F Jr. Oil Burner, approval of.
APPEARANCES—
For Applicant: Charles A. Merante.
ACTION OF BOARD—Application placed on reserve calendar and referred to the engineer of the board.

567-37-SA.

APPLICANT—James M. Sinclair, owner.
SUBJECT—Instantaneous Hose Reel, approval of.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Application placed on reserve calendar and referred to the engineer of the board.

579-37-SA.

APPLICANT—National Oil Burner Company, owner.
SUBJECT—National Domestic Gun Type Oil Burner, Models EJ-1 and EJ-2, approval of.
APPEARANCES—
For Applicant: J. L. Weeks.
ACTION OF BOARD—Application placed on reserve calendar and referred to the engineer of the board.

618-37-SA.

APPLICANT—National Oil Burner Company, owner.
SUBJECT—National Clark Horizontal Rotary Oil Burner, approval of.
APPEARANCES—
For Applicant: J. L. Weeks.
ACTION OF BOARD—Application placed on reserve calendar and referred to the engineer of the board.

327-31-SA.

APPLICANT—Caloroil Corporation, for Silent Glow Mid-West Company, owner.
SUBJECT—Mid-West Oil Burner, Models 106, 108, 208, 211, 311 and 114—Application for reopening—amendment of resolution.
APPEARANCES—
For Applicant: P. A. Timis.
ACTION OF BOARD—Application reopened and referred to engineer of the board.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

505-37-SA.

APPLICANT—L. S. Knight, for Micro-Westco, Inc., owner.
SUBJECT—Bettendorf "Double Heat" Automatic Oil Burner, Models M. V. and M. W., approval of.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.
THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(505-37-SA)

WHEREAS, L. S. Knight, for the Micro Westco, Inc., owner, filed October 22, 1937, an application with the Board of Standards and Appeals for approval of the device known as the Bettendorf "Double Heat" Automatic Oil Burner, Models M.V. and M.W.; and

WHEREAS, the device was submitted to the engineer of the board and the division of combustibles of the fire department for test and report; and

WHEREAS, the report of the engineer of the board, supplemented by that of the representatives of the division of combustibles of the fire department, was substantially as follows:

The model tested was the model known as M.W. This burner is of the pressure atomizing gun type consisting of the following assembly: A Century 1/6 H.P. Motor; a Sirocco type fan; a Tuthill fuelstat

MINUTES

consisting of pump, strainer and pressure regulating valve; a Monarch nozzle of a capacity from 7/8 of a gallon to 4½ gallons. These burners are designed for use of No. 1, 2 and 3 commercial grades of fuel oil.

Ignition: Electric Jefferson transformer; 110-10,000 volts.

Controls: Minneapolis Honeywell controls consisting of a Protectorelay R-117-3 and a Pressuretrol L-404.

The Model M.V. is identically the same with the above described model, with the exception that the blast tube is underslung and located underneath the fan. In all other respects both models are the same.

With the oil supply shut off and a cold combustion chamber the burner was put into operation and on two successive tests the controls functioned and shut the burner down in 40 and 42 seconds respectively.

The burner was then put into normal operation and during the period of the test there were no flarebacks and all the controls functioned as designed. Examination of the combustion chamber showed no undue carbon deposits. As a result of this inspection and test it is therefore recommended that the Bettendorf "Double Heat" Automatic Oil Burner, Models M.V. and M.W. be approved for domestic and commercial use when installed in accordance with the oil burner rules adopted by the Board of Standards and Appeals, when used with fuel oil not heavier than No. 3, U. S. Dept. of Commerce Standards.

Resolved, that the Board of Standards and Appeals does hereby approve the device known as the Bettendorf "Double Heat" Automatic Oil Burner, Models M.V. and M.W. for use in commercial and domestic installations with fuel oil not heavier than No. 3 U. S. Dept. of Commerce Standards, when installed in accordance with above report and the oil burner rules of the Board of Standards and Appeals; that the device shall bear a label permanently affixed thereto reading, as follows:

NOTICE
APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City
Under Cal. No. 505-37-SA.

Adjourned, 4:45 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, December 14, 1937, as they appeared in Bulletin No. 51, Vol. XXII, are hereby corrected to read as follows:

173-37-BZ.

APPLICANT—William I. Hohauser, for William Hagedorn, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h, to permit in a business use district the maintenance of a parking space for more than five (5) motor vehicles, for a temporary period of two years.

PREMISES AFFECTED—210-214 East 188th street, south side, 87.37 ft. east of Grand Concourse (Block No. 3152, Lot Nos. 78, 79 and 80), Borough of The Bronx.

APPEARANCES—

For Applicant: None.

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* Correction—The word "West" changed to "East" in line 8 of digest.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(173-37-BZ)

WHEREAS, William I. Hohauser, applicant, for William Hagedorn, owner, filed on April 14, 1937, an application with this board, relative to a decision of the commissioner of buildings pertaining to a variation of the building zone resolution affecting premises 210-214 East 188th street, south side, 87.37 ft. east of Grand Concourse (Block No. 3152, Lot Nos. 78, 79 and 80), Borough of The Bronx; and

WHEREAS, the applicant failed to complete his papers, although duly notified to do so.

Resolved, that the application be and it hereby is *dismissed* for lack of prosecution.

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication in this BULLETIN of the calendars of the board, each case being set down by Calendar Number and premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the offices of the board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the board is to dispose of all cases promptly, for the reason that the pendancy of an appeal or application ties the hands of the administrative official in enforcing his order; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday November 23, 1937, as they appeared in Bulletin No. 48, Vol. XXII, are hereby corrected to read as follows:

THE RESOLUTION—

(404-31-BZ)

WHEREAS, the application affecting premises 6413-6423 Fort Hamilton parkway and 947-957 65th street, northeast corner (Block No. 5743, Lot No. 40), Borough of Brooklyn, was granted by the board on January 29, 1932, on certain condition, amended April 15, 1932, May 10, 1932, July 19, 1932, March 19, 1935, May 21, 1935, June 18, 1935 and May 11, 1937 and the owner, through his architect, now requests a further amendment.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted January 29, 1932, as amended by resolutions of April 15, 1932, May 10, 1932, July 19, 1932, March 19, 1935, May 21, 1935, June 18, 1935 and May 11, 1937, so that as amended it will read:

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application for a gasoline service station be and it hereby is *granted on condition* that the outside walls of the present buildings located on the easterly side of property and which buildings extend from 65th street to the northerly lot line shall be faced with light-colored tile or enamel brick in panel design to the top of parapet; that the southerly half of premises on Fort Hamilton parkway for a distance of about 50 ft. shall be developed as an open arcade, one story in height, the office to be located at center rear of this arcade; office building to be faced with light-colored tile or enameled brick in the same manner as for buildings previously mentioned; parapet walls of proposed arcade under this modification to be faced with attractive tile or masonry finish, all columns of arcade to be faced with light-colored enamel brick or tile of the same design and material as the face of office in the arcade; the arcade portion of the gasoline station to terminate not more than 20 ft. easterly from the building line of Fort Hamilton parkway; any pumps erected on the premises shall be set back not less than 10 ft. from the building line; there shall be erected along the building line of Fort Hamilton parkway and 65th street, where not occupied by structures, a concrete curbing not less than 6 in. in height with rounded top and 12 in. in *width,* with *two* openings *therein to* Fort Hamilton parkway *one toward the north 22 ft. in width and one toward the south 30 ft. in width,* and *one* opening on 65th street, 30 *ft in width toward the west; that opposite such openings curb cuts may be constructed of similar widths and in addition there may be a curb cut 18 ft. in width on 65th street opposite entrance to the rear accessory building to the east; that no part of any curb cut along Fort Hamilton parkway shall be nearer than 7 feet to the northerly lot line nor nearer than 10 feet to the corner formed by the intersection of Fort Hamilton parkway and 65th street and no part of any curb cut along 65th street shall be nearer than 12 feet to the corner formed by the intersection of Fort Hamilton parkway and 65th street;* advertising signs as to the nonconforming use shall be confined to the illuminated globes of the gasoline pumps; that there may be also erected within the building line two illuminated signs, the supports for which shall be within the building line, located where indicated on plans filed February 18, 1935, one toward the northerly property line along Fort Hamilton parkway and one on 65th street, *on condition* that these signs shall advertise only the brand of gasoline sold; that the curbs required to be erected on the building line, as heretofore described may be omitted pending the widening of the roadway of Fort Hamilton parkway, this period, however, not to exceed two years *on further condition* that all roof signs shall be eliminated and all signs eliminated other than those herein permitted; that three grease racks or pits may be installed; that in the event that the owner desires to change the use of the five (5) car garage, which was a permitted use in a business district, prior to the adoption of this resolution, to a battery service, that such change may be made without being in conflict with the terms of this resolution provided that no repairing of motor vehicles shall be carried on; that the sign advertising such battery service shall be a neat sign not exceeding 2 ft. 6 in. by 5 ft. attached to the front of the existing garage building; that nothing herein contained shall otherwise modify the resolution adopted by the board on January 29, 1932, as amended by resolution adopted March 19, 1935, except as follows—That in the event the owner desires to reconstruct the accessory building and five-car garage by removing the overhead canopy and office bay and reconstructing the new front wall as indicated on revised plans marked "Received April 12, 1937," so as to also enclose the greasing racks within the accessory building, such construction may be permitted, *on condition* that the plans and design as shown thereon is substantially carried out; that no open greasing pits or lifts shall be installed; that a wall on the northerly interior lot line shall be extended to the building line of Fort Hamilton avenue for a height of not less than four (4) feet; that any additional gasoline pumps installed shall be not nearer than 15 feet to any building line and that in all other respects the resolutions adopted by the board as amended shall be complied with, except that in addition to other requirements no roof signs or signs extending above the parapet of the building shall be permitted; that working drawings shall be submitted to the board and approved by the chairman in behalf thereof before same are filed with the commissioner of buildings; that all permits required shall be obtained and all work completed within one year from May 11, 1937.

*Correction—lines 40 to 54 of resolution reworded to read as printed above.

APPROVED FIRELINE HOSE VALVES

TYPE A—150 LBS. WATER WORKING PRESSURE

May be installed on all 4-inch and 6-inch systems and on uppermost stories on 8-inch systems

Fairbanks Company	81-20-SA
Walworth Company	899-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Croker National Fire Prev. Eng. Co.	304-28-SA
Jenkins Brothers	779-28-SA
W. D. Allen Mfg. Co.	890-28-SA
John Simmons Co.	209-29-SA
Grinnell	651-30-SA
Elkhart	14-31-SA

TYPE B—250 LBS. WATER WORKING PRESSURE

May be installed on all standpipe systems

New York Brass Foundry Co. (Stillbech)	53-21-SA
Walworth Company	900-27-SA
W. D. Allen Mfg. Company	1151-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Jenkins Brothers	780-28-SA
Croker National Fire Prev. Eng. Co.	970-28-SA
Fairbanks Company	268-29-SA
Pratt & Cady	231-30-SA
Elkhart	15-31-SA

ANNUAL REPORT

CITY OF NEW YORK
BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, CHAIRMAN
MUNICIPAL BUILDING
MANHATTAN

January 11, 1938.

Hon. F. H. LaGuardia,
Mayor, City of New York,
City Hall, Manhattan.

DEAR SIR:

This is the twenty-first Annual Report of the Board of Standards and Appeals.

Adoption of the new Charter and the new Building Code have reestablished the position of the Board of Standards and Appeals as the sole agency to test and approve materials, to adopt rules to supplement the building laws and to grant variances. In these respects, the intent of the Lockwood-Ellenbogen bill, which became Chapter 503 of the Laws of 1916, has at last been written into the laws so that there can be no doubt as to the scope of the Board's functions.

Superintendents of Buildings have the exclusive power to approve or disapprove plans, subject only to review by the Board of Standards and Appeals, except that in a specific case a Superintendent of Buildings may accept a substitution of materials where he considers it equally safe and proper. This leeway, where there are practical difficulties, carefully defined in the Charter and the Building Code for the first time, provides a certain elasticity but is designed to prevent illegal variations.

It is to be expected that the work of the Board will be increased in importance and in amount and the staff and quarters will require supplementing to cope with the added work and to ensure prompt action. Aside from the approval of materials and broadened powers as to review of administrative decisions, there has been added the jurisdiction over signs and other uses of land surrounding the World's Fair site.

This year; the number of cases decided has materially increased, partly due to the decisions of the court that the Board of Standards and Appeals was the sole agency having power to act. It is worthy of note that the number of decisions, taken on appeal by certiorari to the courts was proportionately less, indicating that the Board's decisions are in the main accepted as proper and not, as was formerly too often the case, considered as merely a necessary stepping stone in the line of exhausting the remedies, with the expectation of the Board being finally reversed in the courts.

Section 6 of the Zoning Resolution has become better understood due to the court decisions in the Powell and Kaltenbach cases and the decisions by the Board in the Emmons Avenue case and others. The courts also have continued to affirm the law that the remedy to review a decision of the administrative official is by appeal to the Board and not by a mandamus action. The Board acknowledges the fine cooperation received at all times from the Corporation Counsel.

It can now be anticipated that with the needed reorganization of the Building Department, with the clarification of the scope of the Fire Department and particularly with the establishment of the Planning Commission that a more complete understanding and mutual respect will result. The ground work is laid for efficiency and economy.

The statistical report follows:

ANNUAL REPORT

CASES FILED AND PENDING, 1937

Filed 1937	A	BZ	S	SA	SR	M'L	T'L	GR.T'L
JANUARY	17	11	3	8	0	51	90	..
Restored	0	7	0	1	0	0	8	98
FEBRUARY	16	22	5	3	0	58	104	..
Restored	0	8	0	0	0	0	8	112
MARCH	15	31	2	5	0	56	109	..
Restored	1	14	0	3	0	0	18	127
APRIL	18	28	3	8	0	60	117	..
Restored	0	6	0	2	0	0	8	125
MAY	21	22	6	4	0	75	128	..
Restored	2	2	1	6	0	0	11	139
JUNE	43	19	6	8	0	60	136	..
Restored	0	9	0	4	0	0	13	149
JULY	33	17	4	4	0	42	100	..
Restored	2	3	2	1	1	0	9	109
AUGUST	7	10	2	1	0	0	20	..
Restored	0	0	0	0	0	0	0	20
SEPTEMBER	26	36	6	3	0	38	109	..
Restored	0	2	0	3	0	0	5	114
OCTOBER	18	15	5	5	0	37	80	..
Restored	0	4	0	0	0	0	4	84
NOVEMBER	15	26	5	3	0	69	118	..
Restored	0	9	0	3	0	0	12	130
DECEMBER	25	31	4	4	0	41	105	..
Restored	0	7	0	1	0	0	8	113
TOTAL	259	339	54	80	1	587	1,320	1,320
PENDING Dec. 31, 1936...	26	89	9	53	2	0	179	179
GRAND TOTAL ..	285	428	63	133	3	587	1,499	1,499
DISPOSITION 1937								
JANUARY	14	25	3	6	0	51	99	..
FEBRUARY	16	23	8	3	0	58	108	..
MARCH	22	25	4	4	0	56	111	318
APRIL	17	19	3	5	0	60	104	..
MAY	13	18	4	6	0	75	116	..
JUNE	48	25	9	13	0	60	155	375
JULY	30	23	4	16	1	42	116	..
AUGUST	0	0	0	0	0	0	0	..
SEPTEMBER	7	11	1	0	0	38	57	173
OCTOBER	18	22	6	3	0	37	86	..
NOVEMBER	19	28	1	2	0	69	119	..
DECEMBER	22	26	8	5	0	41	102	307
TOTAL	226	245	51	63	1	587	1,173	1,173
PENDING Dec. 31, 1937 ...	59	183	12	70	2	0	326	326

Designations: A—Appeals from Administrative Orders. BZ—Applications under Building Zone Resolution. S—Applications for Variations of Labor Law. SA—Applications for Approval of Appliances. SR—Applications for Adoption of Rules. M'L—Miscellaneous Docket.

ANNUAL REPORT

SUMMARY

DOCKET

Cases pending December 31, 1936	179
Cases filed up to December 31, 1937	629
Restored to Calendar	104

Miscellaneous Applications

Requests to reopen	355
Requests to amend	164
Requests to rescind	1
Requests for extension of time	41
Requests for extension of permit	14
Requests for approval of plans	12
Administrative requests	0
Requests for interpretation	0
Total	1,499
Disposed of	1,173
Cases pending December 31, 1937	326

DISPOSITION OF CASES

Withdrawn	43
Dismissed	14
Denied	115
Granted	10
Granted on condition	390
Appliances approved	58
Appliances dismissed, disapproved or withdrawn	5
Rules approved	1
Rules disapproved, rescinded or withdrawn	0

Miscellaneous Actions

Requests to reopen granted	323
Requests to reopen denied	18
Requests to amend granted	164
Requests to amend denied	0
Requests to rescind granted	1
Requests to rescind denied	0
Requests for extension of time granted	41
Requests for extension of time denied	0
Requests for extension of permit granted	14
Requests for extension of permit denied	0
Plans approved	12
Plans disapproved	0
Administrative requests granted	0
Administrative requests denied or withdrawn	0
Interpretations	0
Requests withdrawn or dismissed	14
Total	1,173

MONEYS RECEIVED

SUBSCRIPTIONS	OCT.	NOV.	DEC.	TOTAL	1st QUAR.	2nd QUAR.	3rd QUAR.	GR. T'L.
To Bulletin	$ 65.00	$ 42.50	$ 63.75	$171.25	$215.00	$252.50	$158.75	$ 797.50
Cash Sales	27.60	23.35	65.25	116.20	111.08	150.08	112.33	489.69
Paid to Chamberlain	$ 92.60	$ 65.85	$129.00	$287.45	$326.08	$402.58	$271.08	$1,287.19

REVIEW FROM 1916

Year	Cases Filed	Restored & M'l Actions	Total to Dispose of	Pending Previous Year	Disposed of as Follows: Withdrawn	Dismissed	Cases Denied	Granted etc.	M'l Actions	Total Cases	Pending Dec. 31st
1916	502	32	534	0	39	64	59	204	32	398	136
1917	2620	35	2655	136	291	154	241	835	35	1559	1232
1918	1734	160	1894	1232	803	666	418	1009	160	3056	70
1919	1005	73	1078	70	105	47	271	594	41	1058	90
1920	793	114	907	90	84	100	233	457	33	907	90
1921	1720	176	1896	90	102	206	337	827	35	1597	389
1922	1575	405	1980	389	171	195	262	1025	281	1934	435
1923	1562	308	1870	435	149	189	193	928	219	1678	627
1924	1540	415	1955	627	173	194	290	1003	324	1984	598
1925	1350	335	1685	598	140	129	203	793	275	1540	743
1926	1147	403	1550	743	193	85	289	864	403	1834	459
1927	1357	575	1932	459	168	137	261	679	477	1722	669
1928	988	467	1455	669	230	107	312	585	384	1618	506
1929	765	508	1273	506	177	62	190	518	440	1387	392
1930	760	523	1283	392	175	38	215	379	451	1258	417
1931	623	645	1268	417	103	44	184	471	539	1341	344
1932	631	641	1272	344	158	22	159	492	524	1355	261
1933	389	648	1037	261	54	34	144	312	542	1086	212
1934	368	584	952	212	47	51	162	248	493	1001	163
1935	365	718	1083	163	40	14	122	305	589	1070	176
1936	393	683	1076	176	59	18	103	330	563	1073	179
1937	629	691	1320	179	43	14	120	409	587	1173	326
Total	22816	9139	31955	8188	3504	2658	4768	13270	7427	31629	8514

EDWARD V. BARTON, *Chief Clerk.*

HARRIS H. MURDOCK, *Chairman.*

APPROVED APPLIANCES

APPROVED RANGE OIL BURNERS AND SPACE HEATERS

Name of Burner	*Calendar No.*
A.B.C. Range Burner Assemblies, Models AS-4, AS-6, AD-6, AS-9 and A-3798 Water Heater Assembly	250-34-SA
Aetna Range Oil Burner	29-35-SA
Aetna Water Heater, Models 6, 7, 9 and 47 W.H.T. and 15 and 16 W.H.T.	148-37-SA
Air-O-Flame Space Heater, Models 108 and 810 (pot type)	190-35-SA
Air-O-Flame Space Heater, Models 71, 91, 1572 and 1582 (sleeve type)	206-35-SA
Air-O-Flame Range Burner	236-34-SA
American Beauty Heater (Pot Types), Models 1P61, 1P62, 1P91 and 1P92	224-36-SA
Ameroil Oil Burner for Stoves and Ranges	592-32-SA
Biltwell Range Oil Burner, Models B-1 and B-2	196-34-SA
Bland Range Oil Burner	234-34-SA
Blue Glow Range Oil Burners, Models Supreme and DeLuxe	308-34-SA
Brigham Range Oil Burner	217-35-SA
Caloroil Range Oil Burner	172-34-SA
Champion Range Oil Burner, Models A and B	291-34-SA
Cole Hot Blast Oil Burning Stove, Model No. 912	207-35-SA
Coleman Oil Burning Circulating and Space Heater, Model 825	308-36-SA
Diamond Range Oil Burner	325-34-SA
Easyway Range Oil Burner, Models D27, DC27, G27 and NG27	157-35-SA
Easyway Space Heater, Models CRL19, CRN17, CSP27 and CSP19	158-35-SA
Easyway Water Heater, Models H.W.1 and H.W.2	159-35-SA
Ellington Range Oil Burner, Square Circulating Heater and Round Circulating Heater	351-34-SA
Ellington Range Oil Water Heater, Models M and J	40-35-SA
Evur-Ready Range Oil Burner, Models Leader, Standard and DeLuxe	311-34-SA
Fairfax Range Burner	302-34-SA
Florence Oil Heater, Models KC-9, GC-6, GC-7, GS-27, CH-9, CH-27, CH-28, CH-29, RH-7 and RH-9	62-33-SA
Florence Oil Space Heater, Models PH-28, PH-8, PC-8, PC-28, PR-10, PR-81 and PR-82	172-35-SA
Florence Range Burners	219-34-SA
Fox Range Oil Burner	200-34-SA
Hi-Heat Range Burner, Models A and DeLux	323-34-SA
Hupp Range Oil Burner, Models S.D. and C.D.	309-34-SA
Ker-Oil Automatic Water Heater	263-35-SA
Kerogas Bowl Type Space Heater, Models 300-300-A, 303-303-A, 310-310-A, 315-315-A and 320-320A	266-35-A
Kerogas Hot Blast Oil Heater, Models 210, 135, 110, 207 and 115	339-34-SA
Kolrid Range Burner	48-34-SA
Kres-Kno Range Oil Burner, Model MD. Sizes KR, KRF, KRF-1 and 1R	355-34-SA
Lochinvar Automatic Oil Burning Water Heater	143-36-SA
Lonergan Automatic Hot Water Heater	179-35-SA
Lonergan Oil Burning Heater, Models F-2, F-3, C-4, R-1 and R-2	263-34-SA
Loyalty Range Burner	302-34-SA
Lynn-Range Burner, Models Junior, Lypre and DeLuxe	238-33-SA
M.W. Bake Oven Range Burner, Model 448 and M.W. Core Oven Range Burner, Model 450	367-34-SA
M.W. Circulating and Radiant Heaters, Models 501, 601, 701 and 801	366-34-SA
M.W. Oil Burning Range, Commercial Models 152 and 251 and Domestic Models 101-G and 126-B	364-34-SA
Majestic Range Oil Burner, Models 27B and 27T	180-35-SA
Majestic Space Heater, Models 247T and 248.	181-35-SA
Majestic Water Heater, Models 255A and 255B	182-35-SA
Matchless Self-Lighting Range Oil Burner	410-37-SA
Moderne Range Oil Burner, Models Regular, Junior and Firenew	357-34-SA
National Range Oil Burner	361-34-SA
Nesco Circulating Heater, Models 041, 41, 042 and 42	264-36-SA
No-Wyck-Koaless Range and Stove Oil Burner	251-34-SA
Norge Space Heater, Models 75, 50, 37 and 37-R	366-34-SA
Octo Range Oil Burner	410-37-SA
Odin Beauty (Space Heater), Models 61, 62, 91 and 92	233-35-SA
Odin Beauty Heater (Pot Types), Models 1P61, 1P62, 1P91 and 1P92	224-36-SA
Putnam Range Oil Burner	54-35-SA
Quaker Burnoil Stove	11-31-SA
Quick Meal Range Burner	304-34-SA
Quick Meal Space Heater, Models 5672-0, 5671-13, 5671-33 and 5671-35	306-34-SA
Quick Meal Water Heater, No. 5681-0	305-34-SA
Ray-Dio Sunshine Range Oil Burner, Models A, Daisy and Water Heater	32-31-SA
Sachem Oil Space Heater, Models GB-811, GB-815, GB-1011, GB-1015 and GB-1315.	56-37-SA
Samco Oil Space Heater, Models 1108 and 1110	73-37-SA
Sears Roebuck Oil Burning Water Heater, Hercules Model No. 2544	303-36-SA
Serv-Well Range Oil Burner, Models 27B and 27T	165-35-SA
Serv-Well Space Heater, Models 247T and 248	166-35-SA
Serv-Well Water Heater, Models 255A and 255B	167-35-SA
Silent Glow Range Oil Burner	172-34-SA
Silent Glow Si-Glo-Lo Oil Space Heater, Models 15, 35, 60 and 80	24-37-SA
Silent Heet Oil Burner for Ranges and Stoves	592-32-SA
Smith-Whaley Range Oil Burner, Models SW-1 and SW-2	196-34-SA
Speedy Hot Oil Space Heater, Models GB-811, GB-815, GB-1011, GB-1015 and GB-1315	56-37-SA
Superfex Oil Burning Heater, Models 1031, 1032, 1035, 1036, 1107, 1108, 1109, 1110, 1117, 1118, 1119 and 1120 and Superfex Heat Projector, Models 1051, 1052, 1053 and 1054	491-31-SA
Tower Range Oil Burner	126-33-SA
Vap-R-Oil Oil Burner for Ranges and Stoves	592-32-SA
Victor Range Oil Burner, Models VJ-275, VJ-195 and VO-275	329-34-SA
Viking Pot Type Space Heater, Models 120, 165 and 170	310-35-SA
Viking Range Oil Burner and Range Oil Burning Heater, Models 20, 30, 60, 65, 70 and 80	333-34-SA
Viking Range Water Heater, Models 222, 232 and 242	65-35-SA
Vitro-Heet Range Oil Burner, Model MD, sizes KR, KRF, KRF-1 and 1-R	355-34-SA

RESERVE CALENDAR

BOARD OF STANDARDS AND APPEALS

Appeals from Administrative Orders.

284-37-A—484-496 Fulton street and 2-30 Bond street, southeast corner (Block No. 159, Lot No. 1), Borough of Brooklyn.

288-37-A—422-438 Fulton street, 14-30 Hoyt street, 171-201 Livingston street and 15-19 Gallatin place (Block No. 156, Lot No. 1), Borough of Brooklyn.

331-37-A—450-458 Fulton street, south side, block bounded by Livingston street, Hoyt street and Elm place (Block No. 157, Lot No. 1), Borough of Brooklyn.

351-37-A—2307 Beverly road and 2410 Bedford avenue, northwest corner (Block No. 5133, Lot No. 14), Borough of Brooklyn.

354-37-A—1-59 Fort Greene place, 126-135 DeKalb avenue and 2-52 South Elliott place (Block No. 2098, Lot Nos. 13-70), Borough of Brooklyn.

358-37-A—166-01 Jamaica avenue, northeast corner of 166th street (Block No. 867, Lot No. 190), Jamaica, Borough of Queens.

386-37-A—4208 Manhattan avenue, west side, 590 ft. 11½ in. north of Neptune avenue (Block No. 7024, Lot No. 89), Borough of Brooklyn.

442-37-A—132-138 4th avenue and 78 East 13th street, southwest corner (Block No. 564, Lot No. 45), Borough of Manhattan.

504-37-A—14 Second avenue, east side, 47 ft. 10 in. south of East 1st street (Block No. 442, Lot No. 6), Borough of Manhattan.

Appliances Submitted for Approval.

1279-25-SA—Teesdale, Automatic Booster Pumps, Models TUX, TUS, KP and R.

697-28-SA—Acme Fire Alarm Signal System.

380-29-SA—Kennedy 2½-inch Hose Outlet Valve, Type "A".

637-29-SA—Merco Oil Burner, Model K-1.

327-31-SA—Caloroil Horizontal Rotary Oil Burner, Models 1, 2, 3, 4, 5 and 6.

491-31-SA—Superfex Oil Burning Heaters and Heat Projectors, Various Models.

237-32-SA—D. B. Smith & Co. Fire Extinguishers, Models Arrow and Oneida.

400-32-SA—Superfex Oil Burner Warm Air Furnace. Models 100, 100-E, 101, 101-E, 200, 200-E, 300 and 300-E.

98-33-SA—Elkhart Siamese Hose Connection for Standpipe and Sprinkler Systems 3 x 3 x 6 in. flush type of straightway and 90° patterns.

164-33-SA—Firemaster Fire Extinguisher.

165-33-SA—Chemical Processes Company Fuel Oil Burner (for Kerrick Kleaner).

237-33-SA—Kelco Oil Burner.

136-34-SA—Korth Oil Burner, Model E.

181-34-SA—Genuine Detroit Safety Float Valve, Models CRC-236-W, CRC-236-E, CRC-236-S and CRC-236-A.

221-34-SA—Metropolitan Curb Fill Box No. 138 for Gasoline.

301-34-SM—"Radbur" Flameproofing Compound.

308-34-SA—Presteel Range Oil Burner.

7-35-SA—Harding Float Switch, Type CC (for Standpipe Alarm System).

11-35-SA—N. Y. B. F. 4", 5" and 6" Standpipe and Automatic Sprinkler Siamese Connection.

29-35-SA—Aetna Range Oil Burner, Model 27-SGD.

39-35-SA—De Bothezat Bifurcator (for Paint Spraying).

43-35-SA—Universal Water Closet Unit, Models Castle No. 5232 and Climax No. 5022.

51-35-SA—General Electric Copper Oxide Rectifier, Model 6RC81Y1, for Fire Alarm Service.

88-35-SA—Kraissl-Trumbull Fuel Oil Wall Pump, No 522, for Domestic Oil Burners.

156-35-SA—Gillespie Elevator Shaft Door Switch.

163-35-SA—United Iron Works Centrifugal Pump for Gasoline and Fuel Oil, Type Single Stage Vertical Pump.

171-35-SA—Florence Cabinet Heater, Models CJ-1, CJ-2, CJ-21 and C-2.

189-35-SA—Air-O-Flame Cabinet Heater, Models 42, 51, 52 and 521.

207-35-SA—Cole Hot Blast Oil Heater, Model 915.

216-35-SA—Vac-O-Vent Fill Box (Pressure and Vacuum Relief).

226-35-SA—Savoil Cabinet Heaters and Cooker, Models 100, 200, 201 and 300.

229-35-SA—Hardinge Gun Type Oil Burner, Model 25.

231-35-SA—Sealtite Fill Pipe Terminal for Gasoline.

238-35-SA—Garfire Gun (Fire Extinguisher).

265-35-SA—French Automatic Oil Burner, Model 5 De Luxe.

266-35-SA—Kerogas Bowl Type Oil Space Heater, Model 325-A.

21-36-SA—Herco Oil Burner, Models F, P15, P35, P50, J5, J10, S20 and S40.

191-36-SM—Carey Rocktex Insulating Wool.

201-36-SA—Quick Heat Pot Type Radiant Heater, Models 316-0, 319-0, 316-1, 319-1, 326-0, 329-0, 326-1 and 329-1.

202-36-SA—Quick Heat Pot Type Circulating Heater, Models 218-1, 218-2, 228-1, 228-2, 238-1 and 238-2.

219-36-SA—Bronx Faultless Oil Burner for Pressing Machine.

242-36-SA—Swirling Heat Oil Burner, Models A-S, A-M, A-L and B.

243-36-SA—Victor Circulating Fuel Oil Heater, Models VCH 27, VCH 19 and VCH 17.

248-36-SA—Dupont Oil Burner.

286-36-SA—Oil Industrial Laboratories, Anti-Syphon Oil Check Valve, Model No. 426.

295-36-SA—Vesta Fuel Oil Meter.

317-36-SA—Dempsey Industrial Oil Burner.

352-36-SA—International Oil Burning Heater, Models 95, 90, 99, 55 and 66.

124-37-SA—Beach Air Brushes (for Paint Spraying Equipment).

156-37-SA—McClintock Automatic Hydraulic Sewer Valve.

159-37-SA—Stempel Pressure Type Fire Extinguisher

168-37-SA—Flex-O-Gas Oil Burner, Model FR.

214-37-SA—Lattner Gravity Oil Burner, Models A, B, C and D.

281-37-SA—Todd Rotary Burner (Pump Type), Models A, B, C, C-1 and D.

282-37-SA—Lux Model 2 Carbon Dioxide (CO^2) Fire Extinguisher.

289-37-SA—Lido Oil Burner, Models D and C.

293-37-SA—Conran System of Standpipes.

385-37-SA—Edwards VACC, Non-Code, Closed Circuit Interior Fire Alarm System.

447-37-SA—Bomar Fill Pipe Terminal for Gasoline and Fuel Oil.

477-37-SA—Automatic Paint Sprayer.

478-37-SA—Eureka Paint Sprayer.

484-37-SA—Stop-Fire Fire Extinguisher, Types MC and C.

503-37-SA—Indiana Oil Burner.

517-37-SA—S. T. Johnson Company BH Oil Burner.

547-37-SA—Fairfield Model F Jr. Oil Burner.

567-37-SA—Instantaneous Hose Reel.

579-37-SA—National Domestic Gun Type Oil Burner, Models EJ-1 and EJ-2.

618-37-SA—National Clark Horizontal Rotary Oil Burner.

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BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

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DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN J. MCELLIGOTT

EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.

TELEPHONE—WORTH 2-0184.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

CONTENTS

This issue of the Bulletin contains, in the order given—

Docket.

Court Decisions.

Order to Show Cause Served on Board.

Rules of Directory.

Call of Clerk's Calendar.

The Hearing Calendar.

Minutes of Regular Meeting, January 11, 1938, at 10 A. M., Affecting Calendar Numbers 178-37-BZ, 555-37-BZ, 301-37-BZ, 626-32-BZ, 285-31-BZ, 314-35-BZ and 221-37-BZ.

Minutes of Regular Meeting, January 11, 1938, at 2 P.M., Affecting Calendar Numbers 42-32-BZ, 575-32-BZ, 657-28-BZ, 1-37-BZ, 217-33-BZ, 275-37-BZ, 617-37-A 623-37-A, 471-37-A, 516-37-A, 465-37-A, 621-37-A, 629-37-A, 3-38-A, 348-34-A, 1221-27-A, 343-37-A, 510-37-S and 400-37-S.

Correction Affecting Calendar Number 502-27-S.

Paint, Varnish and Lacquer Spraying Rules.

Approved Paint, Varnish and Lacquer Spraying Equipment.

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

Call of Clerk's Calendar, Mondays, at 2 p. m.

All hearings are held in Room 1013, Municipal Building Manhattan.

HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

CALL OF CLERK'S CALENDAR

The *Clerk's Calendar* consists of applications under the Building Zone Resolution, and its object is to give interested property owners opportunity to file objections, if any and will be called in Room 1013, *Monday, January* 17, 1938, at 2 o'clock. At this call each case is set for hearing on a definite day.

The next subsequent Call of the Calendar will be on *Monday, January* 24, 1938, at 2 o'clock.

The *Clerk's Calendar* is not to be confused with the calendar of cases that have been definitely set for hearing on fixed days.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

DOCKET

New Cases Filed Up to January 12, 1938

Cal. No. *Department* *Premises Affected*

6-38-S.....D.B.M.....18 West 27th street, south side, 110 ft. 6¼ in. west of Broadway (Block 828, Lot 59), Borough of Manhattan, 34568-L.D.

7-38-A.....F.D.....49-57 Elizabeth street, west side, 175 ft. north of Canal street (Block 204, Lot 22), Borough of Manhattan, 9999-L.C.

8-38-A-WF....D.B.Q.....127 - 28 Northern boulevard, southeast corner of 127th place (Block 1829, Lot 19), Flushing, Borough of Queens, Decision.

9-38-BZ.....D.B.Q.....98-02 to 98-08 Northern boulevard, southeast corner of 98th street (Block 1713, Lot 1), Corona, Borough of Queens, Applic. 4824-37.

10-38-BZ.....D.B.Q.....South side of 37th avenue, 100 ft. east of Main street (Block 4978, Lot 9), Flushing, Borough of Queens, Decision.

11-38-BZ.....D.B.B.....1432 Pitkin avenue, south side, 343 ft. 6 in. east of Eastern parkway and 1261-1263 East New York avenue (Block 1474, Lot 38), Borough of Brooklyn, Applic. 19825-37.

12-38-A-WF...D.B.Q.....39-11 to 39-17 104th street, northwest corner of Roosevelt avenue (Block 809, Lot 69), Corona, Borough of Queens, Applic. 9707-37.

13-38-BZ.....D.B.Bx.....2481-2489 Southern boulevard and 757-765 East 189th street, northwest corner (Block 3116, Lot 37), Borough of The Bronx, Applic. 957-37.

14-38-BZ.....D.B.B.....2347-2357 Ralph avenue and 1314-1326 East 64th street, southeast corner (Block 8363, Lot 21), Borough of Brooklyn, Applic. 21036-37.

Restored to Calendar.

42-32-BZ.....D.B.B.....2263 - 2273 Linden boulevard, northwest corner of Elton street (Block 4336, Lot 21), Borough of Brooklyn, Applic. 15800-31.

575-32-BZ.....D.B.Q.....Southeast corner of Merrick road and 242nd street (Block 3645, Lot 19), Rosedale, Borough of Queens, Plan No. 2797-32.

1-37-BZ.....D.B.Q.....67-02 62nd street, west side, 125 ft. north of 68th avenue (Block 3620, Lot 7), Ridgewood, Borough of Queens, Decision No. 4489-36.

217-33-BZ.....D.B.Q.....110-38 Springfield boulevard and 217-20 110th road, southwest corner (Block 2038, Lot 28), Queens Village, Borough of Queens, Applic. 105-36.

CODE

D.B.....Department of Buildings
H.D.....Health Department
D.B.B.. .....Department of Buildings, Brooklyn
D.B.M.....Department of Buildings, Manhattan
D.B.Q.....Department of Buildings, Queens
D.B.R.....Department of Buildings, Richmond
D.B.Bx.....Department of Buildings, Bronx
T.H.D.....Tenement House Department
F.D.....Fire Department

DESIGNATIONS: **H.B.**—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

COURT DECISIONS

Flynn vs. Murdock—On February 9, 1937, Board upheld and affirmed decision of Commissioner of Buildings that sections 29 of the Multiple Dwelling Law did not apply to building converted from business use to dormitory purposes, and denied appeal of adjoining owner for revocation of permit; Cal. No. 382-36-A, Premises 17 Bowery, Borough of Manhattan. Justice Valente sustained Board (N.Y.L.J. July 28, 1937), holding that:

"Whatever may be the rule as to other types of Class B multiple dwellings, section 29, so far as it refers to 'apartments' does not apply to the type of lodging or rooming house, because apartments in that type are non-existent."

Mr. Justice Valente (N.Y.L.J. Jan. 3, 1938) stated:

"In re Flynn (Murdock)—For the reasons indicated in disposing of a companion motion decided simultaneously herewith," In re Campbell (Murdock) "the motion for reargument is granted and the motion to dismiss the order of certiorari and for other relief is denied. Settle order."

* * *

Campbell Jr. vs. Murdock—On February 9, 1937, Board upheld and affirmed decision of Commissioner of Buildings that section 29 of the Multiple Dwelling Law did not apply to loft building converted to a lodging house, and denied appeal of adjoining owner for revocation of permit; Cal. No. 22-37-A, Premises 110 Bowery, Borough of Manhattan. Justice Valente sustained Board (N.Y.L.J. July 28, 1937), referring to memorandum in Flynn vs. Murdock, decided same date, and holding:

"Whatever may be the rule as to other types of Class B multiple dwellings, section 29, so far as it refers to 'apartments' does not apply to the type of lodging or rooming house, because apartments in that type are non-existent."

Mr. Justice Valente (N.Y.L.J. Jan. 3, 1938) stated:

"In re Campbell (Murdock)—On reconsideration, the Court has arrived at the conclusion that the provisions of section 8 of the Multiple Dwelling Law throw no light one way or the other upon the proper interpretation of section 29 of the same statute. The court previously declared that the respondents' construction of section 29 would require a disregard of the plain language of the statute, it if were not for the provisions of section 8. This view the court still entertains, except that section 8 is now to be disregarded. Accordingly the motion is granted and the motion to dismiss the order of certiorari and for other relief denied. Settle order."

CALENDAR

Pruzan v. Murdock—On June 2, 1937, Board granted extension of a proposed business building from a business into a residence use district, under section 7-c, Cal. No. 206-37-BZ, at premises 125-135 East 87th street, northwest corner Lexington avenue, Borough of Manhattan. Mr. Justice McCook affirmed the Board's decision (N.Y.L.J. Jan. 7, 1938).

* * *

Matter of Brevoort Savings Bank of Brooklyn (Murdock)—On October 19, 1937, Board denied an appeal for a gasoline station in a business district, under section 21, Cal. No. 246-37-BZ, at 2395-2405 Atlantic avenue, Borough of Brooklyn, on the ground that premises were in the same portion of a street between interscecting streets as a public school, and further because practical difficulties and unnecessary hardship had not been proven. Mr. Justice MacCrate dismissed the certiorari (N.Y.L.J. January 11, 1938).

* * *

In re Stelling Realty Corpn. &c. (Murdock et al)—On May 18, 1937, Board granted permission for parking of automobiles in business district, for two years under section 7-h, Cal. No. 207-33-BZ, at premises 3090-3102 Webster avenue and 401-409 East 203rd street southeast corner, Borough of The Bronx. Mr. Justice Hofstadter sustained Board (N.Y.L.J. January 12, 1938) stating in part "It may not be disputed that the governing statute empowers the Board to grant a variation subject to such conditions and safeguards as it deems proper. *** It is clear that section 7-h vests in the Board a wide discretion, which the Court may not interfere with in the absence of a compelling showing of abuse and unreasonableness."

ORDER TO SHOW CAUSE SERVED ON BOARD OF STANDARDS AND APPEALS

On January 11, 1938, Alexander Sussman, attorney, served on Board petition and order to show cause for Gilroy Building Corporation, owner, in re decision of December 7, 1937, denying gasoline station and motor vehicle repair shop in business district, under section 21, Cal. No. 277-37-BZ, at 183-18 Liberty Avenue S.E. cor. of Dunkirk Street, Hollis, Borough of Queens.

RULES

	Last Publication in Bulletin
Carbon Dioxide Liquefier Rules	Dec. 7, 1937—Vol. 22, No. 49
Certificate of Occupancy, approved forms	Aug. 2, 1932—Vol. 17, No. 31
Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
Concrete Rules (Hydrated Lime)	Aug. 3, 1937—Vol. 22, No. 31
Elevator rules	Mar 3, 1936—Vol 21, No 9
Exit Rules (Revolving Doors)	June 15, 1937—Vol. 22, No. 24
Factory Exit Rules	Nov. 9, 1937—Vol. 22, No. 45
Fire Alarm Rules (Interior)	Dec. 28, 1937—Vol. 22, No. 52
Fire Drill Rules	Sept. 7, 1937—Vol. 22, No. 36
Fire Retarding Rules for Garages, etc.	Jan. 4, 1938—Vol. 23, No. 1
Fireproof Wood, Testing of	Apr. 13, 1937—Vol. 22, No. 15
Frame Garages, Ruling for	Jan. 21, 1919—Vol. 4, No. 3
Gas Shut-Off Rules	Apr. 7, 1925—Vol. 10, No. 14
Hatchway Protection	June 5, 1928—Vol. 13, No. 23
Oil Burner Rules	Jan. 4, 1938—Vol. 23, No. 1
Paint, Varnish and Lacquer Spraying Rules	Jan. 18, 1938—Vol. 23, No. 3
Platform Trucks, Specifications for	Nov. 24, 1936—Vol. 21, No. 47
Plumbing Rules	Aug. 3, 1937—Vol. 22, No. 31
Procedure, Rules of	Sept. 7, 1937—Vol. 22, No. 36
Refrigerating Systems, Extract C.O.	Nov. 23, 1937—Vol. 22, No. 47
Smoking in Factories, Rules for	Jan. 4, 1938—Vol. 23, No. 1
Sprinkler Rules	June 29, 1937—Vol. 22, No. 26
Standpipe Fireline Rules	June 8, 1937—Vol. 22, No. 23
Structural Alterations, Reporting	June 7, 1932—Vol. 17, No. 23
Tank Trucks, Fuel Oil, etc.	Nov. 24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc.	Nov. 24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr. 10, 1923—Vol. 8, No. 15

LIST OF APPROVED APPLIANCES

Anti-Siphon Valves	Mar. 5, 1935—Vol. 20, No. 10
Fireline Hose Valves	Jan. 11, 1938—Vol. 23, No. 2
Fuel Oil Burners for Domestic and Commercial Use	Jan. 4, 1938—Vol. 23, No. 1
Fuel Oil Fill Pipe Terminals	May 26, 1936—Vol. 21, No. 21
Fuel Oil Burners for Industrial Use	Jan. 4, 1938—Vol. 23, No. 1
Fuel Oil Pumps	Jan. 4, 1938—Vol. 23, No. 1
Paint, Varnish and Lacquer Spraying Equipment	Jan. 18, 1938—Vol. 23, No. 3
Range Oil Burners and Space Heaters	Jan. 11, 1938—Vol. 23, No. 2

CALL OF THE CLERK'S CALENDAR
MONDAY, JANUARY 17, 1938, AT 2 P. M.

Building Zone Cases.

106-37-BZ.

APPLICANT—Arthur W. Renander, for Abraham D. Van Siclen, owner.

PREMISES—89-17 to 89-19 165th street, east side, and 89-18 to 89-20 166th street, west side, 150 ft. south of 89th avenue (Shelton avenue); (Block No. 866, Lot No. 83), Jamaica, Borough of Queens.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles.

467-37-BZ.

APPLICANT—H. L. Brandt, for Owen Realty Company, owner.

PREMISES—5060-5076 Broadway and 501-507 West 215th street, northeast corner, 500 west 216th street and 4036-4050 Tenth avenue (Block No. 2232, Lot No. 18), Borough of Manhattan.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the conversion of the occupancy of the first story of an existing building (now occupied in the cellar as a garage) to a motor vehicle repair shop.

324-37-BZ.

APPLICANT—Joseph M. Lonergan, for Mathilda Litchman and Bruno Bernabo, owners.

PREMISES—4727-4729 Third avenue, west side, and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

431-37-BZ.

APPLICANT—James J. Millman, for T. H. Fraser Mortgage Company, owner.

PREMISES—5813-5823 20th avenue and 2001-2011 59th street, northeast corner (Block No. 5507, Lot No. 1), Borough of Brooklyn.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the conversion of occupancy of an existing wet wash laundry to a garage for more than five (5) motor vehicles and gasoline service station.

54-37-BZ.

APPLICANT—92-32 Union Hall Street, Inc., owner.

PREMISES—160-13 to 160-21 Archer avenue, north side, 110 ft. west of Union Hall street (Block No. 1051, Lot No. 150), Jamaica, Borough of Queens.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles.

450-37-BZ.

APPLICANT—Samuel Rosenblum, for Pasquale Fiero, owner.

PREMISES—1040-1050 East New York avenue, southeast corner of 94th street (Block No. 4597, Lot Nos. 1, 2 and 4), Borough of Brooklyn,

CALENDAR

APPLICATION, under sections 7c and 21 of the building zone resolution,

TO PERMIT, partly in a business use district and partly in a residence use district, the extension of an existing gasoline service station and also the erection and maintenance of an accessory building to be used as office, lubritorium, auto laundry and motor vehicle repair shop.

JANUARY 18, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, January* 18, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 595-30-BZ—Application of Michael J. Bartholomew, applicant, on behalf of Diamond Evangelist, owner, reopened December 21, 1937 for consideration as to extension of time to complete work—time having expired by limitation—re Application, granted on condition, under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station; premises 2478-2488 Coney Island avenue, northwest corner of Avenue V (Block No. 7136, part of Lot Nos. 35 and 39), Borough of Brooklyn.

CAL. NO. 322-37-BZ—Application, June 29, 1937, under section 7h of the building zone resolution, of Edward Martinek, applicant and lessee, on behalf of Peter Doegler, Inc., owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 509-511 East 76th street, north side, 173 ft. east of York avenue (Block No. 1488, Lot Nos. 8 and 9), Borough of Manhattan.

CAL. NO. 207-37-BZ—Application, May 6, 1937, under sections 7g and 21 of the building zone resolution, of Larsen Baking Company, Inc., applicant and owner, to permit in a business use district the conversion of occupancy of an existing building to a garage for more than five (5) motor vehicles; premises 1490 Clove road, southwest corner of Tioga street (Block No. 661, Lot No. 7), West New Brighton, Borough of Richmond.

CAL. NO. 415-37-BZ—Application, August 23, 1937, under section 21 of the building zone resolution, of Wallace Gordon, applicant and lessee, on behalf of Beaver Film Corporation, owner, to permit in a business use district the conversion of occupancy of an existing building to paper stock and baling or a junk business; premises 215 Liberty avenue, northwest corner of Magnolia avenue (Block No. 3343, Lot Nos. 56 and 59), Dongan Hills, Borough of Richmond.

CAL. NO. 458-37-BZ—Application, September 24, 1937, under sections 7c and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of East Brooklyn Savings Bank, owner, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a building to be used as a garage for more than five (5) motor vehicles and a motor vehicle repair shop and also the establishment of a gasoline service station; premises 374-386 Willoughby avenue and 903-907 Bedford avenue, southeast corner (Block No. 1762, Lot Nos. 32 and 36), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

JANUARY 18, 1938, 2 P. M.

Appeals from Administrative Orders

486-37-A—69 St. Marks place, north side, 175 ft. northwest of First avenue (Block No. 450, Lot No. 40), Borough of Manhattan.

439-37-A—150-18 Jamaica avenue, southwest corner of 151st street (Block No. 1044, Lot No. 6), Jamaica, Borough of Queens.

606-37-A—25-29 William street and 40 Exchange place, southwest corner (Block No. 25, Lot No. 27), Borough of Manhattan.

590-37-A-WF—South side of Northern boulevard, 100 ft. east of Willets Point boulevard (Block No. 838, Lot No. 221), Corona, Borough of Queens.

617-37-A—815-829 Eighth avenue, west side, between West 49th street and West 50th street, 307 West 49th street and 304 West 50th street (Block No. 1040, Lot No. 29), Borough of Manhattan.

596-37-A—47-24 27th street, west side, 100 ft. south of 47th avenue (Block No. 97, Lot No. 3), Long Island City, Borough of Queens.

622-37-A—2042-2044 Ocean avenue, west side, 470 ft. south of Avenue O (Block No. 6766, Lot No. 36 and part of Lot No. 38), Borough of Brooklyn.

2-38-A—1551-1553 Broadway, northwest corner of West 46th street (Block No. 1018, Lot Nos. 26 and 126), Borough of Manhattan.

Variations of Labor Law

512-37-S—44-46 Crown street, south side, 175 ft. west of Franklin avenue and 916 Franklin avenue (Block No. 1190, Lot No. 30), Borough of Brooklyn.

5-38-S—124-128 Stuyvesant avenue and 331-337 Van Buren street, northwest corner (Block No. 1610, Lot No. 49), Borough of Brooklyn.

6-38-S—18 West 27th street, south side, 110 ft. 6¼ in. west of Broadway (Block No. 828, Lot No. 59), Borough of Manhattan.

JANUARY 21, 1938, 10 A. M.

SPECIAL MEETING.

Appeal from Administrative Order.

553-37-A—1815-1825 Ocean avenue, east side, 280 ft. south

CALENDAR

of Avenue M (Block No. 7656, Lot No. 55 and part of Lot Nos. 5 4and 58), Borough of Brooklyn.

CALL OF CLERK'S CALENDAR

MONDAY, JANUARY 24, 1938, AT 2 P. M.

Building Zone Cases

166-37-BZ.

APPLICANT—Mary B. Roberts (lessee), for Lawida Corporation, owner.

PREMISES—4485-4519 Broadway, northwest corner of West 192nd street (Block No. 2180, Lot Nos. 633, 635 and part of Lot No. 646), Borough of Manhattan.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the use of a plot of ground for the parking and storage of more than five (5) motor vehicles and also for used car sales.

366-37-BZ.

APPLICANT—F. Oscar Larson, for Queensboro Investing Company and Jackson Avenue Corporation, owners.

PREMISES—37-05 75th street, 37-04 76th street and 75-10 37th avenue, south side, between 75th street and 76th street (Block No. 465, Lot Nos. 30, 31, 35, 38, 40 and 42), Jackson Heights, Borough of Queens.

APPLICATION, under sections 7h and 21 of the building zone resolution,

TO PERMIT partly in a business use district and partly in a residence use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

429-37-BZ.

APPLICANT—Samuels and Samuels, for Morris Roth, owner.

PREMISES—47-11 108th street and 109-09 48th avenue. northeast corner (Block No. 2003, Lot No. 84), Corona, Borough of Queens.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station.

314-36-BZ.

APPLICANT—Maragaret Farrell (lessee), for Estate of Margaret Rowan, owner.

PREMISES—619-623 East 163rd street, north side, 60 ft. west of Cauldwell avenue and 606-608 Teasdale place (Block No. 2621, Lot Nos. 29, 30, 31, 18 and 20), Borough of The Bronx.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles.

430-37-BZ.

APPLICANT—Goelet Realty Company (lessee), for Robert Walton Goelet, owner.

PREMISES—384-390 Park avenue and 51-67 East 53rd street, northwest corner (Block No. 1289, Lot No. 36), Borough of Manhattan.

APPLICATION, under sections 7b, 7c and 21 of the building zone resolution,

TO PERMIT partly in a retail use district and partly in a restricted retail use district the erection and maintenance of a motion picture theatre.

JANUARY 25, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, January* 25, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 226-37-BZ—Application, May 18, 1937, under section 21 of the building zone resolution, of Samuel Falk, applicant, on behalf of Hada Realty Company, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 3051-3067 Otis avenue, 1050-1066 Hollywood avenue and 3050-3068 Layton avenue, south side, from Otis avenue to Hollywood avenue (Block No. 5422, Lot No. 65), Borough of The Bronx.

CAL. NO. 99-36-BZ—Application of Lama and Proskauer, applicants, on behalf of Peter Dinnella, owner, reopened and restored to calendar October 13, 1937, under section 21 of the building zone resolution, to permit in a residence use district and partly in an "F" area and partly in a "C" area district the erection and maintenance of a multiple dwelling not conforming with the building zone requirements as to yards and also area of the plot occupied (previously withdrawn); premises 84-14 Forest parkway, west side, 91.60 ft. south of Park lane south (Block No. 12, Lot Nos. 288, 325 and 327), Forest Hills, Borough of Queens.

CAL. NO. 372-37-BZ—Application, July 20, 1937, under section 21 of the building zone resolution, of Albert C. Fach, applicant, on behalf of Staten Island Savings Bank, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 203-207 Jersey street, northeast corner of Crescent avenue (Block No. 50, Lot No. 1), New Brighton, Borough of Richmond.

CAL. NO. 419-37-BZ—Application, August 27, 1937, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Eva Rosenbush, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 110-02 to 110-18 Astoria boulevard and 32-03 110th street, southeast corner (Block No. 1704, Lot No. 172), Corona, Borough of Queens.

CAL. NO. 345-36-BZ—Application, November 12, 1936, under section 21 of the building zone resolution, of Hahn and Coller, applicants, on behalf of John Seinfeld,

CALENDAR

owner, to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use (stores); premises 2095 Grand Concourse, west side, 93.63 ft. north of East 180th street (Block No. 3161, Lot No. 26), Borough of The Bronx.

CAL. NO. 341-37-BZ—Application, July 2, 1937, under section 21 of the building zone resolution, of Fred B. McDuffee, Engineer, Department of Sanitation, applicant, on behalf of Department of Sanitation, City of New York, owner, to permit in a residence use district the erection and maintenance of a garage for more than five (5) motor vehicles in conjunction with a Section Station for use by the Department of Sanitation; premises 5520-5606 19th avenue, west side, 155 ft. 7⅜ in. south of 55th street (Block No. 5494, part of Lot No. 8), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman*

JANUARY 25, 1938, 2 P. M.

Appeal from Administrative Order

548-37-A—499-505 Court street, 185-197 West 9th street and 182-202 Huntington street (Block No. 476, Lot No. 6), Borough of Brooklyn.

Variation of Labor Law.

510-37-S—150-152 Maiden lane, southwest corner of Front street (Block No. 37, Lot No. 33), Borough of Manhattan

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CALL OF CLERK'S CALENDAR

MONDAY, JANUARY 31, 1938, AT 2 P. M.

Building Zone Cases.

119-37-BZ.

APPLICANT—Arthur W. Renander, for William J. Jung and Florence V. Jung, owners of Lot Nos. 30 and 32 and Frederick W. Erdtmann, receiver for Nathaniel C. Hendrickson, et al, owners of Lot No. 61.

PREMISES—89-17 to 89-27 162nd street, east side, 190.70 ft. south of 89th (Shelton) avenue and 89-26 to 89-30 163rd street, west side, 242.27 ft. south of 89th (Shelton) avenue (Block No. 836, Lot Nos. 30, 32 and 61), Jamaica, Borough of Queens.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles.

493-37-BZ.

APPLICANT—Nugent and Nugent, for Maude B. Mowry, owner.

PREMISES—71-20 to 71-32 Roosevelt avenue and 40-02 to 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

1218-22-BZ.

APPLICANT—Horace V. Shick, for General Cigar Co., Inc., owner.

PREMISES—36-40 Stone avenue and 305-313 MacDougal street, northwest corner (Block No. 1528, Lot No. 44), Borough of Brooklyn.

APPLICATION, under sections 7e and 21 of the building zone resolution (reopened under new proposal July 7, 1937),

TO PERMIT in a business use district the conversion of occupancy of a private garage for fifteen (15) motor vehicles-owners only-(previously granted by this Board) to a public garage for more than five (5) motor vehicles and motor vehicle repair shop on a street between two (2) intersecting streets in which portion there exists an entrance to a public school.

383-37-BZ.

APPLICANT—Lama and Proskauer, for Estate of A. J. Sweeney, owner.

PREMISES—2178-2188 Clarendon road, south side, 100 ft. east of Flatbush avenue (Block No. 5187, Lot Nos. 14, 16 and 114), Borough of Brooklyn.

APPLICATION, under sections 7c and 21 of the building zone resolution,

TO PERMIT in a business use district the alteration and extension of an existing garage for more than five (5) motor vehicles; the inclusion of a gasoline station in part of the existing garage and its extension across the entire Clarendon road front of the lot.

339-37-BZ.

APPLICANT—Lawrence M. Rothman, for Patsy Perro, owner.

PREMISES—635-637 Morris Park avenue, west side, 35.9 ft. south of Unionport road (Block No. 4011, Lot No. 23), Borough of The Bronx.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the conversion of occupancy of a building occupied as garage for five (5) motor vehicles, stores, club rooms and offices so as to use the garage portion as a garage for more than five (5) motor vehicles and motor vehicle repair shop.

FEBRUARY 1, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, February* 1, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 89-37-BZ—Application, March 6, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Sam Kupferman, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 2209 Mott avenue and 1147 Regina boulevard, southwest corner (Block No. 218, Lot No. 45), Far Rockaway, Borough of Queens.

CAL. NO. 134-37-BZ—Application, March 19, 1937, under section 7h of the building zone resolution, of Isidore Herman, applicant

CALENDAR

and lessee, on behalf of Annie Chutick, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 1043-1053 Winthrop street, northeast corner of East 93rd street (Block No. 4612, Lot No. 43), Borough of Brooklyn.

CAL. NO. 164-37-BZ—Application, April 8, 1937, under section 7h of the building zone resolution, of Charles Hoffman, applicant and lessee, on behalf of Bessie Greenwald, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 9716-9718 Church avenue, south side, 72 ft. 6½ in. west of East 98th street (Block No. 4718, Lot Nos. 41 and 42), Borough of Brooklyn.

CAL. NO. 444-37-BZ—Application, July 15, 1937, under section 21 of the building zone resolution, of T. R. Galloway, applicant and structural engineer for New York and Queens Electric Light and Power Company, owner, to permit in a business use district the parking and storage of more than five (5) motor vehicles; premises 136-20 to 136-26 39th avenue (Locust avenue), south side, 184.934 ft. east of Main street and 136-19 to 136-25 Roosevelt avenue, north side, 175 ft. east of Main street (Block No. 4980, Lot No. 11), Flushing, Borough of Queens.

CAL. NO. 483-37-BZ—Application, October 13, 1937, under sections 7e and 21 of the building zone resolution, of Thomas W. Lamb, Inc., applicant, on behalf of 167 West 53rd Street Corporation, owner, to permit on a plot located partly in a retail use district and partly in a business use district the erection of a building to be occupied as stores and open parking, the roof of this building and the remaining vacant portion of this plot to be occupied for parking and storage of more than five (5) motor vehicles; premises 821-825 Seventh avenue, 159-167 West 53rd street, northeast corner and 158 West 54th street (Block No. 1006, Lot Nos. 1, 2, 3, 4, 5 and 59½), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 1, 1938, 2 P. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, February* 1, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 120-33-BZ—Application of Eadie, Nunley and Eadie, applicants, on behalf of Harry Hugger, owner, reopened and restored to the calendar May 4, 1937, under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a motor vehicle repair shop, and, also, a gasoline service station (previously dismissed for lack of prosecution); premises 2030 Hylan boulevard, southwest corner of Hamden avenue (Block No. 3688, Lot No. 9), Grant City, Borough of Richmond.

CAL. NO. 42-32-BZ—Application of Samuel L. Schwartz, owner, reopened January 11, 1938 for consideration as to extension of permit —re Application, granted on condition, under section 7f of the building zone resolution, permitting in a residence use district the erection and maintenance of a gasoline service station for a temporary period; premises 2263-2273 Linden boulevard, northwest corner of Elton street (Block No. 4336, Lot No. 21), Borough of Brooklyn.

CAL. NO. 575-32-BZ—Application of Wood and Marshall, applicants, on behalf of Suburban Maintenance Service Corporation, owner, reopened January 11, 1938 for consideration as to extension of permit —re Application, granted on condition, under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station for a temporary period; premises southeast corner of Merrick road and 242nd street (Block No. 3645, Lot No. 19), Rosedale, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 8, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, February* 8, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 263-37-BZ—Application, June 4, 1937, under section 21 of the building zone resolution, of Bertram J. Barrett, applicant, on behalf of Estate of A. & W. H. Jackson, owner, to permit in a residence use district the parking and storage of more than five (5) motor vehicles; premises 28-11 41st street, east side, 100 ft. south of 28th avenue (Block No. 664, Lot Nos. 15 and 16), Astoria, Borough of Queens.

CAL. NO. 279-37-BZ—Application, June 10, 1937, under section 7h of the building zone resolution, of Bertram J. Barrett, applicant, on behalf of Estate of A. & W. H. Jackson, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5)

CALENDAR

motor vehicles; premises 41-10 28th avenue, south side, 75 ft. east of 41st street (Block No. 664, Lot No. 20), Astoria, Borough of Queens.

CAL. NO. 473-37-BZ—Application, September 30, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Carrie Eidel and Estate of James S. Rourke, owners, to permit in a business use district the erection and maintenance of a building to be used as a garage for more than five (5) motor vehicles and motor vehicle repair shop and also the establishment of a gasoline service station; premises 230-234 Norman avenue and 229-237 North Henry street, southwest corner (Block No. 2655, Lot Nos. 6 and 8), Borough of Brooklyn.

CAL. NO. 337-37-BZ—Application, July 1, 1937, under sections 7a and 21 of the building zone resolution, of Thomas W. Golding, applicant, on behalf of Intrastate Theatres orporation, owner, to permit in a residence use district the extension in area of a building used as offices and film storage; premises 309-329 West 44th street, north side, 125 ft. west of Eighth avenue and 322-324 West 45th street (Block No. 1035, Lot Nos. 25, 26, 27, 17, 20 and 22), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 8, 1938, 2 P. M.

Appeal from Administrative Order.

623-37-A—906-910 Dean street, south side, 250 ft. west of Classon avenue (Block No. 1141, Lot Nos. 33 and 34), Borough of Brooklyn.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, JANUARY 11, 1938

Present: Chairman Murdock, Commissioners Savage and Blum.

The minutes of the Regular meeting of the board held on Tuesday morning, January 4, 1938, and the minutes of the Regular meeting of the board held on Tuesday afternoon, January 4, 1938, were approved as printed in Bulletin No. 2, Vol. XXIII.

BUILDING ZONE CASES

178-37-BZ.

APPLICANT—Morton Wollman (lessee), for Edbro Realty Co., Inc., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED — 979-989 Clarkson avenue, northeast corner of Remsen avenue (Block No. 4626, part of Lot No. 37), Borough of Brooklyn.

APPEARANCES—

For Applicant: Robert Port.

For Oppposition: Gilbert P. Ingles, Jerome N. Wanshel, Isaac Siegmeister, Alfred P. Hamel, Emanual Zarr and P. K. Wiggins.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum	3
Absent: Assistant Chief Walsh	1

THE RESOLUTION—

(178-37-BZ)

WHEREAS, Morton Wollman, applicant and lessee, for Edbro Realty Co., Inc., owner, filed April 21, 1937, an application under the building zone resolution to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; Premises: 979-989 Clarkson avenue, northeast corner of Remsen avenue (Block No. 4626, part of Lot No. 37), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, January 11, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Clarkson avenue and Remsen avenues are both in a business use district; East 91st street is in a residence and business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered November 23, 1937, re App. No. 3984-1937, reads:

"Proposed parking and storage of more than five motor vehicles in a business use district is contrary to Art. II of Sec. 4a of the zone resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 150 ft. on Remsen avenue and 100 ft. on Clarkson avenue; it is proposed to use the plot for parking and storage of more than five motor vehicles for a temporary period of not more than two years; and

WHEREAS, the board deemed that it should not exercise its discretion to grant under section 7h of the building zone resolution.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed* and that the application be and it hereby is *denied.*

555-37-BZ.

APPLICANT—Lama and Proskauer, for Monahan Express co. Realty Dept., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district and extending into an unrestricted use district the maintenance of a building for car washing, lubritorium and office, etc., as an accessory use to an existing gasoline service station.

PREMISES AFFECTED — 1415-1423 Emmons avenue, northwest corner of East 15th street (Block No. 7488, Lot No. 44), Borough of Brooklyn.

MINUTES

APPEARANCES—
For Applicant: Benjamin Mintz, Alfred Lama, Abram Schlefstein and Harry Sockovit.
For Opposition: Louis S. Ferst.
ACTION OF BOARD—Application granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum 3
Negative 0
Absent: Assistant Chief Walsh 1

THE RESOLUTION—

(555-37-BZ)

WHEREAS, Lama and Proskauer, for Monahan Express Co. Realty Dept., owner, filed November 24, 1937, an application under the building zone resolution to permit in a business use district and extending into an unrestricted use district the maintenance of a building for car washing, lubritorium and office, etc., as an accessory use to an existing gasoline service station; Premises: 1415-1423 Emmons avenue, northwest corner of East 15th street (Block No. 7488, Lot No. 44), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, January 11, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Emmons avenue is in business and residence use districts; East 15th street is in unrestricted and business use districts; East 14th street is in a business use district and Shore boulevard is in business and residence use districts; and

WHEREAS, the decision of the commissioner of buildings rendered November 18, 1937, in acting on App. No. 19003-1937, reads:

"Proposed new building to be used as auto wash room, lubritorium storage and office in conjunction with present gasoline service station is contrary to Art. II, Sec. 4a, of the building zone resolution.

This building was erected under permit No. 4151/37 and C. O. 82966 was issued therefor. This C. O. was revoked by the Board of Standards and Appeals under Cal. No. 412-37-A."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 80 ft. 0½ in. on Emmons avenue and 105 ft. 10 in. on East 15th street, upon which is located a one-story building approximately 52 ft. by 26 ft. in area; occupied for car washing, lubritorium, office, etc., as an accessory building to the existing gasoline service station covering the remainder of the premises; a certificate of occupancy dated June 25, 1937, was issued for this building; this building replaced a corrugated iron accessory building. The certificate of occupancy for the existing accessory building was revoked by an action of the board under Cal. 412-37-A. A small area at the northeast corner of the plot is in the unrestricted district—the remainder is in the business use district; and

WHEREAS, the board deemed, that in view of the determination of the board under calendar No. 412-37-A, that the applicant was entitled under section 21 to a zoning variance to permit the rearrangement of the premises and to construct a new accessory building.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 21, covering a plot with a frontage of 80 ft. ½ in. along Emmons avenue and a depth along East 15th street of 69 ft. 10 in., and permitting the construction and use of the accessory building, as indicated on plans filed with this appeal, *on condition* that this building shall be constructed of fireproof materials, except that the window frames and sash, door frames and door may be of wood, except that all windows in the north wall shall be fireproof, glazed with wired glass, provided the roof weather surfacing is of non-inflammable material; that the ceilings throughout shall be fire-retarded in accordance with the rules of the Board of Standards and Appeals; that there shall be erected in line with the rear wall of the accessory building and where walls of accessory building do not occur, brick walls not less than 5 ft. in height continuously from East 15th street to the interior lot line of the adjoining property to the west, except that this wall may be erected to a height of 4 ft. for the first 10 ft. from East 15th street; that where not occupied by accessory building, the balance of the plot shall be cement paved; that the remaining portion of the property under this ownership, with a frontage along East 15th street to the north of the gasoline station of 36 ft. ⅛ in., shall be used for uses conforming with the business district, except that such portion may be used for temporary storage of automobiles after same have been serviced at the gasoline service station; and so long as this portion of the plot remains in the same ownership as the balance of the plot; that no gasoline pumps shall be erected nearer than 10 ft. to either street line; that the curb cuts shall not exceed three, two from Emmons avenue, not exceeding 25 ft. in width each and one from East 15th street, not exceeding 30 ft. in width; that there shall be erected at the corner formed by the intersection of Emmons avenue and East 15th street, a solid block of concrete extending 10 ft. along either street building line and triangular in shape and not less than 1 ft. in height; that signs shall be restricted to the illuminated globes of the pumps and to a permanent flat sign erected on the facia of the accessory building, excluding all roof signs and temporary signs, but permitting the erection of a post standard within the building line, near the intersection of the two streets, supporting a sign which may be illuminated, advertising only the brand of gasoline on sale and permitting the sign to extend beyond the building line not over 5 ft.; that no motor vehicle repairing shall be carried on and no parking or storage of cars other than those being serviced; that there shall be no excavation under the accessory building other than pits for the greasing racks; that the front of the greasing section shall have inclosure doors unless hydraulic type of greasing racks are installed or unless the greasing section is ventilated by means of a spark proof exhaust fan with ducts to the outer air, that any heater room constructed shall be accessible only from the exterior of the building and shall be separated from the balance of the building by fireproof construction; that there shall be no direct connection from this plot to the adjoining portion of the plot to the north; that all permits shall be obtained and all work completed within three months from the date of this resolution.

301-37-BZ.
APPLICANT—Sidney L. Krakower, for Sadie Wilner, owner.
SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a residence use district the maintenance of an existing business use (refreshment stand).
PREMISES AFFECTED—1429 Franklin avenue and 612 Crotona Park south, southwest corner (Block No. 2932, Lot No. 14), Borough of The Bronx.
APPEARANCES—
For Applicant: Sidney L. Krakower, S. Malovich, Lena Roth, Mary Gochis.
For Opposition: David S. Maltin, Syrl. Stearns, Harvey E. Tether, Benjamin Blank, Eugenia Jablonsky, Viola Rait, B. Choroph, A. Lush, Max Wiener and Mrs. Sheer.
For Administration: M. Michalowitz, Department of Parks.
ACTION OF BOARD—Application denied.
THE VOTE TO GRANT—
Affirmative 0
Negative: Chairman Murdock, Commissioners Savage and Blum 3
Absent: Assistant Chief Walsh 1

MINUTES

THE RESOLUTION—

(301-37-BZ)

WHEREAS, Sidney L. Krakower, for Sadie Wilner, owner, filed June 21, 1937, an application under the building zone resolution to permit in a residence use district the maintenance of an existing business use (refreshment stand); Premises: 1429 Franklin avenue and 612 Crotona Park south, southwest corner (Block No. 2932, Lot No. 14), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, January 11, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Crotona Park south is in a residence use district; East 170th street is in a business use district; Franklin avenue is in residence and business use districts; Cottage place is in residence and business use districts; and

WHEREAS, the decision of the commissioner of buildings, rendered September 14, 1937, reads:

"Proposed business use (refreshment stand) of existing building located in a residence use district is contrary to provisions of Section 3 of Article II of the Amended Building Zone Resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 123.4 feet on Crotona Park south and 23.9 feet on Franklin avenue. Upon the central portion of the plot there is located a 2-story and basement frame building occupied as a dwelling with store in basement. The refreshment stand in question is located on the northeast corner of the plot—is one story in height and 13 ft. 6 in. by 11 ft. 6 in. in area, illegally erected; and

WHEREAS, the Board deemed that applicant did not substantiate a basis of appeal under section 21 on the grounds of practical difficulties and unnecessary hardship.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

626-32-BZ.

APPLICANT—Philip Bardes, for United States Trucking Corporation, owner.

SUBJECT—Application reopened December 21, 1937, for consideration as to extension of time to complete work—time having expired by limitation—re application (decision of the commissioner of buildings) granted on condition, under sections 7b and 21 of the building zone resolution, permitting the extension from an unrestricted use district into a business use district of a proposed motor vehicle repair shop.

PREMISES AFFECTED—368-380 Front street, north side, 114 ft. west of Jackson street (Block No. 243, Lot Nos. 70 to 76), Borough of Manhattan.

APPEARANCES—

For Applicant: Philip Bardes.

For Opposition: None.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum	3
Negative	0
Absent: Assistant Chief Walsh	1

THE RESOLUTION—

(626-32-BZ)

WHEREAS, Philip Bardes, for the United States Trucking Corp., filed December 27, 1932, an application under the building zone resolution to permit the extension from an unrestricted use district into a business use district of a proposed motor vehicle repair shop; premises 368-380 Front street, north side, 114 ft. west of Jackson street, (Block No. 243, Lot Nos. 70 to 76), Borough of Manhattan; and

WHEREAS, this application was granted by the board December 20, 1935, on certain conditions and applicant requested an extension of time to obtain permits; and

WHEREAS, this application was reopened by vote of the board December 21, 1937; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, January 11, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on December 20, 1935, only so far as it has reference to obtaining of permits and completion of work, so that as amended the resolution shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* under sections 7-B and 21, in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted on condition* that the roof shall be constructed fireproof, or if constructed with wood beams, the ceiling shall be fire retarded throughout in accordance with the rules of the Board of Standards and Appeals; that there shall be a transverse wall, constructed northerly and southerly for the full height of building at a point 25 ft. easterly from the line dividing the business area from the unrestricted area; that the automobile repair work shall be carried on exclusively in the area to the west of this wall; that the space to the east of this wall shall be used exclusively for the storage of materials and wash rooms, locker rooms and similar uses, excluding all automobile repairing and factory work; that any skylights erected in this storage portion of the building shall be not nearer than 15 ft. from the easterly lot line wall; that the door for the entrance of motor vehicles to the repairing section shall be toward the westerly end thereof; that there may be a doorway to the easterly portion of the premises not more than 5 ft. in width; that one doorway may be installed in the transverse wall not exceeding 5 ft. in width with a fireproof, self-closing door; that there shall be no openings in the walls of this building along the westerly or easterly lot lines; that window openings on northerly lot line shall be of steel frames and sash and self-closing and shall be glazed with wire glass; that no gasoline shall be stored on the premises other than that in the tanks of the cars being repaired; that the premises at no time shall be used for garage purposes; and that all permits shall be obtained and all work shall be completed within one year from the date of this action."

285-31-BZ.

APPLICANT—Louis Gallucci, for Niacol Realty Corporation, present owner.

SUBJECT—Application reopened December 21, 1937 for consideration as to extension of permit—re application (decision of the superintendent of buildings) granted on condition, under section 7f of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station for a temporary period.

PREMISES AFFECTED—Northwest corner of Jamaica Bay boulevard and Nolins avenue (165th avenue), (Block No. 4153, Lot No. 146), Shellbank Basin, Borough of Queens.

APPEARANCES—

For Applicant: Louis Gallucci.

For Opposition: None.

ACTION OF BOARD—Permit extended.

THE VOTE TO EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum	3
Negative	0
Absent: Assistant Chief Walsh	1

MINUTES

THE RESOLUTION—

(285-31-BZ)

WHEREAS, John Potts, for Constantinos Demetrookas, owner, filed, June 5, 1931, an application, under the building zone resolution, to permit in a business district the erection and maintenance of a gasoline service station; premises northwest corner of Jamaica Bay boulevard and Nolins avenue (165th avenue); (Block No. 4153, Lot No. 146), Shellbank basin, Borough of Queens; and

WHEREAS, this application was granted by the Board December 15, 1931 for a temporary period, on certain conditions, resolution amended November 28, 1933 and December 20, 1935 and present owner requests a further extension of the temporary period; and

WHEREAS, this application was reopened by vote of the Board December 21, 1937; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting January 11, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the Board on December 15, 1931, as amended by resolution adopted on November 28, 1933, and December 20, 1935, so that as amended the resolution shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 7, subdivision F for a temporary period of two years from December 20, 1937, *on condition* that all pumps shall be set back not less than 10 ft. from the building line; all advertising signs shall be confined to the illuminated globes of the gasoline pumps or to flat wall signs on any buildings erected on the premises, indicating the name and nature of the business conducted thereon, but prohibiting any roof signs; any building erected on premises to be limited to one story in height; all permits required shall be obtained within six months and all work involved thereby completed within one year from the date of this action."

314-35-BZ.

APPLICANT—Harry Yahr, for Shelton Holding Corporation, owner.

SUBJECT—Application reopened December 21, 1937 for consideration as to extension of permit—re application (decision of the commissioner of buildings) granted on condition, under section 7h of the building zone resolution, permitting for a period of not more than two (2) years in a retail use district the use of a vacant plot of ground as a parking space for the storage of more than five (5) motor vehicles.

PREMISES AFFECTED—15-23 West 43rd street, north side, 225 ft. west of Fifth avenue (Block No. 1259, Lot Nos. 25. 28 and 28½), Borough of Manhattan.

APPEARANCES—

For Applicant: Harry Yahr.

ACTION OF BOARD—Permit extended.

THE VOTE TO EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum	3
Negative	0
Absent: Assistant Chief Walsh	1

THE RESOLUTION—

(314-35-BZ)

WHEREAS, Harry Yahr, for Shelton Holding Corporation, owner, filed November 7, 1935, an application under the building zone resolution to permit for a period of not more than two (2) years in a retail district the use of a vacant plot of ground as a parking space for the storage of more than five (5) motor vehicles; premises: 15-23 West 43rd street, north side, 225 ft. west of Fifth avenue, (Block No. 1259, Lot Nos. 25, 28 and 28½), Borough of Manhattan; and

WHEREAS, this application was granted by the board January 14, 1936, for a period of two years, on certain conditions and applicant requested an extension of the permit; and

WHEREAS, this application was reopened by vote of the board December 21, 1937; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, January 11, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on January 14, 1936 only so far as it has reference to term of permit, so that as amended the resolution shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 7-H, for a temporary period of two years from the date of this amended resolution permitting the premises under appeal to be used for parking and over night storage of more than five motor vehicles, *on condition* that there shall be erected across the full width of the lot on the street building line a brick retaining wall constructed not less than 12 in. in thickness and not less than 2 ft. in height above grade and with suitable footings below grade to insure permanency and with not over one opening therein not exceeding 20 ft. in width; that a substantial iron picket fence, not less than 3 ft. in height, may be substituted for this wall in which case the supporting foundations shall be thoroughly embedded in concrete below grade; that the entire lot area shall be leveled and covered with rolled steam cinders; that there shall be constructed either on the rear lot line or on the top of the retaining wall of the property adjoining to the north, a substantial woven wire fence not less than 5 ft. in height to close off the rear depressed court; that there shall be no use on this plot other than parking and storage as herein permitted and no buildings except a small structure occupying not over 50 sq. ft. for office of the attendant; that an attendant shall be maintained on these premises at all times during which cars are being stored or parked; that such portable fire fighting appliances shall be installed as the administrative official shall direct.

221-37-BZ.

APPLICANT—Harry L. Marcus, for Max Feld, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7a and 21 of the building zone resolution, to permit in a residence use district the maintenance of an extension to a business and manufacturing building.

PREMISES AFFECTED—82-20 Caldwell avenue, south side, 153 ft. east of Eliot avenue (Block No. 2939, Lot No. 40, Block No. 2940, Lot No. 15, Block No. 2967, Lot No. 11 and Block No. 2968, Lot No. 1), Elmhurst, Borough of Queens.

APPEARANCES—

For Applicant: Herbert L. Maltinsky and Max Feld.

For Opposition: F. W. Boelsen, G. M. Bernknopf, Byron Ceruti, Frank Zizmor, William Rohs, H. M. Lancaster, Jack Bartley and others.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum	3
Negative	0
Absent: Assistant Chief Walsh	1

THE RESOLUTION—

(221-37-BZ)

WHEREAS, Harry L. Marcus, for Max Feld, owner, filed April 17, 1937, an application under the building zone resolution to permit in a residence use district the maintenance of an extension to a business and manufacturing building; Premises: 82-20 Caldwell avenue, south side, 153 ft. east of Eliot avenue (Block No. 2939, Lot No. 40, Block No. 2940, Lot No. 15; Block No. 2967, Lot No. 11 and Block No. 2968, Lot No. 1), Elmhurst, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, January 11, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Caldwell avenue is in business and residence use districts; 82nd place and 82nd street are in both residence and business use districts; 62nd avenue is in a residence use district; and

WHEREAS, the decision of the commissioner of buildings, rendered March 22, 1937, re Applic. No. 5638 reads:

"The extension of a business and manufacturing building in a residence district is prohibited by Section 3 of the Zone Law."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 325 feet on Caldwell avenue; a distance of 815 feet along the east lot line and 190 ft. along the south lot line occupied by the Feld Farms, Inc. Upon the plot there is located a one story brick cow barn, a two story office and dwelling structure and, also, a two story brick building, 61 ft 9 in. by 36 ft. in area, occupied for pasteurizing and bottling milk; this building has been extended in area by a one story addition (to the south) 61 ft. 9 in. by 14 ft. in area; it is proposed to occupy this extension for the pasteurizing and bottling of milk; and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the Board in order to be informed prior to the hearing; and

WHEREAS, the Board deemed that the provisions of section 7, subdivision "a" of the building zone resolution, empowered the Board to exercise its discretion and to grant this application under such conditions as will safeguard the character of the residential district.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted,* under section 7-A, only so far as it has reference to the extension of the existing creamery building under appeal, *on condition* that no additional extension of use shall be permitted on the entire plot as now used for the milk business; that the fences surrounding the property shall be maintained in good condition; that the entire premises shall be maintained to the satisfaction of the commissioner of buildings and the commissioner of health and all other departments that have jurisdiction over the use and occupancy; that unless ordered otherwise by the commissioner of health all cows shall at all times be kept within the cow-barn; that nothing herein contained shall in any way be interpreted as justifying any further variance to permit any extension of any building or construction of any new building or any extension or substitution of another use not in accordance with the zoned use; and that all permits shall be obtained and all work shall be completed within one month from the date of this action.

Adjourned: 12:40 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, JANUARY 11, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

42-32-BZ.

APPLICANT—Samuel L. Schwartz, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re application (decision of the superintendent of buildings) under section 7f of the building zone resolution, permitting in a residence use district the erection and maintenance of a gasoline service station for a temporary period.

PREMISES AFFECTED—2263-2273 Linden boulevard, northwest corner of Elton street (Block No. 4336, Lot No. 21), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel L. Schwartz.

ACTION OF BOARD—Application reopened, calendar call waived and set for hearing February 1, 1938 at 2 P. M.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

575-32-BZ.

APPLICANT—Wood and Marshall, for Suburban Maintenance Service Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the superintendent of buildings) under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station for a temporary period.

PREMISES AFFECTED—Southeast corner of Merrick road and 242nd street (Block No. 3645, Lot No. 19), Rosedale, Borough of Queens.

APPEARANCES—

For Applicant: Clifford B. Marshall.

ACTION OF BOARD—Application reopened, calendar call waived, and set for hearing February 1, 1938, at 2 P. M.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

657-28-BZ.

APPLICANT—The Golditza Realty Corporation, present owner.

SUBJECT—Application for consideration—reopening and amendment—re Application (decision of the commissioner of buildings) under sections 7c and 21

of the building zone resolution, permitting the extension, from a business use district into a residence use district, of a proposed business building.

PREMISES AFFECTED—1106-1118 Eastern parkway, south side, 45 ft. west of Utica avenue (Block No. 1396, Lot Nos. 34 and 37), Borough of Brooklyn.

APPEARANCES—

For Applicant: B. Steinberg.

ACTION OF BOARD—Request to reopen withdrawn.

THE VOTE TO WITHDRAW REQUEST TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

1-37-BZ.

APPLICANT—Oscar Goldschlag, for Pondrand Amusement Co., Inc., owner.

SUBJECT—Application for consideration—reopening and restoration to Calendar, having been previously dismissed for lack of prosecution—re Application (decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—67-02 62nd street, west side, 125.11 ft. north of 68th avenue (Block No. 3620, Lot No. 7), Ridgewood, Borough of Queens.

APPEARANCES—

For Applicant: Oscar Goldschlag.

ACTION OF BOARD—Application reopened and restored to Calendar, subject to usual procedure.

THE VOTE TO REOPEN AND RESTORE TO CALENDAR—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

217-33-BZ.

APPLICANT—Benjamin N. Brody, for Helen Schrage Lehman, owner.

SUBJECT—Application for consideration—reopening to grant in accordance with Order of Court—re Application (decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station (application denied by the board and granted by the Court).

PREMISES AFFECTED—110-38 Springfield boulevard and 217-20 110th road (Junior place), southwest corner (Block No. 2038, Lot No. 28), Queens Village, Borough of Queens.

APPEARANCES—

For Applicant: Benjamin N. Brody.

ACTION OF BOARD—Application reopened and granted on condition (by order of the Court).

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO GRANT ON CONDITION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(217-33-BZ)

WHEREAS, this application to permit in a business use district the erection and maintenance of a gasoline station affecting premises southwest corner of Springfield boulevard and 110th road (Junior place), (Block No. 2038, Lot No. 28), now known as 110-38 Springfield boulevard and 217-20 110th road, Queens Village, Borough of Queens, was denied by the board June 23, 1934 and, reopened and again denied December 1, 1936, by the board; and

WHEREAS, this action of the board was reviewed by the Court.

Resolved, that the decision of the Board of Standards and Appeals dated December 1, 1936, denying this appeal is hereby reconsidered and the application is hereby granted in accordance with the order of the Court and that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district reglations of the building zone resolution, and that the application be and it hereby is *granted,* under section 21, in accordance with the Order of the Court, to permit the premises under appeal to be occupied as a gasoline service station, *on condition* that the plot shall be levelled substantially to the grade of Springfield boulevard and 110th road; that the accessory building shall be erected toward the southwesterly portion of the plot and shall be of sufficient area to include within same, the auto laundry, greasing pits and office; that the accessory building shall be constructed of fireproof materials, except that the roof beams, roof boarding, window frames and sash and door frames and doors may be of wood, provided the ceilings throughout are fire-retarded in accordance with the rules of the Board of Standards and Appeals; that the westerly and southerly walls of this accessory building shall be on the lot lines with no windows opening to adjoining plots; that these walls shall be extended on the interior lot lines to the street line of 110th road and the street line of Springfield boulevard at a height of not less than six feet, except that such wall may be reduced to a height of four feet at Springfield boulevard for a distance therefrom of ten feet; that curb cuts shall be as follows: one curb cut, not over 20 feet in width, opposite the portion of the accessory building intended for an auto laundry; one curb cut, not exceeding 20 feet in width, opposite the section of the building proposed for greasing pits; one curb cut from 110th road, not nearer than 10 ft. from Springfield boulevard and not over 25 ft. in width, for entrance to gasoline selling area; one curb cut from Springfield boulevard, not over 25 feet in width, for entrance to gasoline selling area; that there shall be erected at the intersection of 110th road and Springfield boulevard, a triangular section of reinforced concrete not less than one foot in height and extending southerly and westerly for ten feet from the corner formed by Springfield boulevard and 110th road; that no gasoline pumps shall be erected nearer than ten feet from the building line of either street; that signs shall be restricted to the illuminated globes of the pumps and to permanent flat signs on the accessory building, excluding roof signs and temporary signs, but permitting the erection of post standard within the building line, near the corner intersection of the streets, supporting a sign which may be illuminated and which may extend beyond the building line for a distance not over four feet, advertising only the brand of gasoline on sale; that no automobile repairing shall be carried on, nor parking nor storage of automobiles other than those being serviced and that all permits shall be obtained and all work completed within one year from the date of this action.

275-37-BZ.

APPLICANT—Richards, Smyth and McGrath, for Anna Benisch, owner.

SUBJECT—Application for consideration—reopening and amendment—re Application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a business

use district the maintenance of a gasoline service station, office and garage for four (4) motor vehicles.

PREMISES AFFECTED—900-910 Jamaica avenue and 1-9 Autumn avenue, southeast corner (Block No. 4108, part of Lot No. 4), Borough of Brooklyn.

APPEARANCES—

For Applicant: H. J. Benisch.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(275-37-BZ)

WHEREAS, Anna M. Benisch, owner, filed June 7, 1937, an application under the building zone resolution to permit in a business use district the maintenance of a gasoline service station, office and garage for four (4) motor vehicles; Premises: 900-910 Jamaica avenue and 1-9 Autumn avenue, southeast corner (Block No. 4108, part of Lot No. 4), Borough of Brooklyn; and

WHEREAS, this application was granted by the Board December 7, 1937, on certain conditions and applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the Board on December 7, 1937 only so far as it has reference to curb cuts to Jamaica avenue, so that as amended the resolution shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 21, for a period of ten years from the date of this action, to permit the premises under appeal to be used as a gasoline service station, such premises being part of lot 4, with a frontage of approximately 106 ft. along Jamaica avenue and 72 ft. along Autumn avenue; *on condition* that this plot shall be graded substantially to the grade of Jamaica avenue and Autumn avenue; that the accessory building shall be erected along the rear line and shall be constructed of fireproof materials, except that the roof beams and roof boarding, window frames and sash, door frames and doors, may be of wood, provided the ceilings throughout are fire-retarded in accordance with the rules of the Board of Standards and Appeals and the weather surfacing of the roof is of non-inflammable material; that the balance of the plot, where not occupied by the accessory building shall be paved with cement or Colprovia or similar material; that there shall be erected along the interior lot line, a substantial wrought iron fence, not less than five feet in height from the interior lot line at the east to the accessory building and from the accessory building to the street line of Autumn avenue; that there shall be erected along the lot line of Autumn avenue, a similar substantial wrought iron fence continuously from the rear lot line to the intersection of Jamaica avenue and Autumn avenue; that along the easterly interior lot line, there shall be erected a masonry wall not less than 6 ft. in height; that any pumps erected shall not be nearer than 10 ft. to the street line of Jamaica avenue; *that entrances to the premises shall not exceed two* (2) *from Jamaica avenue only, each entrance not to exceed* 25 *ft. in width, with curb cuts opposite not exceeding* 25 *ft. in width but such curb cuts shall be in the position as previously authorized by the department of highways or the commissioner of buildings;* that signs shall be restricted to the illuminated globes of the pumps and to a flat sign attached to the accessory building, excluding all temporary signs and all roof signs, but permitting the erection of a post standard within the building line of Jamaica avenue, for supporting a sign, which may be illuminated, advertising only the brand of gasoline on sale, provided such sign does not extend beyond the building line for a distance of more than four feet; that no automobile repairing shall be permitted on the premises and no parking or storage of automobiles other than those being serviced; that all permits shall be obtained and all work completed within three months from the date of this resolution and a new certificate of occupancy shall be issued, describing the premises as to dimension and use as herein described."

APPEALS FROM ADMINISTRATIVE ORDERS

617-37-A.

APPLICANT—Morton E. Bleich, for Henry Phipps Estates, owner.

SUBJECT—Appeal from an order and a decision of the commissioner of buildings.

PREMISES AFFECTED—815-829 Eighth avenue, west side, between West 49th street and West 50th street, 307 West 49th street and 304 West 50th street (Block No. 1040, Lot No. 29), Borough of Manhattan.

APPEARANCES—

For Applicant: Marton E. Bleich.

For Administration: Inspector Maher, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to January 18, 1938, at 2 P. M., for further consideration.

623-37-A.

APPLICANT—D. Nutman, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—906-910 Dean street, south side, 250 ft. west of Classon avenue (Block No. 1141, Lot Nos. 33 and 34), Borough of Brooklyn.

APPEARANCES—

For Applicant: Bernard Solomon.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Laid over to February 8, 1938, at 2 P. M., on request of applicant's representative.

471-37-A.

APPLICANT—Raymond M. Tierney, for Frances Goeller and Helen Lange, neighboring property owners; Rubel Coal and Ice Corp., owner.

SUBJECT—Appeal from a decision of the commissioner of buildings—re Revocation of certificate of occupancy No. 2694.

PREMISES AFFECTED—86-82 76th street, west side, 137 ft. south of Jamaica avenue (Block No. 8904, part of Lot No. 7), Woodhaven, Borough of Queens.

APPEARANCES—

For Applicant: Raymond M. Turney.

For Opposition: S. Yellin.

ACTION OF BOARD—Appeal granted.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(471-37-A)

WHEREAS, Raymond M. Tierney, for Frances Goeller & Helen Lange, adjoining owners, filed on September 29, 1937, an application to revoke a certificate of occupancy affecting premises: 86-82 76th street, west side, 137 ft. south of Jamaica avenue (Block No. 8904, part of Lot No. 7), Woodhaven, Borough of Queens; and

WHEREAS, the decision of the commissioner of buildings, dated September 9, 1937, No. 1651-37, reads as follows:

"Replying to your communication of the 7th inst., wherein you request that I revoke the certificate of occupancy and compel the discontinuance of the use of premises as a lumber yard on the west side of 76th street, approximately 100 feet south of Jamaica avenue, please be advised that such certificate was requested to be issued by the Corporation Counsel, therefore, the revocation of same is not within my power.

For further information, I would suggest that you communicate with the Board of Standards and Appeals."

and

WHEREAS, Certificate of Occupancy No. 2694 was issued August 16, 1937 for a lumber yard for the following premises, west side of 76th street, 160 feet south of Jamaica avenue; and

WHEREAS, the premises in question consist of a plot 80 by 84 feet in area, located in a residential use district, upon which there is located a lumber yard; and

WHEREAS, the applicant contends that the building in question was erected in 1911, and for some time used as an ice storage plant; that on or about 1932, use thereof was discontinued and the building destroyed with the exception of three walls and the party wall on the north side; that in the spring of 1937 the building was restored and is now in use as a lumber mill and lumber yard; that in view of the fact that the building is situated in a residence district, the business use is in violation of the building zone resolution; and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board; and

WHEREAS, a report of a committee of the board recommended that the appeal be granted, the report reading as follows:

REPORT OF COMMITTEE

January 3, 1937.

Cal. No. 471-37-A.

Premises—86-82 76th street, Jamaica, Borough of Queens.

This is an application brought by an affected property owner to set aside a certificate of occupancy issued by the commissioner of buildings on August 16, 1937, for the use of this plot in a residence use district as a lumber yard. The plot with a frontage of 80 feet on 76th street is part of a larger plot, extending from Jamaica avenue southerly for a distance of 217 feet, and on which there exists a brick building for a depth of 137 feet from Jamaica avenue, constructed prior to zoning and used for the manufacture of ice. Of this 137 feet, 100 feet southerly from Jamaica avenue is within the business zone use. The remaining 37 feet, together with that part of the plot under appeal is within the residence use district. On the plot under appeal, there existed a brick building also constructed prior to zoning, which was used by the ice plant for the storage of ice. In 1932, due to an order of the commissioner of buildings, who declared the structure unsafe, the use was discontinued and the building was demolished, except that parts of the lot line walls that were considered safe were permitted to remain. The plot was then unused until this year when an application was filed with and approved by the commissioner of buildings for a change of use to a lumber yard. In a mandamus action, Goeller and Lange vs. Keller, to restrain the commissioner from permitting the new use in the residence district the Court held (N. Y. L. J. August 27, 1937) that the remedy was an appeal to this board.

The facts appear clear. The former legal nonconforming use was an integral part of the ice plant and could have been continued as such, provided the buildings or plot were not extended. That use on the part of the plot under appeal was abandoned and the building was torn down, leaving only the walls up to a certain height, where they could safely remain. In that condition the plot remained unoccupied from 1929 to 1937.

The commissioner claims that he was within his rights under section 6 of the zoning resolution to permit a substitution of use, particularly as the new use as a lumber yard is a more restricted use than the ice refrigerating plant. A lumber yard is a permitted use in a business use district while the refrigerating plant is a prohibited use in a business district. Both are, of course, prohibited in a residence district.

Under section 6, no such power exists to permit the substitution of the lumber yard, involving a certain amount of structural alterations. No appeal was made to the board for a zoning variance. The decision of the Court of Appeals in the Matter of Kaltenbach clearly determines that the commissioner of buildings was powerless to issue the permit and the certificate of occupancy. As in that case, so in this case, a new non-conforming use cannot be permitted on a portion of a plot where another non-conforming use already exists on the balance of the plot.

The committee recommends that the application, to revoke the permit and the certificate of occupancy, be granted.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
PATRICK WALSH,
Committee.

Resolved, that the decision of the commissioner of buildings be and it hereby is *reversed,* and that the certificate of occupancy be and it hereby is *revoked.*

516-37-A.

APPLICANT—Lama and Proskauer, for Bessie Reibel, owner.

SUBJECT—Appeal from a decision of the commissioner of buildings.

PREMISES AFFECTED—3227 Mermaid avenue, northeast corner of West 33rd street (Block No. 7007, Lot No. 50), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama and Samuel Reibel.

For Administration: Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(516-37-A)

WHEREAS, Lama and Proskauer for Bessie Reibel, owner, filed on October 28, 1937, an appeal from a decision of the commissioner of buildings, affecting premises 3227 Mermaid avenue, northeast corner of West 33rd street (Block No. 7007, Lot No. 50), Borough of Brooklyn; and

WHEREAS, the decision of the commissioner of buildings, dated October 20, 1937, reads as follows:

"In reply to your letter dated October 14th, concerning the above mentioned premises, this is to advise that your request for reinstatement of Permit 1441-33 is hereby denied."

and

WHEREAS, the building in question is three stories, 35 feet in height, 24 ft. 3¾ in. by 60 ft. in area, of non-fireproof construction, located in a business use district, erected in 1918 and occupied since 1925, as follows: Cellar, storage; 1st floor, store and gasoline station; 2nd floor, one family; 3rd floor, one family, for which no certificate of occupancy has been issued; and

WHEREAS, the premises in question was the subject of an application for a variation of the provisions of the building zone resolution under Cal. No. 91-37-BZ and said application was denied; and

WHEREAS, the applicant contends that in May, 1925, an application for the installation of a gasoline tank and pump was approved by the fire department covering an area of 24 ft. 10 in. on Mermaid avenue, and 100 ft. on West 33rd street. This alteration was completed. In March, 1933, a plan was approved by the building department under permit number 1441-1933, for the installation of an additional tank and the alteration of the building to remove the entire front on Mermaid avenue and a portion of the wall on West 33rd street. This job was completed and the owner never applied for a certificate of occupancy. On July 31, 1935, approximately two years after the completion of the alteration, the owner received a violation revoking the permit on the grounds of misrepresentation of facts, and requesting the wall on West 33rd street side of the building replaced to the original condition. The owners contend that the permit was legally issued and the work was executed in good faith.

Resolved, that the decision of the commissioner of buildings, dated October 20, 1937 refusing to reinstate permit No. 1441-1933, be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that the wall along West 33rd street building line shall be restored substantially as indicated on the original plans from which this building was constructed under permit No. 3985-1918, but permitting an entrance door, provided the width of same is not over 3 ft.; that the present curb cut from Mermaid avenue may remain solely for access to this area for the greasing of cars; that no cars shall be permitted to drive across the sidewalk for the servicing of gasoline; that such servicing may be by means of not over two portable tanks on the Mermaid avenue side, provided no servicing shall be carried on along West 33rd street; that no additional gasoline storage tanks other than those now installed shall be permitted; that signs shall be limited to signs on the store facing Mermaid avenue below the soldier course at the top of the show windows, precluding all temporary signs and all roof signs except illuminated pump signs; that not over two gasoline pumps now in position shall remain, the third pump shown on the plans along the 33rd street building line shall be removed; that all permits shall be obtained and all work completed within three months from the date of this resolution.

465-37-A.

APPLICANT—John F. LeBeau, for Morgenthaler Linotype Co., owner.

SUBJECT—Appeal from an order and a decision of the commissioner of buildings.

PREMISES AFFECTED—7-57 Hall street and 297-313 Park avenue, northeast corner, 2-60 Ryerson street and 248-254 Flushing avenue (Bldgs. N, D, G, F, AF, AD, AC, AH, L, K, I, AG and M); (Block No. 1876, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: John F. LeBeau.

For Administration: Inspector Carroll, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(465-37-A)

WHEREAS, John F. LeBeau, for Mergenthaler Linotype Co., owner, filed September 28, 1937, an appeal from an order and a decision of the commissioner of buildings, affecting premises 7-57 Hall street, 297-313 Park avenue, 2-60 Ryerson street and 248-254 Flushing avenue (Buildings N, D, G, F, AF, AD, AC, AA, AH, L, K, I, AG and M); (Block No. 1876, Lot No. 1), Borough of Brooklyn; and

WHEREAS, the order of the building commissioner No. 15263-LF, dated March 22, 1937, reads as follows:

"1. Extend the 4 in. standpipe to cover the entire area of Buildings AC, AD, AF, F, G, D, M, K, AG, and also portions of N and I at basement level, and also Bldgs. K and M at 1st story level, and in Buildings G, F, AF, AD, AC, 1st, 2nd, 3rd, 4th and 5th stories. Sections 580-1, Chap. 5, Code of Ordinances."

and

WHEREAS, the decision of the commissioner of buildings, dated September 27, 1937, reads as follows:

"In reply to your letter of September 17th, 1937, advising that you have been retained by the owners to appeal from requirements of Order No. 15263-LF, and that you are unable to do so due to the fact that the Board of Standards and Appeals will not accept an appeal for the reason that the time limit, thirty (30) days, had elapsed, and request dismissal and re-issuance of the above order.

You are advised that the order cannot be dismissed or re-issued. Therefore, your request is denied."

and

WHEREAS, the premises consist of nearly an entire block, on which a group of fifteen (15) buildings, ranging from one to eight stories in height, have been erected at intervals since 1897 and occupied by the owner; all of the buildings are equipped with a standpipe and a sprinkler system; are of fireproof and mill construction; and

WHEREAS, the applicant contends that the only buildings in question before the board are Buildings F, G, and D, where the standpipe risers are in the open loft and not in the stairhall, as required, and Building N, which has the riser exposed for two floors; that the other buildings, where standpipes are not located in stairhall enclosures and are exposed, as shown on plans filed in this appeal, have been previously approved by the bureau of fire prevention under Plan No. 77-32; and

WHEREAS, the applicant further contends that the Buildings F, G, D and N are fireproof; that all the buildings in the group are sprinkled with a two-source system; that watchman service and private police service are maintained twenty-four hours of the day with an approved alarm service and private telephone service for watchman only, maintained with hourly reports at a central station on the premises; that the plant has never had a fire loss.

Resolved, that the order of the commissioner of buildings, No. 15263-LF, be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that such standpipe risers as are not within the stairways, shall be protected with fire-retarded material to the satisfaction of the superintendent of buildings; that the sprinkler system and fire alarm service and watchman service shall be maintained as described in compliance with the requirements therefor; that the buildings shall not be increased in height or area; that the existing protection in fire walls, consisting of sliding doors and fire curtains shall be maintained.

MINUTES

621-37-A.

APPLICANT—Jacob J. Gloster, for Sears, Roebuck & Co., owner.

SUBJECT—Appeal from a decision of the commissioner of buildings.

PREMISES AFFECTED—2360 Bedford avenue and 2301-2323 Beverly road, northwest corner (Block No. 5133, Lot No. 14), Borough of Brooklyn.

APPEARANCES—

For Applicant: J. J. Gloster.

For Administration: Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(621-37-A)

WHEREAS, Jacob J. Gloster, for Sears, Roebuck & Co., owner, filed December 27, 1937, an appeal from a decision of the commissioner of buildings, affecting premises 2360 Bedford avenue and 2301-2323 Beverly road, northwest corner (Block No. 5133, Lot No. 14), Borough of Brooklyn; and

WHEREAS, the decision of the commissioner of buildings on Alt. Application 20100-37, dated December 16, 1937, reads as follows:

"Grease pits and battery service in a business district on same plot with auto parking for more than five cars is contrary to ruling of Board of Standards and Appeals of April 11, 1934."

and

WHEREAS, the building is one story (15 feet) in height, 175 feet in depth with a frontage of 20 feet on Bedford avenue; and

WHEREAS, it is proposed to construct an extension 22 ft. 2 in. by 32 ft. 5 in. in area at the westerly end of said building to be used in connection with the existing battery service, battery sales and grease pits now carried on in the building; and

WHEREAS, there is also located on the same plot, a three-story and basement fireproof building occupied as a department store, erected in 1932; and

WHEREAS, the entire premises are located in a business use district and no certificate of occupancy has been issued therefor; and

WHEREAS, the applicant contends that the building in question is used at present for furnishing services to automobiles, such as the sale of tires, batteries and the greasing of automobiles, locker and toilet rooms for employees; that there is no gasoline for sale or for use on these premises and this is not a gasoline station; that the addition to these premises consists of a one-story building in the rear of the present building for battery service and tire sales exclusively; that there are several grease lifts on the premises at present and adjoining these lifts is an existing battery service room, which it is proposed to move to the proposed new building and to replace with three grease pits.

Resolved, that the decision of the commissioner of buildings, dated December 16, 1937, in connection with alteration No. 20100-1937, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* permitting the construction of the proposed one-story extension to the building now in use for greasing cars and battery service, *on condition* that no use shall be included therein that is contrary to the requirements of the building zone resolution for business districts and that parking on the premises will be discontinued unless zoning variance therefor is granted by the board; that this building shall not be further increased in height or area; and that all permits shall be obtained and all work completed within three months from the date of this action.

629-37-A.

APPLICANT—Philip R. Beller, for Ace Metal Products Co., owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—234 46th street, south side, 200 ft. east of Second avenue (Block No. 754, Lot No. 17), Borough of Brooklyn.

APPEARANCES—

For Applicant: Charles Masser.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(629-37-A)

WHEREAS, Philip R. Beller, for Ace Metal Products Co., applicant owner, filed on December 31, 1937, an appeal from an order of the fire commissioner, affecting premises 234 46th street, south side, 200 ft. east of Second avenue (Block No. 754, Lot No. 17), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, No. 73272-LC, dated December 2, 1937, reads as follows:

"7. Provide sprinkler head in spray booth connected to house water supply. Rule 6."

and

WHEREAS, the building is two stories (35 ft.) in height, 30 ft. by 100 ft. in area, of fireproof construction, erected about 1912 and occupied as follows: 1st story, storage of steel, no persons; 2nd story, spraying; one person, for which certificate of occupancy has been issued; and

WHEREAS, the applicant contends that there is no source of supply for either water or heat in the building and therefore no sprinkler head could be installed.

Resolved, that the order of the fire commissioner, No. 73272-LC item No. 7, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that there shall be installed in lieu of the sprinkler head required under Rule 6, an automatic fire extinguisher of the "firetox" or other similar approved automatic type, to be installed at the ceiling toward the center of the spray booth.

3-38-A.

APPLICANT—George G. Miller, for Cajorco Realty Corporation, owner.

SUBJECT—Appeal from a decision of the commissioner of buildings.

PREMISES AFFECTED — 3214-3222 Henry Hudson parkway, east side, 217.8 ft. north of West 232nd street, running through to 3221-3335 Arlington avenue, west side, 277.12 ft. north of West 232nd street (Block No. 3409, Lot No. 24), Borough of The Bronx.

APPEARANCES—

For Applicant: George G. Miller.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(3-38-A)

WHEREAS, George G. Miller for Cajorco Realty Corporation, owner, filed January 3, 1938, an appeal from a decision of the commissioner of buildings, affecting premises 3221-3335 Arlington avenue, 3214-3322 Henry Hudson parkway, east side, 217.8 ft. north of West 232nd street

(Block No. 3409, Lot No. 24), Borough of The Bronx; and

WHEREAS, the decision of the commissioner of buildings on N. B. Application No. 549-1937, dated December 28, 1937, reads as follows:

"1. Area between fire partitions not permitted to exceed 2,500 sq. ft."

and

WHEREAS, the proposed building is to be a six-story, non-fireproof, Class A Multiple Dwelling, 66 ft. 1 in. in height, 178 ft. by 205 ft. 6 in. in area, divided into ten (10) separate fire areas, four (4) of which exceed 2,500 sq. ft. in area, the maximum of any one fire area being 2,881 sq. ft.; and

WHEREAS, the applicant contends that section 72 of the Old Building Code requires that the building be sub-divided into fire areas not more than 2,500 sq. ft. and that the New Building Code permits those areas to be 3,000 sq. ft.; that this plan was filed under the Old Building Code and that the objection was filed; requests that he be permitted to construct the building as proposed, no fire area to exceed the 3,000 sq. ft. permitted under the New Building Code.

Resolved, that the order of the commissioner of buildings, dated December 28, 1937, under N. B. Application No. 549-37, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that no area between fire partitions shall be more than 3,000 sq. ft. in accordance with the requirements of the new Building Code, section 4.2.1.

348-34-A.

APPLICANT—Samuel Rosenblum, for The Mantrose Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re Appeal from an order of the fire commissioner.

PREMISES AFFECTED—136 41st street, south side, 240 ft. east of First avenue (Block No. 716, Lot No. 20), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel Rosenblum.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(348-34-A)

WHEREAS, the Mantrose Corp., owner, filed, December 11, 1934, an appeal from an order of the fire commissioner, affecting premises 136 41st street, south side, 240 ft. east of First avenue (Block No. 716, Lot No. 20), Borough of Brooklyn; and

WHEREAS, this appeal was granted by the board June 18, 1935, on certain conditions and appellant requested an amendment of the resolution; and

WHEREAS, the resolution was amended November 19, 1935, December 1, 1936 and applicant requested extension of permit.

Resolved, that the order of the fire commissioner, dated November 20, 1934, No. 65459-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted,* permitting the use and storage of liquified chlorine in one-ton cylinders, *on condition* that not more than eighteen (18) such cylinders shall be stored on the premises; and that the requirements approved by the fire commissioner under Alteration No. 624-25 shall be complied with; that the additional requirements as embodied in the report of the committee of the board, dated June 17, 1935, shall also be complied with except as to Item No. 1 of said report which is amended to read:

"1. That the cylinder being drawn from shall be supported with very rigid steel or reinforced concrete saddles and strapped into place to prevent movement until emptied.";

and except as to Item No. 4 of said report which is amended to read:

"4. That in addition to the present pump and piping from buried caustic soda tank, a separate 600-gallon tank shall be installed within the chlorine storage room, as indicated on plans marked 'Received November 19, 1935,' and directly over the pit in which the cylinder being drawn from is located; that there shall be a 3-inch discharge line into pit controlled by an easy-opening valve located directly outside the exterior door and properly marked; that the main flood line from the buried tank shall be branched with 2-inch lines so that soda can be readily distributed at intervals of not over 10 ft. into the storage tank; that the pump shall be housed in fireproof enclosure, in which the electric switch controlling same shall be located and the switch removed from present location in stairhall and that this modification shall continue for one year from December 1, 1937."

1221-27-A.

APPLICANT—Shroder and Koppel Corporation, for Paper Novelty Mfg. Co., lessee; Continental Baking Company, owner.

SUBJECT—Application for consideration—reopening and amendment—re appeal from order of the fire commissioner.

PREMISES AFFECTED—499-507 Carroll street, north side, 200 ft. east of Third avenue and 530-550 President street (Block No. 448, Lot Nos. 13-18), Borough of Brooklyn.

APPEARANCES—

For Applicant: M. Shroder, M. Sobel and M. Gluck.

For Administration: Assistant Engineer Benjamin Saltzman and Inspector Carroll, Department of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(1221-37-A)

WHEREAS, Croker National Fire Prevention Engineering Co., for Continental Baking Co., Inc., owner, filed November 18, 1927, an appeal from an order of the fire commissioner, affecting premises 499-507 Carroll street, north side, 200 ft. east of Third avenue and 530-550 President street, (Block No. 448, Lot Nos. 13-18), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, dated June 3, 1927, reads:

"Order No. 22233-F:

"1. Install a standpipe system with risers 4 inches in diameter tested to withstand a pressure of 300 lbs.

per square inch, extending from cellar to roof, with necessary check valves and 2½ in. regulation fire department outlets on each story (including basements, cellars and roofs), placed within main stairway enclosure. Each outlet to be provided with sufficient feet of 2½ in. standard hose attached thereto.";

and

WHEREAS, the building is non-fireproof, with a frontage of 100 ft. on Carroll street and 200 ft. on President street and a depth of 200 ft., two and three stories in height; OCCUPIED: cellar, storage and baking, 18 persons; 1st story, office and shipping, 14 persons; 2nd story, stable and mixing dough, 9 persons; 3rd story, storage and carpenter shop, 2 persons; EQUIPPED with a two-source sprinkler system with a 20,000-gallon tank on roof and 6-inch connection to main on President street, with Central Office Supervisory Alarm; and

WHEREAS, this appeal was granted by the board April 17, 1928, and owner requested an amendment to the resolution as the occupancy of building has been changed to manufacture of metal Christmas ornaments.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on April 17, 1928, only so far as the last clause of the resolution is concerned, so that the resolution shall read:

"*Resolved,* that the order of the fire commissioner be and it hereby is *modified,* and the appeal be and it hereby is *granted on condition* that building as now equipped with an approved two-source wet sprinkler system with central office connection shall be maintained; that the building shall not be increased in height, area or dimension; that the premises shall be maintained in one tenancy, and *granted only so long* as the occupancy is not deemed extra hazardous by the fire commissioner; and that in all other respects the building shall comply with all the rules and regulations applicable to the occupancy."

343-37-A.

APPLICANT—Benjamin N. Brody, for Banner Mfg. Co., Inc., lessee.

SUBJECT—Application for consideration—reopening and extension of time—re appeal from an order of the fire commissioner.

PREMISES AFFECTED—37-47 Preston court, north side, 287.85 ft. west of East 56th street (Block No. 7949B, Lot No. 223), Borough of Brooklyn.

APPEARANCES—

For Applicant: Benjamin N. Brody.

ACTION OF BOARD—Appeal reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(343-37-A)

WHEREAS, Benjamin N. Brody for Banner Mfg. Co., Inc., lessee, filed July 6, 1937, an appeal from an order of the fire commissioner affecting Premises: 37-47 Preston court, north side, 287.85 ft. west of East 56th street (Block No. 7949B, Lot No. 223), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner No. 71329-LC, dated June 4, 1937, reads as follows:

"Remove from the premises and discontinue the further manufacture, storage and sale of combustible mixtures known as 'Anti-Freeze' and 'General Motors Anti-Freeze,' for the reason that the manufacture and storage of a combustible mixture on the premises where dry goods or other materials of a highly inflammable nature are manufactured, stored or sold is a violation of subdivision F, section 131, chapter 10, Code of Ordinances, New York.

A report from the testing laboratory (May 18, 1937) shows 'Anti-Freeze' a combustible mixture, flash point 108 degrees F and 'General Motors Anti-Freeze' a combustible mixture, flash point 104 degrees F."

and

WHEREAS, the building in question is 95 ft. by 45 ft. in area, 2 stories and basement (30 ft.) in height, non-fireproof construction, located on lot, 140 ft. by 178 ft. in area, in an unrestricted district, erected in 1931 and used as at present since January, 1937; OCCUPIED as follows: Cellar—storage of Anti-Freeze mixture, 4 persons; 1st floor—storage of tin cans and paper cartons, 4 persons; 2nd floor—storage of fibre matting and manufacture of auto seat covers, 8 persons; for which Certificate of Occupancy No. 64518 was issued June 12, 1931, as follows: Cellar—testing and storage rooms; 1st floor—120 lbs., light manufacturing; 2nd floor—120 lbs., light manufacturing; one male employee in entire building; and

WHEREAS, this appeal was granted by the board, November 3, 1937, on certain conditions and applicant requested an extension of time.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board of November 3, 1937, so far as it has reference to completion of work, so that as amended the resolution shall read:

Resolved, that the order of the fire commissioner, No. 71329-LC, be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that all of the materials of an inflammable nature shall be stored in the basement toward the easterly end and that this portion of the basement shall be separated from the balance of the basement by a fire-retarded partition erected approximately 30 ft. westerly from the easterly exterior wall and continuously from the northerly wall of the building to the southerly and that the ceiling within this space shall be fire-retarded in accordance with the rules of the Board of Standards and Appeals; that any openings in this partition shall be protected with approved automatic, self-closing underwriter's fire doors; that no filling, packaging or storing of inflammable material shall take place elsewhere in the building than within this enclosure; that such portable fire-fighting appliances shall be installed as the fire commissioner shall direct; that in all other respects, all laws, rules and regulations applicable to the occupancy of this building shall be complied with; that all permits shall be obtained and all work shall be completed within *three* months from the date of this action.

VARIATIONS OF LABOR LAW

510-37-S.

APPLICANT—Louis E. Jallade, for Estate of Bradish Johnson, owner.

SUBJECT—Variation of the labor law as cited in orders and a decision of the commissioner of buildings.

PREMISES AFFECTED—150-152 Maiden lane, southwest corner of Front street (Block No. 37, Lot No. 33), Borough of Manhattan.

APPEARANCES—

For Applicant: Louis E. Jallade.

For Administration: Inspector Maher, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to January 25, 1938 at 2 P. M. on request of applicant.

400-37-S.

APPLICANT—Sterling Bag Company, Inc., owner.

MINUTES

SUBJECT—Variation of the labor law as cited in an order and a decision of the commissioner of buildings.

PREMISES AFFECTED—11-19 Green lane, east side, 100 ft. north of York street, (Block No. 57, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Thornton Land and James A. Ruddick.

For Administration: Inspector Carroll, Department of Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(400-37-S)

WHEREAS, Sterling Bag Company, Inc., owner, filed August 11, 1937 (an application for a variation of the labor law as cited in an order and a decision of the commissioner of building affecting premises 11-19 Green lane, east side, 100 ft. north of York street (Block No. 57, Lot No. 1), Borough of Brooklyn; and

WHEREAS, the order of the commissioner of buildings, No. 16356-LD, dated May 5, 1937, reads as follows:

"An inspection of premises 11-19 Green lane, Borough of Brooklyn, shows that the following must be done to comply with section 270 of the labor law.

1. Enclose hoistway at sides, top and bottom with fireproof material as required by section 270 of the labor law."

and

WHEREAS, the building in question is three stories and basement, 42 feet in height, 101 feet, 3 inches by 72 feet 6 inches in area, of non-fireproof construction, erected in 1918 and occupied as follows: Basement, storage; 1st floor, manufacture of cloth bags—23 persons; 2nd floor, manufacture of cloth bags—111 persons; 3rd floor, offices—11 persons; for which certificate of occupancy No. 82691 was issued June 7, 1937; and

WHEREAS, the building is equipped with a sprinkler system and an interior fire alarm system and three interior fireproof stairs which extend from the roof to the basement; and

WHEREAS, the applicant contends that the opening in question which is in the floor between the basement and first story is approximately 6 by 6 feet in area and is protected with automatic self-closing metal clad trap doors which are kept closed at all times except when material is being loaded into or taken from the basement; when opened, these trap doors are fastened by means of fusible links and that the condition has existed for 11 years.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* from the requirements of the labor law and that the order of the commissioner of buildings, No. 16356-LD, be and it hereby is *modified* and that the application be and it hereby is *granted,* to permit the continuation of the existing floor opening as located and as shown on plans filed with this application, *on condition* that there shall be maintained metal-covered trap doors held in place when open, by chains with fusible links; that the partition enclosing the receiving and shipping department (in which this trap door is located), as indicated on this plan, shall be constructed of terra cotta not less than 4 inches in thickness with fireproof doors at all openings therein communicating with the balance of the first story of the building; that the sprinkler and fire alarm systems shall be maintained; that in all other respects the occupancy shall comply with the requirements of the labor law and all other laws and regulations applicable thereto; that all permits required shall be obtained and all work completed within two months from the date of this action.

Adjourned: 3:50 P. M.

EDWARD V. BARTON, Chief Clerk.

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*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, December 14, 1937, as they appeared in Bulletin No. 51, Vol. XXII, are hereby corrected to read as follows:

THE RESOLUTION—

(502-27-S)

WHEREAS, Thomas I. Sheridan, for Stephen Realty Co., owner, filed, May 7, 1927, a petition for a variation from the requirements of the labor law, as cited in orders of the fire commissioner, affecting premises 16-24 West 47th street, southside, 200 ft. west of Fifth avenue (Block No. 1262 Lot No. 48), Borough of Manhattan; and

WHEREAS, the orders of the fire commissioner, dated February 19, 1927, read: Order No. 11705-LD:

"1. Remove all partitions not built of incombustible material on all stories, as per Subdivision 6 of Section 270 of the Labor Law.";

and Order No. 11706-LD:

"1. Arrange all doors on all stories so as to open outwardly, as per Sec. 270 of the Labor Law.";

and

WHEREAS, the building is fireproof, fourteen stories in height, 100 ft. by 100 ft. in area; OCCUPIED principally as offices and showrooms for jewelers, watch and clock jobbers, about 40 persons on each story and one living apartment on the roof for the superintendent of the building; EQUIPPED with a fire alarm signal system; EXITS: a fire tower and also an interior fireproof stairway, extending from the first story to roof, enclosed in fireproof partitions with fireproof doors at openings; and

WHEREAS, petitioner contends that the only manufacturing done in the building consists of inserting watch works into watch cases and buffing jewelry by means of buffing machines, operated by one-quarter horse power electric motors; that the partitions in question do not interfere with the exits, and to open the doors into the corridors would create a hazard to persons using the corridors, and contends, further, that there are large glass panels in the doors in question which could be readily broken to afford an emergency means of egress from the offices; and

WHEREAS, the order is predicated on the alleged industrial operation, which is stated by the petition to be in substance and principally the adjustment and timing of clocks and watches and the minor adjustment of jewelry purchased on the premises; and

WHEREAS, this application was granted by the board at its meeting May 8, 1928, and owner requested an amendment of the resolution.

Resolved, that the board of standards and appeals does hereby *make a variation* from the requirements of the labor law, and that the petition be and it hereby is *granted on condition* that the stair halls, corridors and required means of exit shall be enclosed in materials of fireproof construction, with self-closing, fireproof doors at all openings thereto; that any industrial operation shall be restricted to the minor repairs and adjustments of time pieces and jewelry *offered for sale on the premises, including the boxes of leather or similar material in which said jewelry is offered for sale and that the amount of total space in the building used for any such industrial operation shall be limited to the space now so occupied; and that the conditions as adopted by the board under Cal. No. 56-26-S, affecting the same premises shall also be maintained.*

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*Correction—Number 36-S changed to 26-S in next to last line of resolution.

RULES

RULES GOVERNING THE USE OF EQUIPMENT FOR SPRAYING OF PAINTS, VARNISHES, LACQUERS AND OTHER FLAMMABLE SURFACE COATINGS

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS JUNE 10, 1932 AND REVISED, JULY 16, 1937, EFFECTIVE AUGUST 16, 1937.

[353-30-SR]

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 718-A, subdivision 3 of Chapter XIV-A of the Charter of the City of New York for the carrying into effect the provisions of Chapter 10, Article XV of the Code of Ordinances.

Rule 1. Application.

1.1 No person, firm or corporation shall SPRAY, DIP or IMMERSE any article or thing within the City of New York with any flammable paints, varnishes, lacquers or any other inflammable or combustible substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes except in conformance with these rules, and under a permit issued by the Fire Chief and Commissioner. Where the quantity of spraying material used in a day does not exceed two (2) quarts, the Fire Chief and Commissioner may modify or waive these rules.

1.2 APPLICATIONS. Application for the required permit to store and use the above-mentioned articles shall be made to the Fire Chief and Commissioner on forms prescribed by him and shall contain such information as he may require. When a spray, dipping, immersing, storage or mixing room is to be installed, plans shall be filed with the Department of Buildings before a permit is issued.

1.3 RESTRICTIONS. No spraying, dipping or immersing of any article or thing within the City of New York with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes shall be permitted in any premises or portion thereof as follows:

1.3.1 Which is occupied as a Class A or B Multiple Dwelling or a dwelling for one or two families.

1.3.2 Which is artificially lighted by any means other than electricity.

1.3.3 Which is heated by other than the use of steam or hot water circulating systems.

Rule 2. Definitions.

2.1 The term "SPRAY or SPRAYING SPACE," "DIPPING SPACE or IMMERSING SPACE" when used in these rules shall mean that portion of the premises used for the actual work of spraying, dipping or immersing any article or thing with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds, commonly used for painting, varnishing, staining or similar purposes in any booth or room approved.

2.2 The term "CABINET BOOTH" when used in these rules shall mean a compartment with a back, top and two sides equipped with air exhaust facilities, located within a room or any portion of any premises where spraying with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.3 The term "CANOPY BOOTH or HOOD" when used in these rules shall mean an installation consisting of a metal canopy or hood, without any side or end panels enclosing the object sprayed and an air exhaust system under which spraying with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.4 The term "TUNNEL BOOTH" when used in these rules shall mean a compartment consisting of two sides and top, equipped with an air exhaust system in which spraying with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.5 The term "SPRAY ROOM" when used in these rules shall mean a fully enclosed room approved for such use in which any article or thing is sprayed by any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.6 The term "DIPPING ROOM" when used in these rules shall mean a fully-enclosed room approved for such use in which any article or thing is dipped, spread or immersed in any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.7 The term "FIREPROOF or FIRE-RESISTING PARTITIONS" used in these rules shall mean the standards set in the Labor Law and the Rules of the Board of Standards and Appeals for factory buildings. All openings in this type of partition shall only be equipped with self-closing, fireproof doors.

2.8 The term "STORAGE ROOM" when used in these rules shall mean a fully-enclosed room used for the storage and mixing of any inflammable paints, varnishes, lacquers or any flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes.

2.9 The term "CERTIFICATE OF FITNESS" when used in these rules shall mean the written permission granted by the Fire Chief and Commissioner to an individual to supervise and handle spraying, dipping and immersing materials and equipment, in accordance with the provisions of Chapter 10, Article 15 of the Code of Ordinances and these Rules.

2.10 The term "PERMIT" when used in these rules shall mean the written permission issued to a person, firm or corporation by the Fire Chief and Commissioner, to store and use materials covered by Chapter 10, Article 15 of the Code of Ordinances and these Rules.

Rule 3. Ventilation.

3.1 Spraying or dipping spaces shall be ventilated when in operation so that the movement of air shall be at least one hundred (100') linear feet per minute in the breathing zone of the operator and be of sufficient capacity to prevent the accumulation of mist or vapors.

3.2 Air shall be admitted to the spraying, dipping or immersing spaces in an amount equal to the capacity of the fan or fans and in such a manner as to avoid short-circuiting the path of air in the working zone of such spaces. Exhaust fans shall be kept running constantly while spraying or mixing and for a sufficient length of time thereafter to exhaust all vapors, fumes or residues of spraying materials from the spray booth or spray room.

3.3 EQUIPMENT. Motors shall be located outside of spraying, dipping or immersing spaces except as provided in Rule 4.

Rule 4. Specifications for Spray Booths, Spray Rooms and Dip Rooms.

4.1 Spray booths shall be constructed of metal or incombustible material satisfactory to the administrative official having jurisdiction, be adequately ventilated with mechanical ventilation; if lighted to be in conformity with these rules. The necessary fire protection shall be maintained at all times.

4.1.1 Spray, dip and immersing rooms shall be conconstructed of fireproof or fire-resisting partitions with waterproof floors, adequately ventilated by mechanical means, equipped with the necessary fire protection; if lighted and heated to be in conformity with these rules. Floor drains leading to the house drainage system or the public sewer, shall not be permitted. Where more than sixty (60) gallons of material in open tanks are used, a drain to an approved tank located outside the building shall be provided.

4.1.2 Panels of polished wired glass or plate glass at least one-quarter of an inch (¼) thick, not exceeding seven hundred and twenty (720) square inches in area and not more than forty-eight (48) inches in any linear dimension may be used in the sides of a spray booth or room.

4.1.3 The inner sides of walls, ceilings and the floors of all spraying or dipping spaces shall have a smooth surface.

4.1.4 All openings in spray, dip or immersing rooms shall be protected by fireproof doors. Only windows opening to a street may be permitted or a window not on a lot line more than 20 ft. distant from windows of adjacent buildings not in same plane may be used for ventilation.

4.1.5 Ferrous metal used in the construction of spraying, dipping or immersing spaces shall be thoroughly painted on the inside or be galvanized.

4.1.6 All spraying, dipping or immersing spaces shall be so constructed that a reasonable length longer is maintained than required for the article or thing to be sprayed, dipped or immersed. Ferrous metal shall not be used for such floor surface.

4.1.7 At least three (3) feet of clear working space shall always be maintained for each operator spraying, dipping or immersing any article or thing.

4.2 SPECIFICATIONS FOR DUCTS, PIPES AND FANS.

4.2.1 All ducts used for ventilating, spray, dip or immersing spaces shall be constructed of metal of not less than the following gauges of metal.

Ducts twenty-four (24″) inches or less in diameter No. 22 gauge.

Ducts over twenty-four (24″) inches and not over thirty-six (36″) inches in diameter No. 20 gauge.

Ducts exceeding thirty-six (36″) inches in diameter No. 18 gauge.

4.2.2 Ducts shall be strongly constructed and be installed in a workmanlike manner. They shall be rigidly supported.

4.2.3 Ventilating ducts shall run as directly as practicable to the outer air and be protected with a hood against the weather. The exhaust terminal or hood shall also be protected with a screen of copper or bronze with a mesh not larger than one-quarter (¼″) inch.

4.2.4 Where a duct passes through a non-fireproof roof, the duct shall be protected at such point by an outer pipe or sleeve with an air space of at least one (1″) inch between the sleeve and duct. The outer pipe shall be not less than two (2″) inches from any woodwork and such woodwork shall be covered with metal.

4.2.5 Ventilating ducts shall not terminate within ten (10) feet measured horizontally of any chimney outlet, unprotected air intakes or of any door or window in an adjoining building.

4.2.6 If induced draft is used to create an air movement, the air shall be supplied from a point outside the spray or dip or immersing space. Fans and motor must be located outside the spray or dip space, except approved explosion-proof motor and non-ferrous blade fans.

4.2.7 The exhaust system from any spray, dip or immersing space shall not be connected to any other ventilating system or be discharged into a chimney or flue used for the purpose of conveying gases of combustion.

4.2.8 Exhaust fan blades shall be constructed of non-ferrous metal. All exhaust and ventilating fans to be permanently connected to their source of power, using metallic conduit. Rheostats in fan bases not permitted. Fan blades not coming in direct contact with spraying fumes, need not comply with this requirement.

4.3 Storage rooms shall be constructed of fireproof or fire-resisting partitions with waterproof floors and be adequately ventilated by either natural or mechanical means.

4.4 No motors, switches, rheostats, lamps or other electrical equipment shall be located in spray, dipping or immersing rooms or within ten (10) feet of any spray compartment, spray booth, immersing or dipping space unless such electrical equipment be of a type approved for use in explosive atmospheres and where a conduit leads from a hazardous location to a non-hazardous location, the conduit shall be sealed off by an approved sealing compound. Except that alternating current induction motors of the totally enclosed type, having no brushes, make and break contacts, collectors or other arcing or sparking parts may be located within ten (10) feet of a spray booth, spray compartment or dipping space when approved by the authorities having jurisdiction.

4.4.1 Artificial lighting shall be only by means of electricity.

4.5 LIGHTING FIXTURES.

4.5.1 When lighting fixtures are located within 10 feet of a spray booth, spraying compartment or dipping space, they shall be of the rigid stem type, enclosing all wiring and be equipped with keyless sockets having vaporproof globes, protected by wire guards.

4.5.2 All electrical equipment shall be installed and grounded as provided by Chapter 9 of the Code of Ordinances (Electrical Code) and permanently connected to their source of current supply, using metallic conduit.

4.5.3 No pin plug receptacles shall be used.

4.5.4 All electric light wiring shall be enclosed in metal conduits and shall conform to Rule 4.4.

4.5.5 The use of portable cords or trailer lights are prohibited.

Rule 5. Maintenance and Operation.

5.1 Every premises wherein a spraying, dipping, or immersing space is maintained and operated shall be continuously under the charge and supervision of one or more persons holding a certificate of fitness, whose duty shall be to see that the spray, dipping and immersing space rules and the terms of the permit are not violated. No other duties shall interfere with the enforcement of these rules.

5.2 Smoking or the carrying of lighted cigars, cigarettes or pipes in spray, dipping or immersing space is prohibited.

5.3 No person shall be permitted within a spray space between the spray gun and the exhaust outlet while the spray gun is in use.

5.4 Spraying, dipping or immersing spaces and its surroundings shall be kept clean at all times and shall be kept clear of all materials, equipment and utensils not required in the operation of the spray. Side walls, ceilings, baffle plates, etc., shall be sprayed with soap and water solution, before cleaning, or cardboard or masking paper can be fastened before any operation and after said operation be removed from the premises in approved waste cans.

5.5 Floors within and surrounding spray, dip or immersing spaces shall be kept clean and free from waste material at all times.

5.6 Spray rooms, booths, fans, ducts, and other equipment shall be cleaned frequently and maintained in clean and efficient working condition; lacquer spraying booths shall be wet down before cleaning.

5.7 Implements used for cleaning shall be made of nonferrous material to avoid sparks.

5.8 Metal waste cans with self-closing covers shall be provided for all spraying, dipping or immersing spaces and storage rooms. The number to be installed shall be determined by the administrative official having jurisdiction.

5.9 Approved fire appliances shall be installed in all spraying, dipping or immersing spaces and in storage rooms as may be determined by the administrative official having jurisdiction.

5.10 Accumulation of flammable waste, sweepings or deposits from spray, dip or immersing space is prohibited. All such waste shall be placed in approved waste cans and be removed from the premises at the close of work each day.

5.11 All sand papering of lead painted surfaces shall be done with wet sand paper.

5.12 No motor vehicle shall be taken into or out of a spray space under its own power. Batteries shall be removed before the process of spraying is begun.

Rule 6. Storage and Mixing.

6.1 Main supplies of spray coating materials and thinners shall be kept in an outside storage building, storage rooms or in vented metal cabinets in accordance with the following amounts:

6.1.1 Spraying materials not in excess of 20 gallons may be stored in metal cabinets or wood cabinets, metal covered on both sides including the door. All cabinets to be ventilated at top and bottom.

6.1.2 Spraying materials in excess of 20 gallons and not exceeding 100 gallons may be stored in double-walled metal cabinets vented directly to the outer air.

6.1.3 Spraying materials in excess of 100 gallons shall be stored in a separate exterior storage building of fireproof or fire-resisting material with ventilated plain glass skylight or in a storage room constructed fireproof in a fireproof building or fire-resisting in a non-fireproof building. The maximum amount of spraying materials to be stored in a storage room of a non-fireproof building shall be determined by the administrative official. Storage rooms shall have a window opening to the outer air but such window shall not be on a lot line, enclosed court, nor opposite within twenty feet of windows of adjacent buildings nor part of the same premises, such window openings to be fireproofed and lower half provided with open louvres or ventilated by metal duct or fan at least 8 inches in diameter. . The floors of all storage rooms shall be waterproof up to a height of at least 6 inches from the floor and be properly pitched for drainage purposes to a low point within the enclosure. Any drain in such storage room shall not be connected to the house drainage system or street sewer. The sill of the door shall be at least 6 inches above the finished floor. All doors to be tin-clad, approved, fireproof and self-closing.

6.1.4 Mixing or thinning of coating materials shall be conducted in a storage building or storage room, except that containers of total capacity not exceeding ten gallons may be opened and their contents mixed in the spray room or room in which booths are located while the air exhaust system is operating.

6.1.5 Working supplies sufficient for not more than one day's use but not exceeding twenty gallons to each booth, nor a total of one hundred gallons, may be kept in the spray room or room in which spray booths are located; covers of containers must be kept thereon when such containers are not actually in use. This amount is in addition to the amount allowed in 6.1.7.

6.1.6 Gravity feet material containers for supplying spray guns shall not exceed ten gallons in capacity and shall be supported by wire cables or metal brackets having a factor of safety of two when filled with the heaviest spraying materials used.

6.1.7 Pressure feed tanks and other equipment for use in connection with direct spraying under air pressure shall be restricted to tanks of not more than sixty gallons, individual capacity, designed, constructed and approved for this specific purpose by the Board of Standards and Appeals. Each tank shall be provided with a safety valve set at a pressure not exceeding eighty pounds. All gravity feed containers and other spraying equipment shall be approved as above.

6.1.8 The installation of all electrical wiring, switches, lighting and all other electrical equipment, and the provisions of these rules against carrying matches or smoking and prohibiting flame or spark-producing devices, shall also apply to storage or mixing rooms.

RULES

6.2 STORAGE of spraying, dipping and immersing materials shall not be in excess of two hundred (200) gallons in a storage room, but in a building in which nitro cellulose products are manufactured, stored or kept the amount shall be not over twenty-five (25) gallons as per Sect. 235, Subdiv. 8, Chap. 10, Code of Ordinances.

6.3 Sprinkler heads shall be provided in all spray, dip or immersing spaces and storage rooms and shall be installed in accordance with the Sprinkler Rules of the Board of Standards and Appeals, except in non-sprinklered buildings where sprinkler connection may be made to the house water supply.

6.4 Sprinkler heads in spray, dip and immersing spaces shall be cleaned at least once a week under the supervision of the person holding the certificate of fitness and a coating of light grease or vaseline shall be applied after each cleaning to prevent the formation of a hard deposit and render the sprinkler useless in case of fire. The use of paper bags or other materials about sprinkler heads is prohibited.

Rule 7. General Requirements.

Notice—Attention is called to the provisions of the Code of Ordinances as to violations reading as follows:

Section 300, Article 26, of Chapter 10, of the Code of Ordinances, "Any person who shall wilfully violate or neglect or refuse to comply with any of the provisions of this chapter in addition to any other penalties prescribed by law or ordinance shall, upon conviction, be punished by a fine of not more than $500 or by imprisonment not exceeding 6 months, or by both such fine and imprisonment"

NOTE:—The principal cause of fires in spray-booth installations are: broken electric lamps and other electrical defects; cleaning the interior of booths, fans and motors with highly flammable solvents; accumulation of deposits in the tubes and vent pipes from neglect in cleaning them frequently; unnecessary accumulation of waste and refuse, smoking and a general lack of cleanliness.

(a) "No Smoking" signs, with letters at least 2 inches in height, shall be posted in all spray rooms and paint storage rooms or building.

(b) No combustible material shall be stored or maintained within 15 feet of any spray booth.

(c) All stock shall be arranged so as not to interfere with the operation of automatic sprinkler heads.

Rule 8. Existing Spray Booths and Installations.

These rules shall be retroactive in the following respects

Rule **1.3** Heating of Rooms.
Rule **3.1** Air Exhaust System.
3.2 Air Supply and Mixing.
Rule **4.1** Construction of Spray Booths.
4.1.3 Surfacing of Booths.
4.1.5 Surfacing of Booths.
4.2.2 Maintenance of Ducts.
4.2.5 Electric Lighting.
4.2.6 Method of Induced Draft.
4.4 Separation of Booth from Flame.
4.4 Location of Motors.
Rule **5.1** Certificate of Fitness.
5.2 Smoking, Matches, etc.
5.6 Maintenance of Equipment.
5.7 Cleaning Implements.
5.9 Fire Appliances.
5.10 Accumulation and disposal of waste materials.
5.12 Motor Vehicles in booths or rooms.
Rule **6.** Storage and Mixing.
Rule **7.** General Requirements.

NOTE:—Rules 6.1, 6.2, 6.3 and 6.4 may not be applied in fireproof buildings equipped with an approved existing automatic sprinkler system where the general conditions of cleanliness are properly maintained at all times.

Rule 9. Approval Forms and Plans.

There shall be filed before installation with the administrative official by the purchaser (or by the seller thereof) an application form on sheet 8 inches by 10 inches, which form shall give the proper name and address of booth user and also the floor on which the booth or booths are to be installed. An ink drawing of the floor upon which the booth will be located shall be submitted on the form sheet; such drawing shall show by feet and inches the location of exits, chimneys and booths.

When a storage and mixing room is to be installed, plans drawn to a scale of at least 1/16 of an inch to a foot shall be filed with the administrative official for examination and approval. Such plan shall show on the floor plan the location of all booths, storage and mixing rooms, exits and all chimneys and exterior openings within 15 feet of the storage rooms and vent ducts.

APPLIANCES

APPROVED PAINT, VARNISH AND LACQUER SPRAYING EQUIPMENT

Binks-Hu-Ro-Thor-Hurley Spray Equipment...338-32-SA.
De Vilbiss Spray-Painting Equipment.....336-32-SA.
Paasche Spray Painting Equipment.....363-32-SA.
Spraco Spray Painting Equipment.....479-32-SA.

NOTICE

FORMS FOR NOTICES TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN J. MCELLIGOTT

EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.

TELEPHONE—WORTH 2-0184.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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Minutes of Regular Meeting, January 18, 1938, at 2 P. M., Affecting Calendar Numbers 309-35-BZ, 127-35-BZ, 51-30-BZ, 440-22-BZ, 772-28-BZ, 394-29-BZ, 106-32-BZ, 439-37-A, 596-37-A, 622-37-A, 486-37-A, 606-37-A, 590-37-A-WF, 617-37-A, 2-38-A, 18-38-A, 201-37-A, 314-37-A, 512-37-S, 5-38-S, 6-38-S, 25-38-S, 352-36-SA, 197-33-SA, 124-34-SA, 345-31-SA, 517-37-SA, 579-37-SA and 618-37-SA.

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PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

Call of Clerk's Calendar, Mondays, at 2 p. m.

All hearings are held in Room 1013, Municipal Building, Manhattan.

HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

CALL OF CLERK'S CALENDAR

The *Clerk's Calendar* consists of applications under the Building Zone Resolution, and its object is to give interested property owners opportunity to file objections, if any, and will be called in Room 1013, *Monday, January 24*, 1938, at 2 o'clock. At this call each case is set for hearing on a definite day.

The next subsequent Call of the Calendar will be on *Monday, January* 31, 1938, at 2 o'clock.

The *Clerk's Calendar* is not to be confused with the calendar of cases that have been definitely set for hearing on fixed days.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*

CALENDAR

DOCKET

New Cases Filed up to January 19, 1938

Cal. No. *Department* *Premises Affected*

15-38-BZ.....D.B.M.....2526-2530 Amsterdam avenue, southwest corner of West 186th street (Block 2156, Lot 48), Borough of Manhattan, Decision.

16-38-BZ.....H.B.M.....240-246 West 35th street, south side, 100 ft. west of Second avenue (Block 915, Lots 38 and 41), Borough of Manhattan, Decision.

17-38-BZ.....D.B.M.....324-328 West 34th street, south side, 325 ft. west of Eighth avenue (Block 757, Lots 51 and 53), Borough of Manhattan, Decision.

18-38-A.....H.B.M.....2081-2089 Broadway and 201 West 72nd street, northwest corner (Block 1164, Lot 26), Borough of Manhattan, N.B. 243-37.

19-38-A.....H.B.B.....383-393 Pearl street and 19-23 Willoughby street, northeast corner (Block 146, Lot 1), Borough of Brooklyn, Applic. 20390-37.

20-38-SM.....H.B.....Alpha System of Steel and Concrete Construction, Material.

21-38-A.....H.B.Q.....North side of Northern boulevard between 49 and 50th streets and northwest corner of Northern boulevard and 50th street (Block 735, Lots 1, 4 and 10), Long Island City, Borough of Queens, Applic. 6677-37.

22-38-A.....D.B.M.....146-148 East 56th street, south side, 145 ft. east of Lexington avenue (Block 1310, Lot 47), Borough of Manhattan, Alt. 4000-37.

23-38-BZ.....D.B.Q.....136-43 to 136-45 37th avenue, north side, 400 ft. east of Main street (Block 4977, Lots 90 and 91), Flushing, Borough of Queens, Decision.

24-38-BZ.....D.B.B.....686-688 Bergen street, south side, 200 ft. west of Underhill avenue (Block 1145, Lots 32 and 33), Borough of Brooklyn, Applic. 20660-37.

25-38-S.....H.B.M.....123-125 Mercer street, west side, 151 ft. south of Prince street and 104-108 Greene street (Block 499, Lots 7 and 25), Borough of Manhattan, Alt. 4440-37.

26-38-A.....F.D.....132-140 Franklin street and 1-9 Varick street, northwest corner (Block 189, Lot 1), Borough of Manhattan, 10226-L.C.

27-38-A.....H.B.B.....346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block 451, Lot 25), Borough of Brooklyn, 15909-L.F., 15912-L.F. and Decision.

28-38-SM.....H.B.....Cantilite Concrete Plank for Roof and Floor Construction, Material.

29-38-BZ.....H.B.M.....251-253 West 33rd street, north side, 225 ft. east of Eighth avenue and 250 West 34th street (Block 783, Lots 12, 13 and 72), Borough of Manhattan, Decision.

30-38-S.....D.B.B.....235 Grand street, north side, 149 ft. 2 in. east of Driggs avenue (Block 2382, Lot 30), Borough of Brooklyn, 12875-L.D. and Decision.

31-38-A-WF...H.B.Q.....112-01 to 112-09 Queens boulevard, 75-01 to 75-09 112th street, northeast corner and 112-16 to 112-40 75th avenue (Block 1363, Lot 79), Forest Hills, Borough of Queens, Applic. 9983-37.

32-38-BZ.....D.B.B.....80-92 Third avenue, 286-304 Dean street, southwest corner and 271-283 Bergen street (Block 197, Lots 25, 26, 27 and 28), Borough of Brooklyn, Applic. 18828-37.

33-38-SM.....H.B.....Gritcrete Short Span Floor Construction, Material.

Restored to Calendar.

309-35-BZ.....D.B.Bx.....Northwest corner of Wilson avenue and East 214th street (Block 4709, Lot 1), Borough of The Bronx, Decision.

127-35-BZ.....D.B.B.....115-117 Truxton street, north side, 220 ft. east of Sackman street (Block 1544, Lot 45), Borough of Brooklyn, Applic. 952-36.

51-30-BZ.....D.B.Q.....112-01 to 112-09 Queens boulevard, 75-01 to 75-09 112th street (Seminole avenue), northeast corner and 112-16 to 112-40 75th avenue (Atom street) (Block 1363, Lot 79), Forest Hills, Borough of Queens, N.B. 8357-29.

CODE

D.B.....Department of Buildings

H.D.....Health Department

D.B.B.....Department of Buildings, Brooklyn

CALENDAR

D.B.M.....Department of Buildings, Manhattan
D.B.Q.....Department of Buildings, Queens
D.B.R.....Department of Buildings, Richmond
D.B.Bx.....Department of Buildings, Bronx
T.H.D.....Tenement House Department
F.D.....Fire Department

DESIGNATIONS: **H.B.**—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

CERTIORARI ORDERS SERVED ON BOARD OF STANDARDS AND APPEALS

On January 13, 1938, Alexander Sussman, attorney, served on board petition and order of certiorari for Gilroy Building Corporation, owner, in re decision of December 7, 1937, denying gasoline station and motor vehicle repair shop in business district, under section 21, Cal. No. 277-37-BZ, at 183-18 Liberty avenue, southeast corner Dunkirk street, Hollis, Borough of Queens.

* * *

On January 14, 1938, Messrs. Jenks & Rogers, attorneys, served on board petition and order of certiorari for Clarence F. Kaltenbach, objector, in re actions of the board of December 7, December 21, 1937, and January 11, 1938, granting gasoline service station in business district, for ten years, under section 21, Cal. No. 275-37-BZ, premises 900-910 Jamaica avenue, southeast corner Autumn avenue, Borough of Brooklyn.

* * *

On January 19, 1938, Charles J. Bensky, attorney, served on board petition and order of certiorari for Charles Richel, owner, in re decision of board of December 14, 1937, denying permanent permission for gasoline station previously granted for temporary period, under section 21, Cal. No. 662-26-BZ, premises 3504-3510 Boston road, southeast corner Eastchester road, Borough of The Bronx.

RULES

	Last Publication in Bulletin
Carbon Dioxide Liquefier Rules	Dec. 7, 1937—Vol. 22, No. 49
Certificate of Occupancy, approved forms	Aug. 2, 1932—Vol. 17, No. 31
Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
Concrete Rules (Hydrated Lime)	Aug. 3, 1937—Vol. 22, No. 31
Elevator rules	Mar. 3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors)	June 15, 1937—Vol. 22, No. 24
Factory Exit Rules	Nov. 9, 1937—Vol. 22, No. 45
Fire Alarm Rules (Interior)	Dec. 28, 1937—Vol. 22, No. 52
Fire Drill Rules	Sept. 7, 1937—Vol. 22, No. 36
Fire Retarding Rules for Garages, etc.	Jan. 4, 1938—Vol. 23, No. 1
Fireproof Wood, Testing of	Apr. 13, 1937—Vol. 22, No. 15
Frame Garages, Ruling for	Jan. 21, 1919—Vol. 4, No. 3
Gas Shut-Off Rules	Apr. 7, 1925—Vol. 10, No. 14
Hatchway Protection	June 5, 1928—Vol. 13, No. 23
Oil Burner Rules	Jan. 4, 1938—Vol. 23, No. 1
Paint, Varnish and Lacquer Spraying Rules	Jan. 18, 1938—Vol. 23, No. 3
Platform Trucks, Specifications for	Nov. 24, 1936—Vol. 21, No. 47
Plumbing Rules	Aug. 3, 1937—Vol. 22, No. 31
Procedure, Rules of	Sept. 7, 1937—Vol. 22, No. 36
Refrigerating Systems, Extract C.O.	Nov. 23, 1937—Vol. 22, No. 47
Smoking in Factories, Rules for	Jan. 4, 1938—Vol. 23, No. 1
Sprinkler Rules	June 29, 1937—Vol. 22, No. 26
Standpipe Fireline Rules	June 8, 1937—Vol. 22, No. 23
Structural Alterations, Reporting	June 7, 1932—Vol. 17, No. 23
Tank Trucks, Fuel Oil, etc.	Nov. 24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc.	Nov. 24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr. 10, 1923—Vol. 8, No. 15

LIST OF APPROVED APPLIANCES

Anti-Siphon Valves	Mar. 5, 1935—Vol. 20, No. 10
Fireline Hose Valves	Jan. 25, 1938—Vol. 23, No. 4
Fuel Oil Burners for Domestic and Commercial Use	Jan. 4, 1938—Vol. 23, No. 1
Fuel Oil Fill Pipe Terminals	May 26, 1936—Vol. 21, No. 21
Fuel Oil Burners for Industrial Use	Jan. 25, 1938—Vol. 23, No. 4
Fuel Oil Pumps	Jan. 4, 1938—Vol. 23, No. 1
Paint, Varnish and Lacquer Spraying Equipment	Jan. 18, 1938—Vol. 23, No. 3
Range Oil Burners and Space Heaters	Jan. 11, 1938—Vol. 23, No. 2

CALL OF CLERK'S CALENDAR

MONDAY, JANUARY 24, 1938, AT 2 P. M.

Building Zone Cases

166-37-BZ.

APPLICANT—Mary B. Roberts (lessee), for Lawida Corporation, owner.

PREMISES—4485-4519 Broadway, northwest corner of West 192nd street (Block No. 2180, Lot Nos. 633, 635 and part of Lot No. 646), Borough of Manhattan.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the use of a plot of ground for the parking and storage of more than five (5) motor vehicles and also for used car sales.

366-37-BZ.

APPLICANT—F. Oscar Larson, for Queensboro Investing Company and Jackson Avenue Corporation, owners.

PREMISES—37-05 75th street, 37-04 76th street and 75-10 37th avenue, south side, between 75th street and 76th street (Block No. 465, Lot Nos. 30, 31, 35, 38, 40 and 42), Jackson Heights, Borough of Queens.

APPLICATION, under sections 7h and 21 of the building zone resolution,

TO PERMIT partly in a business use district and partly in a residence use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

429-37-BZ.

APPLICANT—Samuels and Samuels, for Morris Roth, owner.

PREMISES—47-11 108th street and 109-09 48th avenue. northeast corner (Block No. 2003, Lot No. 84), Corona, Borough of Queens.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station.

314-36-BZ.

APPLICANT—Maragaret Farrell (lessee), for Estate of Margaret Rowan, owner.

PREMISES—619-623 East 163rd street, north side, 60 ft. west of Cauldwell avenue and 606-608 Teasdale place (Block No. 2621, Lot Nos. 29, 30, 31, 18 and 20), Borough of The Bronx.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles.

430-37-BZ.

APPLICANT—Goelet Realty Company (lessee), for Robert Walton Goelet, owner.

PREMISES—384-390 Park avenue and 51-67 East 53rd street, northwest corner (Block No. 1289, Lot No. 36), Borough of Manhattan.

APPLICATION, under sections 7b, 7c and 21 of the building zone resolution,

TO PERMIT partly in a retail use district and partly in a restricted retail use district the erection and maintenance of a motion picture theatre.

CALENDAR

JANUARY 25, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, January* 25, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 226-37-BZ—Application, May 18, 1937, under section 21 of the building zone resolution, of Samuel Falk, applicant, on behalf of Hada Realty Company, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 3051-3067 Otis avenue, 1050-1066 Hollywood avenue and 3050-3068 Layton avenue, south side, from Otis avenue to Hollywood avenue (Block No. 5422, Lot No. 65), Borough of The Bronx.

CAL. NO. 99-36-BZ—Application of Lama and Proskauer, applicants, on behalf of Peter Dinnella, owner, reopened and restored to calendar October 13, 1937, under section 21 of the building zone resolution, to permit in a residence use district and partly in an "F" area and partly in a "C" area district the erection and maintenance of a multiple dwelling not conforming with the building zone requirements as to yards and also area of the plot occupied (previously withdrawn); premises 84-14 Forest parkway, west side, 91.60 ft. south of Park lane south (Block No. 12, Lot Nos. 288, 325 and 327), Forest Hills, Borough of Queens.

CAL. NO. 372-37-BZ—Application, July 20, 1937, under section 21 of the building zone resolution, of Albert C. Fach, applicant, on behalf of Staten Island Savings Bank, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 203-207 Jersey street, northeast corner of Crescent avenue (Block No. 50, Lot No. 1), New Brighton, Borough of Richmond.

CAL. NO. 419-37-BZ—Application, August 27, 1937, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Eva Rosenbush, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 110-02 to 110-18 Astoria boulevard and 32-03 110th street, southeast corner (Block No. 1704, Lot No. 172), Corona, Borough of Queens.

CAL. NO. 345-36-BZ—Application, November 12, 1936, under section 21 of the building zone resolution, of Hahn and Coller, applicants, on behalf of John Seinfeld, owner, to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use (stores); premises 2095 Grand Concourse, west side, 93.63 ft. north of East 180th street (Block No. 3161, Lot No. 26), Borough of The Bronx.

CAL. NO. 341-37-BZ—Application, July 2, 1937, under section 21 of the building zone resolution, of Fred B. McDuffee, Engineer, Department of Sanitation, applicant, on behalf of Department of Sanitation, City of New York, owner, to permit in a residence use district the erection and maintenance of a garage for more than five (5) motor vehicles in conjunction with a Section Station for use by the Department of Sanitation; premises 5520-5606 19th avenue, west side, 155 ft. 7⅜ in. south of 55th street (Block No. 5494, part of Lot No. 8), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman*

JANUARY 25, 1938, 2 P. M.

Appeals from Administrative Orders

548-37-A—499-505 Court street, 185-197 West 9th street and 182-202 Huntington street (Block No. 476, Lot No. 6), Borough of Brooklyn.

596-37-A—47-24 27th street, west side, 100 ft. south of 47th avenue (Block No. 97, Lot No. 3), Long Island City, Borough of Queens.

607-37-A—601 West 26th street, 200-214 13th avenue, 600-652 West 27th street and 245-259 11th avenue (Block No. 672, Lot No. 1), Borough of Manhattan.

7-38-A—49-51 Elizabeth street, west side, 175 ft. north of Canal street (6th floor); (Block No. 204, Lot No. 22), Borough of Manhattan.

610-37-A-WF—125-27 Queens boulevard and 125-03 83rd avenue, northeast corner (Block No. 9653, Lot No. 1), Kew Gardens, Borough of Queens.

611-37-A-WF—40-06 to 40-06A 104th street, west side, 53 ft. south of Roosevelt avenue (Block No. 1975, Lot No. 18), Corona, Borough of Queens.

8-38-A-WF—127-28 Northern boulevard, southeast corner of 127th place (Block No. 780 (1829), Lot No. 19), Flushing, Borough of Queens.

12-38-A-WF—39-11 to 39-17 104th street, northeast corner of Roosevelt avenue (Block No. 809, Lot No. 69), Corona, Borough of Queens.

19-38-A—383-393 Pearl street and 19-23 Willoughby street, northeast corner (Block No. 146, Lot No. 1), Borough of Brooklyn.

21-38-A—Northside of Northern boulevard, between 49th street and 50th street, the northwest corner of 50th street and Northern boulevard (Block No. 735, Lot Nos. 1, 4 and 10), Long Island City, Borough of Queens.

22-38-A—146-148 East 56th street, south side, 145 ft. east of Lexington avenue (Block No. 1310, Lot No. 47), Borough of Manhattan.

26-38-A—132-140 Franklin street and 1-9 Varick street, northwest corner (1st floor); (Block No. 189, Lot No. 1), Borough of Manhattan.

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street

CALENDAR

(Block No. 451, Lot No. 25), Borough of Brooklyn.

Variation of Labor Law.

510-37-S—150-152 Maiden lane, southwest corner of Front street (Block No. 37, Lot No. 33), Borough of Manhattan

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CALL OF CLERK'S CALENDAR

MONDAY, JANUARY 31, 1938, AT 2 P. M.

Building Zone Cases.

119-37-BZ.

APPLICANT—Arthur W. Renander, for William J. Jung and Florence V. Jung, owners of Lot Nos. 30 and 32 and Frederick W. Erdtmann, receiver for Nathaniel C. Hendrickson, et al, owners of Lot No. 61.

PREMISES—89-17 to 89-27 162nd street, east side, 190.70 ft. south of 89th (Shelton) avenue and 89-26 to 89-30 163rd street, west side, 242.27 ft. south of 89th (Shelton) avenue (Block No. 836, Lot Nos. 30, 32 and 61), Jamaica, Borough of Queens.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles.

493-37-BZ.

APPLICANT—Nugent and Nugent, for Maude B. Mowry, owner.

PREMISES—71-20 to 71-32 Roosevelt avenue and 40-02 to 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

1218-22-BZ.

APPLICANT—Horace V. Shick, for General Cigar Co., Inc., owner.

PREMISES—36-40 Stone avenue and 305-313 MacDougal street, northwest corner (Block No. 1528, Lot No. 44), Borough of Brooklyn.

APPLICATION, under sections 7e and 21 of the building zone resolution (reopened under new proposal July 7, 1937),

TO PERMIT in a business use district the conversion of occupancy of a private garage for fifteen (15) motor vehicles-owners only-(previously granted by this Board) to a public garage for more than five (5) motor vehicles and motor vehicle repair shop on a street between two (2) intersecting streets in which portion there exists an entrance to a public school.

383-37-BZ.

APPLICANT—Lama and Proskauer, for Estate of A. J. Sweeney, owner.

PREMISES—2178-2188 Clarendon road, south side, 100 ft. east of Flatbush avenue (Block No. 5187, Lot Nos. 14, 16 and 114), Borough of Brooklyn.

APPLICATION, under sections 7c and 21 of the building zone resolution,

TO PERMIT in a business use district the alteration and extension of an existing garage for more than five (5) motor vehicles; the inclusion of a gasoline station in part of the existing garage and its extension across the entire Clarendon road front of the lot.

339-37-BZ.

APPLICANT—Lawrence M. Rothman, for Patsy Perro, owner.

PREMISES—635-637 Morris Park avenue, west side, 35.9 ft. south of Unionport road (Block No. 4011, Lot No. 23), Borough of The Bronx.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the conversion of occupancy of a building occupied as garage for five (5) motor vehicles, stores, club rooms and offices so as to use the garage portion as a garage for more than five (5) motor vehicles and motor vehicle repair shop.

FEBRUARY 1, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, February* 1, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 89-37-BZ—Application, March 6, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Sam Kupferman, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 2209 Mott avenue and 1147 Regina boulevard, southwest corner (Block No. 218, Lot No. 45), Far Rockaway, Borough of Queens.

CAL. NO. 134-37-BZ—Application, March 19, 1937, under section 7h of the building zone resolution, of Isidore Herman, applicant and lessee, on behalf of Annie Chutick, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 1043-1053 Winthrop street, northeast corner of East 93rd street (Block No. 4612, Lot No. 43), Borough of Brooklyn.

CAL. NO. 164-37-BZ—Application, April 8, 1937, under section 7h of the building zone resolution, of Charles Hoffman, applicant and lessee, on behalf of Bessie Greenwald, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 9716-9718 Church avenue, south side, 72 ft. 6½ in. west of East 98th street (Block No. 4718, Lot Nos. 41 and 42), Borough of Brooklyn.

CAL. NO. 444-37-BZ—Application, July 15, 1937, under section 21 of the building zone resolution, of T. R. Galloway, applicant and structural engineer for New York and Queens Electric Light and Power Company, owner, to permit in a business use district the parking and storage of more than five (5) motor vehicles; premises 136-20 to 136-26 39th avenue (Locust avenue), south

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side, 184.934 ft. east of Main street and 136-19 to 136-25 Roosevelt avenue, north side, 175 ft. east of Main street (Block No. 4980, Lot No. 11), Flushing, Borough of Queens.

CAL. NO. 483-37-BZ—Application, October 13, 1937, under sections 7e and 21 of the building zone resolution, of Thomas W. Lamb, Inc., applicant, on behalf of 167 West 53rd Street Corporation, owner, to permit on a plot located partly in a retail use district and partly in a business use district the erection of a building to be occupied as stores and open parking, the roof of this building and the remaining vacant portion of this plot to be occupied for parking and storage of more than five (5) motor vehicles; premises 821-825 Seventh avenue, 159-167 West 53rd street, northeast corner and 158 West 54th street (Block No. 1006, Lot Nos. 1, 2, 3, 4, 5 and 59½), Borough of Manhattan.

CAL. NO. 106-37-BZ—Application, March 12, 1937, under section 7h of the building zone resolution, of Arthur W. Renander, applicant, on behalf of Abraham D. Van Siclen, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises 89-17 to 89-19 165th street, east side and 89-18 to 89-20 166th street, west side, 150 ft. south of 89th avenue (Shelton avenue); (Block No. 866, Lot No. 83), Jamaica, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 1, 1938, 2 P. M.

Appeals from Administrative Orders

439-37-A—150-18 Jamaica avenue, southwest corner of 151st street (Block No. 1044, Lot No. 6), Jamaica, Borough of Queens.

31-38-A-WF—112-01 to 112-09 Queens boulevard, 75-01 to 75-09 112th street, northeast corner and 112-16 to 112-40 75th avenue (Block No. 1363, Lot No. 79), Forest Hills, Borough of Queens.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, February* 1, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 51-30-BZ—Application of Austin W. Magee, applicant, on behalf of Seminole Garage, Inc., lessee (Cord Meyer Development Co., owner), reopened January 18, 1938, for consideration as to amendment of resolution as to signs—re Application, granted on condition, under sections 7g and 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles and, also, the installation of a gasoline service station; premises 112-01 to 112-09 Queens boulevard, 75-01 to 75-09 112th street (Seminole avenue), northeast corner and 112-16 to 112-40 75th avenue (Atom street); (Block No. 1363, Lot No. 79), Forest Hills, Borough of Queens.

CAL. NO. 120-33-BZ—Application of Eadie, Nunley and Eadie, applicants, on behalf of Harry Hugger, owner, reopened and restored to the calendar May 4, 1937, under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a motor vehicle repair shop, and, also, a gasoline service station (previously dismissed for lack of prosecution); premises 2030 Hylan boulevard, southwest corner of Hamden avenue (Block No. 3688, Lot No. 9), Grant City, Borough of Richmond.

CAL. NO. 42-32-BZ—Application of Samuel L. Schwartz, owner, reopened January 11, 1938 for consideration as to extension of permit—re Application, granted on condition, under section 7f of the building zone resolution, permitting in a residence use district the erection and maintenance of a gasoline service station for a temporary period; premises 2263-2273 Linden boulevard, northwest corner of Elton street (Block No. 4336, Lot No. 21), Borough of Brooklyn.

CAL. NO. 575-32-BZ—Application of Wood and Marshall, applicants, on behalf of Suburban Maintenance Service Corporation, owner, reopened January 11, 1938 for consideration as to extension of permit—re Application, granted on condition, under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station for a temporary period; premises southeast corner of Merrick road and 242nd street (Block No. 3645, Lot No. 19), Rosedale, Borough of Queens.

CAL. NO. 207-37-BZ—Application, May 6, 1937, under sections 7g and 21 of the building zone resolution, of Larsen Baking Company, Inc., applicant and owner, to permit in a business use district the conversion of occupancy of an existing building to a garage for more than five (5) motor vehicles; premises 1490 Clove road, southwest corner of Tioga street (Block No. 661, Lot No. 7), West New Brighton, Borough of Richmond.

CAL. NO. 415-37-BZ—Application, August 23, 1937, under section 21 of the building zone resolution, of Wallace Gordon, applicant and lessee, on behalf of Beaver Film Corporation, owner, to permit in a busi-

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ness use district the conversion of occupancy of an existing building to paper stock and baling or a junk business; premises 215 Liberty avenue, northwest corner of Magnolia avenue (Block No. 3343, Lot Nos. 56 and 59), Dongan Hills, Borough of Richmond.

CAL. NO. 458-37-BZ—Application, September 24, 1937, under sections 7c and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of East Brooklyn Savings Bank, owner, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a building to be used as a garage for more than five (5) motor vehicles and a motor vehicle repair shop and also the establishment of a gasoline service station; premises 374-386 Willoughby avenue and 903-907 Bedford avenue, southeast corner (Block No. 1762, Lot Nos. 32 and 36), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 4, 1938, 10 A. M.

SPECIAL MEETING.

Appeals from Administrative Orders.

553-37-A—1815-1825 Ocean avenue, east side, 280 ft. south of Avenue M (Block No. 7656, Lot No. 55 and part of Lot Nos. 5 4and 58), Borough of Brooklyn.

622-37-A—2042-2044 Ocean avenue, west side, 470 ft. south of Avenue O (Block No. 6766, Lot No. 36 and part of Lot No. 38), Borough of Brooklyn.

CALL OF THE CLERK'S CALENDAR

MONDAY, FEBRUARY 7, 1938, AT 2 P. M.

Building Zone Cases.

200-37-BZ.

APPLICANT—Otto J. Sambach, for Howdah Securities Corporation, owner.

PREMISES—103-39 Springfield boulevard, northeast corner of 104th avenue (Block No. 2046, Lot No. 7), Queens Village, Borough of Queens.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

336-37-BZ.

APPLICANT—Francis L. Shea, for American Newspapers, Inc., owner.

PREMISES—322-328 West 57th street, south side, 275 ft. west of 8th avenue (Block No. 1047, Lot Nos. 44 and 46), Borough of Manhattan.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a retail use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

472-37-BZ.

APPLICANT—Lama and Proskauer, for John Castagna and Salvatore Castagna, owners.

PREMISES—2761-2773 Cropsey avenue, north side, 6 ft. 9⅞ in. west of 28th avenue and 196 28th avenue (Block No. 6915, Lot No. 51), Borough of Brooklyn.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

507-37-BZ.

APPLICANT—John J. Beatty, for Tilyou Realty Company, owner.

PREMISES—1621-1627 Surf avenue and 2937-2947 West 17th street, northeast corner (Block No. 7062, Lot No. 34), Borough of Brooklyn.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

17-29-BZ.

APPLICANT—Clara K. Eberhart, owner.

PREMISES—1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

APPLICATION, under section 21 of the building zone resolution (reopened November 23, 1937 under new proposal),

TO PERMIT partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles.

FEBRUARY 8, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, February* 8, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 263-37-BZ—Application, June 4, 1937, under section 21 of the building zone resolution, of Bertram J. Barrett, applicant, on behalf of Estate of A. & W. H. Jackson, owner, to permit in a residence use district the parking and storage of more than five (5) motor vehicles; premises 28-11 41st street, east side, 100 ft. south of 28th avenue (Block No. 664, Lot Nos. 15 and 16), Astoria, Borough of Queens.

CAL. NO. 279-37-BZ—Application, June 10, 1937, under section 7h of the building zone resolution, of Bertram J. Barrett, applicant, on behalf of Estate of A. & W. H. Jackson, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 41-10 28th avenue, south side, 75 ft. east of 41st street (Block No. 664, Lot No. 20), Astoria, Borough of Queens.

CAL. NO. 473-37-BZ—Application, September 30, 1937, under section 21 of the building zone resolu-

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tion, of Lama and Proskauer, applicants, on behalf of Carrie Eidel and Estate of James S. Rourke, owners, to permit in a business use district the erection and maintenance of a building to be used as a garage for more than five (5) motor vehicles and motor vehicle repair shop and also the establishment of a gasoline service station; premises 230-234 Norman avenue and 229-237 North Henry street, southwest corner (Block No. 2655, Lot Nos. 6 and 8), Borough of Brooklyn.

CAL. NO. 337-37-BZ—Application, July 1, 1937, under sections 7a and 21 of the building zone resolution, of Thomas W. Golding, applicant, on behalf of Intrastate Theatres orporation, owner, to permit in a residence use district the extension in area of a building used as offices and film storage; premises 309-329 West 44th street, north side, 125 ft. west of Eighth avenue and 322-324 West 45th street (Block No. 1035, Lot Nos. 25, 26, 27, 17, 20 and 22), Borough of Manhattan.

CAL. NO. 450-37-BZ—Application, September 17, 1937, under sections 7c and 21 of the building zone resolution, of Samuel Rosenblum, applicant, on behalf of Pasquale Fiero, owner, to permit partly in a business use district and partly in a residence use district the extension of an existing gasoline service station and, also, the erection and maintenance of an accessory building to be used as office, lubritorium, auto laundry and motor vehicle repair shop; premises 1040-1050 East New York avenue, southeast corner of East 94th street (Block No. 4597, Lot Nos. 1, 2 and 4), Borough of Brooklyn.

CAL. NO. 467-37-BZ—Application, September 27, 1937, under section 21 of the building zone resolution, of H. L. Brandt, applicant, on behalf of Owen Realty Co., owner, to permit in a business use district the conversion of the occupancy of the first story of an existing building (now occupied in the cellar as a garage) to a motor vehicle repair shop; premises 5060-5076 Broadway and 501-507 West 215th street, northeast corner, 500 West 216th street and 4036-4050 Tenth avenue (Block No. 2232, Lot No. 18), Borough of Manhattan.

CAL. NO. 127-35-BZ—Application of Casper P. Colla, applicant, on behalf of Joseph Angelone, owner, reopened January 18, 1938, for consideration as to extension of permit —re Application, granted on condition, under section 7h of the building zone resolution, permitting in a business use district the parking and storage of more than five (5) motor vehicles for a temporary period (previously denied for a junk shop); premises 115-117 Truxton street, north side, 220 ft. east of Sackman street (Block No. 1544, Lot No. 45), Borough of Brooklyn.

CAL. NO. 309-35-BZ—Application of Hillside Parking Corp., applicant and lessee, on behalf of Nathan Straus, owner, reopened January 18, 1938, for consideration as to extension of permit—re Application, granted on condition, under section 21 of the building zone resolution, permitting in a residence use district the use of a plot of ground as a parking space for the storage of more than five (5) motor vehicles for a temporary period; premises northwest corner of Wilson avenue and East 214th street (Block No. 4709, Lot No. 1), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 8, 1938, 2 P. M.

Appeal from Administrative Order.

623-37-A—906-910 Dean street, south side, 250 ft. west of Classon avenue (Block No. 1141, Lot Nos. 33 and 34), Borough of Brooklyn.

FEBRUARY 15, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, February* 15, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 324-37-BZ—Application, June 29, 1937, under section 21 of the building zone resolution, of Joseph M. Lonergan, applicant, on behalf of Mathilda Litchman and Bruno Bernabo, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4727-4729 Third avenue, west side and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

CAL. NO. 431-37-BZ—Application, September 2, 1937, under section 21 of the building zone resolution, of James J. Millman, applicant, on behalf of T. H. Fraser Mortgage Co., owner, to permit in a business use district the conversion of occupancy of an existing wet wash laundry to a garage for more than five (5) motor vehicles and gasoline service station; premises 5813-5823 20th avenue and 2001-2011 59th street, northeast corner (Block No. 5507, Lot No. 1), Borough of Brooklyn.

CAL. NO. 54-37-BZ—Application, February 13, 1937, under section 7h of the building zone resolution, of 92-32 Union Hall Street, Inc., applicant and owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises 160-13 to 160-21 Archer avenue, north side, 110 ft. west of Union Hall street (Block No. 1051, Lot No. 150), Jamaica, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

ladder to the roof and terminating at the second story level, with egress across the roof of the one-story extension at the rear of No. 20 West 27th street and thence by means of a catwalk to the building at Nos. 25 and 27 West 26th street; and

WHEREAS, the applicant contends that the fire escape consists of balconies 11 ft. by 3 ft. 3 in.; 60 degree stairs 20 in. wide, 9 in. riser and approximately 6 in. tread, 33 in. rails, windows opening on the balconies are fireproof and fireproof door opening inwardly leads to each balcony; that the Bureau of Buildings approved the fire escape at the time it was erected, and while a factory tenancy has been introduced since then, the total number of occupants and the fire hazard has not been increased; that the owner will change the doors leading to the fire escape to open outwardly and make these doors openable from both sides and furnish the consent already obtained for the exit use of the adjoining property; that it is proposed to provide a step if necessary at the 11 in. sill of each fire escape door and install a fire alarm system and conduct a monthly fire drill.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* from the requirements of the labor law, and that the application be and it hereby is *granted*, as to order of the commissioner of buildings, No. 34568-LD, permitting the building to be used for factory purposes, *on condition* that no factory work shall be carried on above the eighth story of the building; that above the fifth story of the building, only such tenants as occupy the entire floor for factory work shall be permitted; that the fire escape at the rear of the building shall be maintained, as indicated on plans filed with this appeal provided the balcony and connecting stairways shall be equipped with approved railings not less than 4 ft. 6 in. in height; that a vestibule shall be constructed on each floor up to and including the eighth story, so that the doors openings to the fire escape may open outwardly without encroaching on the fire escape balcony; that a fire alarm and fire drill shall be maintained; that the total occupancy on each floor shall be limited to the legal permitted occupancy of the primary means of exit but shall not exceed a total of 15 persons per floor; that nothing herein contained shall be considered at any time to modify the requirements of the building zone resolution as to the amount of space permitted to be used for factory occupancy; that the windows on the course of the fire escape shall be maintained fireproof self-closing; that in all other respects, the requirements of section 271 of the labor law and all other rules and regulations applicable thereto shall be complied with.

25-38-S.

APPLICANT—Maurice Deutsch, for Charles Broadway Rouss Realty Corporation, owner.

SUBJECT—Variation of the labor law as cited in a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—123-125 Mercer street, west side, 151 ft. south of Prince street and 104-108 Greene street (Block No. 499, Lot Nos. 7 and 25), Borough of Manhattan.

APPEARANCES—

For Applicant: Maurice Deutsch.

For Administration: Inspector Stack, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(25-38-S)

WHEREAS, Maurice Deutsch, applicant for Charles Broadway Rouss Realty Corp., owner, filed on January 17, 1938, an application for a variation of the requirements of the labor law as cited in a decision of the Acting Borough Superintendent of Buildings, Department of Housing and Buildings, Manhattan, affecting premises 123-125 Mercer street, west side, 151 ft. south of Prince street and 104-108 Greene street, east side, 138 ft. 6 in. south of Prince street (Block No. 499, Lot Nos. 7 and 25), Borough of Manhattan; and

WHEREAS, the decision of the Acting Borough Superintendent of Buildings, Manhattan, on Alt. App. No. 4440 37, dated January 14, 1938, reads as follows:

> "3. 'File roof plan. File basement plan. File cellar plan. Show use and exits of all floors below ground. Comply with sect. 270 Labor Law for exits. 3 ft. 8 in. stairs, 3 ft. 8 in. doors to swing outwardly. Fire tower required.' Reconsideration denied. Objection also refers to exits from sub grade levels in B Building.
>
> 4. 'Comply with sect. 264 Labor Law for construction and Rule 503 Labor Law.' Reconsideration denied refers to windows; fireproofing of steel and interior trim flooring and partitions."

and

WHEREAS, the premises consist of two buildings which it is proposed to consolidate with one building A, erected in 1916, 12 stories, 135 ft. in height, fronting 87½ ft. on Greene street and building B, erected in 1906, 13 stories, 148 ft. 8 in. in height fronting 50 ft. on Mercer street, equipped with a sprinkler system, the means of egress consist of four stairs extending from street to roof, of steel and slate construction, 2 of which are now enclosed in 6 in. terra cotta blocks, equipped with fireproof self closing doors at all openings and two which will be so enclosed, two of the stairs are 3 ft. 8 in. wide, one is 3 ft. 4 in. wide and one is 3 ft. wide, a fire escape on the Mercer street front which extends to the roof by ladder and to the street by drop ladder in guides, with non fireproof windows along the course of fire escape, the occupancy to be: Cellar, first, second and third stories—storage, 10 persons each story; fourth to thirteenth stories—factory, 100 persons each story; penthouse—machinery, no persons; the sub basement in the Mercer street building will be vacant; all columns are covered with 2½ ins. of concrete and the underside of the ceiling beams is covered with 1½ ins. of concrete except at skylights which beams are covered with 2 inches of concrete; and

WHEREAS, the applicant contends that "Plan now shows notation that existing stairs in building B exit into open floor (undivided space) in both basement and sub-basement; that these stairways are to be enclosed the same as shown on upper floors, with doors 3 ft. 8 in. in width, opening outwardly; that in building A there is only one basement and the stairway is now enclosed with 6 in. terra cotta and with a 3 ft. 8 in. wide door opening outwardly; that all exit doors on stairways are now 3 ft. 8 in. in building A; that the doors to be placed in the stairway to be enclosed in building B, will be made 3 ft. 8 in. wide and will open outwardly; that all stairways lead through bulkhead to roof, and have skylights and sprinklers; that the height of building from curb to top of roof beams in building B is 149 ft. (13 stories), building A is 135 ft. (12 stories); that every floor has been posted for 150# of floor capacity; that the owner makes no request for increasing present floor loads as posted; that this building, running through from street to street with four fire-enclosed staircases, and with the sprinkler system put in operation, when the alteration is completed, will provide an ideal arrangement for factory use.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* from the requirements of the Labor Law, and that the application be and it hereby is *granted, modifying* the decision of the Acting Borough Superintendent of Buildings, as to alteration application No. 4440-37, items 3 and 4, only so far as it has reference to the requirements for a fire tower, fireproofing of beams and girders, width of stairways and fireproofing of windows on the 2nd story, *on condition* that there shall be

additional exits in lieu of the fire tower to a total of four (4) continuous stairways, legally enclosed, extending throughout the building and exiting directly to the street, two such stairways being not less than 3 ft. 8 in. in width, one not less than 3 ft. 4 in. and one not less than 3 ft. in width; that the fireproofing of columns, beams and girders throughout shall be not less than 1½ in. of concrete; that the windows on both Mercer and Greene streets on the 2nd story need not comply with the requirements of the Labor Law as to size and glazing, provided that no pane shall exceed 720 sq. in. in metal frames and sash; that the sprinkler system shall be maintained in accordance with the rules applicable thereto; and that in all other respects the building and occupancy shall comply with the Building Code, the Labor Law and all laws, rules and regulations applicable thereto.

APPLIANCES SUBMITTED FOR APPROVAL

352-36-SA.

APPLICANT—J. M. Hubbard, for International Oil Burner Co., owner.

SUBJECT—International Oil Burning Heater, Models 95, 90, 99, 55 and 66, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application withdrawn upon written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

197-33-SA.

APPLICANT—A. W. Dovel, previous owner, transferring all right, title and interest to National Oil Burner Company of Whitman, Mass., present owner.

SUBJECT—Application for consideration—reopening and amendment—re Magna Fuel Oil Burner, National Barley Rotary Oil Burner and National Clark Rotary Oil Burner.

APPEARANCES—

For Applicant: A. W. Dovel and J. L. Weeks.

ACTION OF BOARD—Application reopened and previous resolutions rescinded.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO RESCIND PREVIOUS RESOLUTIONS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(197-33-SA)

WHEREAS, Magna Oil Burner Corp., owner, filed May 29, 1933, an application with the Board of Standards and Appeals for approval of their device known as the Magna Fuel Oil Burner; and

WHEREAS, this device was submitted to the fire department for test and report, and a report of the bureau of combustibles, fire department and the engineer of the board dated July 13, 1933, recommended the approval of this device; and

WHEREAS, the device was approved by the board July 18, 1933. the following resolution having been adopted:

"*Resolved*, that the Board of Standards and Appeals does hereby *approve* the device known as the Magna Fuel Oil Burner for use in domestic, commercial and industrial installations when installed in accordance with the fuel oil rules of the Board of Standards and Appeals and the report of the bureau of combustibles, fire department, and the engineer of the board.";

and

WHEREAS, present owner requested a change of name of the burner; and the board permitted the marketing of this burner as the National Barley Rotary Oil Burner and the National Clark Rotary Oil Burner, approving these names under date of June 18, 1935, June 9, 1936, and October 20, 1936; and

WHEREAS, the applicant stated that the MAGNA OIL BURNER, as approved by the board under resolution adopted July 18, 1933, is no longer to be marketed; and requested that all actions of the board permitting this burner to be marketed under other names be rescinded.

Resolved, that the Board of Standards and Appeals does hereby *rescind* the resolutions adopted by the board on on June 18, 1935, June 9, 1936, and October 20, 1936.

124-34-SA.

APPLICANT—Charles A. Merante for Remington-Therm-O-Matic Co., owner.

SUBJECT—Application for reopening — amendment — re Alida Oil Burner, Models A and B.

APPEARANCES—

For Applicant: Charles A. Merante.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(124-34-SA)

WHEREAS, Erik B. Anderson for Berggren and Anderson Machine Co., owner, filed May 8, 1934, a petition with the Board of Standards and Appeals, for approval of the device known as the Alida Oil Burner; and

WHEREAS, the device was submitted to the engineer of the board and the bureau of combustibles of the fire department for test and report; and

WHEREAS, the report of the engineer of the board and of the representatives of the bureau of combustibles, approved by the assistant chief of department in charge of bureau of combustibles, was substantially as follows:

This burner is of the mechanical draft pressure atomizing type and consists of the following parts:

A Century 1/6 H.P. motor and a Viking pump. The strainer, pressure regulation valve and blower are manufactured by the Berggren and Anderson Machine Company. The nozzle used on the burner is a 2½ Balloffet.

Ignition—Electric.

Jefferson Transformer 110 to 10,000 volts is used. The electrodes were examined and spark was found to be of sufficient intensity and length for the purpose of which they are designed.

Controls — Minneapolis Honeywell Pressuretrol L-404-2 and Protectostat R-125.

With the oil supply shut off the burner was operated from a cold start and on two successive tests the Protectostat closed down the motor in 25 and 30 seconds respectively. During the period of test there were no flares or puff backs, and the flame of burner was clear

and free from smoke. Examination of the combustion chamber showed no undue carbon deposits.

It is therefore recommended that the Alida Oil Burner be approved for domestic use when installed in accordance with the Fuel Oil Rules adopted by the Board of Standards and Appeals.

and

WHEREAS, this device was approved by the board July 3, 1934, and applicant requested permission to market the burner as the Alida-Remington Oil Burner.

Resolved, that the Board of Standards and Appeals does hereby approve the device known as the Alida Oil Burner, for use in domestic installations when used with oil not heavier than No. 4 and when installed in accordance with above report and the Oil Burner Rules of the Board of Standards and Appeals.

Resolved Further, that this device may also be marketed under the name of ALIDA-REMINGTON OIL BURNER, *on condition* that under whichever name it is marketed each burner shall bear a permanently attached label reading:

NOTICE
APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City
Under Cal. No. 124-34-SA.

345-31-SA.

APPLICANT—Wm. V. McDevit, for Silent Glow Oil Burner Corp., owner.

SUBJECT—Application for reopening — amendment — change of name re Silent Glow Oil Burner, Models 600 and 1200.

APPEARANCES—
For Applicant: Wm. V. McDevit.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(345-31-SA)

WHEREAS, Silent Glow Oil Burner Corp., owner, filed July 7, 1931, an application with the Board of Standards and Appeals for approval of device known as the Silent Glow Oil Burner, Model 1000; and

WHEREAS, the device was approved by the board November 10, 1931, after inspection and test; and

WHEREAS, the owner, through his agent, Irving T. Hecht, requested an amendment of the resolution to include the approval of Models 800, 1800 and 2800; under date of June 4, 1935, requested the approval of Models 3800, 6800 and 8800; and under date of December 29, 1936, requested the approval of Models 600 and 1200; and

WHEREAS, these devices were the subject of an inspection and test, the report of which was substantially as follows:

These burners, Models 800-1800 and 2800, are constructed substantially the same as the Model 1000, formerly approved under Cal. 345-31-SA.

Model No. 2800 consists of a Century 1/5 H.P. Detroit motor, regulating and shut-off valve, Cuno strainer, Webster transformer, Sirocco type blower, 7 in. x 4 in. and a Tuthill pump. This burner has a capacity of 3 to 9 gallons of oil per hour.

Model No. 1800 differs only from the above and Model 1000 in that it has a 1/6 H.P. motor and a fan 6⅝ in. x 3⅞ in. and an oil consumption of two to six gallons per hour.

Model No. 800 differs only from the original in that it has a 1/10 H.P. Ohio motor and a fan 4⅞ in. x 2⅜ in. with an oil consumption 1.35 to 2½ gallons per hour.

Monarch nozzles are used on all above described burners.

Controls—The above burners have the Minneapolis-Honeywell Protecto-relay Model 117-3 and the Pressuretrol Type L-404-2.

The Silent Glow Oil Burner, Models 800, 1800 and 2800 have been approved by the Underwriters Laboratories for oil not heavier than No. 3, Guide No, 300-104, File MP-567.

Models 3800, 6800 and 8800 are designed for the use of Nos. 1, 2 or 3 commercial grades of fuel oil and consist of the following parts:

Model No. 3800, a Century, quarter horse power motor, Cuno strainer, Tuthill Pump Detroit Lubrication regulating and cut-off valve; Sirocco Type Fan 3⅜ in. x 7½ in., Webster Transformer and Monarch Nozzle. The capacity of this burner is between 6 and 13 gallons per hour.

Model No. 6800. A Century half horse power motor Cuno strainer, Tuthill Pump, Detroit Lubrication Regulating and Cut-off Valve, Sirocco Type Fan 3¼ in. x 9 in.; Webster Transformer and Monarch Nozzle. This burner is designed for the consumption of from 10 to 30 gallons of oil per hour.

Model No. 8800. A Century, three-quarters horse power motor. Cuno strainer, Tuthill pump, Detroit Lubrication Regulating and Cut-off Valve; Sirocco Type Fan 4½ in. x 9 in.; Webster Transformer and a Monarch Nozzle. This burner is designed for the consumption of between 15 to 70 gallons of oil per hour.

All three above mentioned models are equipped with standard Minneapolis Honeywell controls.

MODEL 600

This burner was installed in a conventional type steam heating boiler and is of the pressure atomizing gun type, consisting of the following assembly: 1/10 H.P. Ohio motor, a Tuthill fuelstat consisting of pump, strainer and pressure regulating valve, a Sirrocco type fan, a Monorch or any standard make nozzle with a capacity of from 1.35 to 2 gallons per hour.

Ignition—Jefferson transformer—110 to 10,000 volts.

Controls — Minneapolis Honeywell Protecto-relay R117-3 and Pressuretrol L404.

This burner was tested with the oil supply shut off in a cold combustion chamber and the controls operated to shut the burner down in 78 and 80 seconds, respectively, on two successive tests. The burner was then put in normal operation for a period of 45 minutes and during this period of test there were no flarebacks or puffs due to faulty ignition or failure of controls. Examination of the combustion chamber showed no undue carbon deposits.

MODEL 1200

This burner was inspected at premises 25-03 36th street, Astoria, Queens, and is of the pressure atomizing gun type, installed in a conventional steam heating boiler, consisting of the following assembly: A ⅛ H.P. Ohio motor, a Tuthill fuelstat, consisting of pump, strainer and pressure regulating valve, a Sirocco type fan and a Monarch or any standard nozzle of a capacity up to 4 gallons per hour.

Ignition: Jefferson transformer—110 to 10,000 volts.

Controls: Mineapolis Honeywell Protecto-relay R117-3 and Pressuretrol L404.

With the oil supply shut off and a cold combustion chamber, the burner was operated and on two successive tests the controls shut it down in 81 and 85

seconds respectively. Examination of the combustion chamber showed no undue carbon deposits.

As a result of these inspections and tests, it is recommended that the Silent Glow Oil Burner, Models listed above be approved for domestic and commercial use when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals for fuel oil not heavier than No. 3 U. S. Department of Commerce standards.

and

WHEREAS, these devices were approved by the board and applicant requested permission to market the devices as the Norge N5, N38, N68 and N88.

Resolved, that the Board of Standards and Appeals does hereby approve the devices known as the Silent Glow Oil Burners, Models 600, 800, 1000, 1200, 1800, 2800, 3800, 6800 and 8800 for use in domestic and commercial installations for fuel oil not heavier than No. 3, when installed in accordance with the Oil Burner Rules of the Board of Standards and Appeals, *on condition* that there shall be permanently attached to each burner installed a label reading:

NOTICE
Approved by the
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. No. 345-31-SA.

Resolved Further, ". . . that this device may be marketed under name Norge as follows:

The SILENT GLOW BURNER No. 600 as *"NORGE N-5"*;

The SILENT GLOW BURNER No. 3800 as *"NORGE N-38"*;

The Silent Glow Burner No. 6800 as *"NORGE N-68."*

The Silent Glow Burner No. 8800 as *"NORGE N-88."*

on condition that under whichever name it is marketed the above resolution shall be complied with in all respects.

517-37-SA.

APPLICANT—H. Lieblich & Co., agent for S. T. Johnson Co., owner.

SUBJECT—S. T. Johnson Company, B. H. Oil Burner—approval of.

APPEARANCES—
For Applicant: None.

ACTION OF BOARD—Applance approved in accordance with report of engineer of the board.

THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(517-37-SA)

WHEREAS, H. Lieblich and Co., agent for S. T. Johnson Co., owner, filed November 4, 1937, an application with the Board of Standards and Appeals for approval of the device known as the S. T. Johnson Co. B. H. Oil Burner; and

WHEREAS, the device was submitted to the engineer of the board and the division of combustibles of the fire department for test and report; and

WHEREAS, the report of the engineer of the board, supplemented by that of the representatives of the division of combustibles of the fire department, was substantially as follows:

This burner is of the pressure atomizing gun type, and is designed for the use of No. 1-2 and 3 domestic grades of fuel oil. The burner assembly consists of the following:

Westinghouse 1/6 H.P. motor; Webster fuel unit consisting of pump, regulating valve and strainer; Sirocco type fan; Benjamin nozzle.

Ignition—Electric—Webster transformer being used, 110 to 10,000 volts.

Controls—Minneapolis Honeywell Protecto—relay R-117-3 and Minneapolis Honeywell Pressuretrol L-404.

With the oil supply shut off and a cold combustion chamber, the burner was put in to operation and on two successive tests the controls functioned and shut the burner down in 80 and 81 seconds respectively. The burner was then put into normal operation and during the period of test, the control functioned as designed. During the test there were no flare backs due to faulty ignition, and the flame was clean—being free of soot and smoke. Examination of the combustion chamber showed no undue carbon deposits.

As a result of this inspection and test, it is recommended that the S. T. Johnson Company BH Oil Burner, be approved for domestic use when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals, when used with fuel oil not heavier than No. 3 U. S. Department of Commerce standards.

Resolved, that the Board of Standards and Appeals does hereby approve the device known as the S. T. Johnson Co. BH Oil Burner, for use in domestic installations with fuel oil not heavier than No. 3 U. S. Dept. of Commerce Standards, when installed in accordance with above report and the oil burner rules of the Board of Standards and Appeals; that the device shall bear a label permanently affixed thereto reading, as follows:

NOTICE
APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City
Under Cal. No. 517-37-SA.

579-37-SA.

APPLICANT—National Oil Burner Company, owner.

SUBJECT—Clark Domestic Gun Type Oil Burner, Models EJ-1 and EJ-2; approval of.

APPEARANCES—
For Applicant: J. L. Weeks.

ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.

THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(579-37-SA)

WHEREAS, National Oil Burner Company, owner, filed December 8, 1937, an application with the Board of Standards and Appeals for approval of the device known as the Clark Domestic Gun Type Oil Burner, Models EJ-1 and EJ-2; and

WHEREAS, the device was submitted to the engineer of the board and the division of combustibles of the fire department for test and report; and

WHEREAS, the report of the engineer of the board, supplemented by that of the representatives of the division of combustibles of the fire department, was substantially as follows:

These burners are of the pressure atomizing gun type and the Model EJ-1 was installed in an ordinary domestic type hot water boiler. The burners consist of the following assembly:

MODEL EJ-1—Marathon 1/6 h.p. motor; Sirroco type fan; Viking pump and pressure regulating valve and a Detroit lubricator strainer and nozzle. Capacity ½ to 3 gallons per hour.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, JANUARY 18, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the Regular meeting of the board held on Tuesday morning, January 11, 1938 and the minutes of the regular meeting of the board held on Tuesday afternoon, January 11, 1938, were approved as printed in Bulletin No. 3, Vol. XXIII.

BUILDING ZONE CASES

207-37-BZ.

APPLICANT—Larsen Baking Company, Inc., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7g and 21 of the building zone resolution, to permit in a business use district the conversion of occupancy of an existing building to a garage for more than five (5) motor vehicles.

PREMISES AFFECTED—1490 Clove road, southwest corner of Tioga street (Block No. 661, Lot No. 7), West New Brighton, Borough of Richmond.

APPEARANCES—

For Applicant: John J. Kelby and C. M. Smith.

For Opposition: Barnett Wilensky, Antonio Pessolano, Herman Schwamenfeld, Abraham Cutler, Morris A. Herson, Samuel Schechter, Harry Wexler and Albert Felix.

ACTION OF BOARD—Laid over to February 1, 1938 at 2 P. M. Applicant to substantiate Section 7-G of the building zone resolution.

415-37-BZ.

APPLICANT—Wallace Gordon (lessee), for Beaver Film Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the conversion of occupancy of an existing building to paper stock and baling or a junk shop.

PREMISES AFFECTED—215 Liberty avenue, northwest corner of Magnolia avenue (Block No. 3343, Lot Nos. 56 and 59), Dongan Hills, Borough of Richmond.

APPEARANCES—

For Applicant: Wallace Gordon.

For Opposition: William Imhof.

ACTION OF BOARD—Laid over to February 1, 1938 at 2 P. M., for consideration by the board. No further argument.

458-37-BZ.

APPLICANT—Lama and Proskauer, for East Brooklyn Savings Bank, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7c and 21 of the building zone resolution, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a building to be used as a garage for more than five (5) motor vehicles and a motor vehicle repair shop and also the establishment of a gasoline service station.

PREMISES AFFECTED—374-386 Willoughby avenue and 903-907 Bedford avenue, southeast corner (Block No. 1762, Lot Nos. 32 and 36), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama, Bernard J. Tindon and George W. Kennedy.

For Opposition: George H. Cohn, Sidney H. Gittelson, H. J. McCarthy, Louis Barnett, Jacob Berkowitz.

ACTION OF BOARD—Laid over to February 1, 1938, at 2 P. M., for consideration by the board. No further argument.

595-30-BZ.

APPLICANT—Michael J. Bartholomew, for Diamond Evangelist, owner.

SUBJECT—Application reopened December 21, 1937, for consideration as to extension of time to complete work—time having expired by limitation—re Application (decision of the superintendent of buildings) granted on condition, under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—2478-2488 Coney Island avenue, northwest corner of Avenue V (Block No. 7136, part of Lot Nos. 35 and 39), Borough of Brooklyn.

APPEARANCES—

For Applicant: Michael J. Bartholomew.

For Opposition: None.

ACTION OF BOARD—Resolution amended and time extended.

THE VOTE TO AMEND RESOLUTION AND EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(595-30-BZ)

WHEREAS, Diamond Evangelist, owner, filed, September 16, 1930; denied February 17, 1931; reopened under new state of facts June 13, 1933, an application, under the building zone resolution, to permit in a business district the erection and maintenance of a gasoline service station; premises 2478-2488 Coney Island avenue, northwest corner of Avenue V (Block No. 7136, part of Lot Nos. 35 and 39), Borough of Brooklyn; and

WHEREAS, this application was granted by the Board November 8, 1933, on certain conditions time to complete extended January 23, 1934, resolution amended April 24, 1934, and July 17, 7934, and applicant requests a further extension of time; and

WHEREAS, this application was reopened by vote of the board September 21, 1937; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting, January 18, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does *hereby amend* its resolution of November 8, 1933, as amended by resolution of July 17, 1934, only so far as it has reference to the term of the permit and the completion of the work, so that as amended the resolution shall read:

"*Resolved*, that the board of standards and appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under Section 21, for a period of five years from January 18, 1938, to permit a variance of the zoning resolution for a gasoline service station on the plot at the corner of Coney Island avenue and Avenue V, 100 ft. on Coney Island avenue and 50 ft. on Avenue V, *on condition* that there shall be erected on the interior lot lines of this plot an unpunctured brick wall, suitably coped, not less than 8 ft. in height, and that a similar wall shall be erected on the street line of Avenue V, out to the corner of Coney Island avenue;

that this wall may, however, be racked back, starting with a height of 4 ft. at Coney Island avenue and be racked back at the rate of one foot in four; that there shall be no openings for the entrance of automobiles to this plot except from Coney Island avenue; that there shall be erected along the street building line of Coney Island avenue a concrete curb at least 6 in. in height and 12 in. in width with rounded top that there shall be not over three openings therein, no opening to exceed 25 ft. in width and no part of any opening nearer than 10 ft. to the corner formed by the intersection of Coney Island avenue and Avenue V, nor within 5 ft. of the northerly line of this plot under appeal, with curb cuts opposite these openings not over 30 ft. in width; that the accessory buildings to be erected on this plot shall not exceed those shown on the plans filed with this application, consisting of an office and housing for grease racks, with fronts left open, that these buildings shall not exceed one story in height and the rear walls of these buildings may be incorporated in the rear lot line wall; that there shall be no excavation under these buildings except the greasing pits; that these buildings shall be constructed of incombustible materials; that the balance of the plot shall be cement paved or covered with cracked blue stone; that any gasoline pumps that are erected shall be at least 10 ft. from the building line of Coney Island avenue and not nearer than 10 ft. to any part of an accessory building; that there shall be no portable gasoline pumps used on or from the property; that any signs advertising non-conforming uses shall be limited to the illuminated globes of the gasoline pumps and to flat wall signs on the interior side of the lot line wall or against the fronts of the accessory buildings, no signs to be erected on the rear of the wall facing west or on the wall facing Avenue V, excluding all temporary signs of every nature; that illumination at night shall be by means of pipe standards not over 8 ft. in height with metal reflectors arranged to reflect downwardly so that they will be no nuisance at night to any residential buildings in the neighborhood; that no portion of the balance of the property owned by this applicant shall be used for non-conforming use; that there shall be no repairing of automobiles permitted on the premises, and that all permits shall be obtained and all work completed within one year from January 18, 1938."

322-37-BZ.

APPLICANT—Edward Martinek (lessee), for Peter Doegler, Inc., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—509-511 East 76th street, north side, 173 ft. east of York avenue (Block No. 1488, Lot Nos. 8 and 9), Borough of Manhattan.

APPEARANCES—

For Applicant: Robert G. Surridge and Edward Martinek.

For Opposition: M. H. Frank and Sol. A. Herzog.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Absent 0

THE RESOLUTION—

(322-37-BZ)

WHEREAS, Edward Martinek (lessee), for Peter Doegler, Inc., owner, filed June 29, 1937, an application under the building zone resolution to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises: 509-511 East 76th street, north side, 173 ft. east of York avenue (block No. 1488, lot Nos. 8 and 9), borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, January 18, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that York avenue is in a residence use district; East 76th street is in a business, residence and unrestricted use; Cherokee place is in a residence and business use and East 77th street is in a residence and business use; and

WHEREAS, the decision of the commissioner of buildings, rendered June 4, 1937, re Application No. 73-1937, reads:

"1—The premises is located in a business district. The parking or storage of more than five motor vehicles in a business district is contrary to Section 4, Subd. 15 of the Zoning Resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 50 feet and a maximum depth of 70 feet —it is proposed to use the premises for a temporary period of not more than 2 years for the parking and storage of more than 5 motor vehicles; and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board, in order to be informed prior to the hearing; and

WHEREAS, the board deemed that due to the size of the plot and its location adjoining apartment houses and children's playground, the site under appeal is not a proper one to justify exercise of the board's discretion to grant a variance.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed* and that the application be and it hereby is *denied.*

Adjourned, 12:10 P. M.

EDWARD V. BARTON, Chief Clerk.

NOTICE

FORMS FOR NOTICES TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, JANUARY 18, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

309-35-BZ.

APPLICANT—Hillside Parking Corporation, for Nathan Strauss, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a residence use district the use of a plot of ground as a parking space for the storage of more than five (5) motor vehicles for a temporary period.

PREMISES AFFECTED—Northwest corner of Wilson avenue and East 214th street (Block No. 4709, Lot No. 1), Borough of The Bronx.

APPEARANCES—

For Applicant: Milton Altschuler.

ACTION OF BOARD—Application reopened, calendar call waived and set for hearing February 8, 1938 at 10 A. M.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

127-35-BZ.

APPLICANT—Casper P. Colla, for Joseph Angelone, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the commissioner of buildings) under section 7-H of the building zone resolution, to permit in a business district the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—115-117 Truxton street, northside, 220 ft. east of Sackman street (Block No. 1544, Lot No. 45), Borough of Brooklyn.

APPEARANCES—

For Applicant: Casper P. Colla.

ACTION OF BOARD—Application reopened, calendar call waived and set for hearing February 8, 1938 at 10 A. M.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

51-30-BZ.

APPLICANT—Austin W. Magee, for Seminole Garage, Inc., lessee (Cord Meyer Development Co., owner).

SUBJECT—Application for consideration—reopening and amendment—re Application, under sections 7-g and 21, previously granted on condition, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles and, also, the installation of a gasoline service station.

PREMISES AFFECTED—112-01 to 112-09 Queens boulevard, 75-01 to 75-09—112th street (Seminole avenue), northeast corner, and 112-16 to 112-40—75th avenue, (Atom street), Block No. 1266, Lot No. 79), Forest Hills, Borough of Queens.

APPEARANCES—

For Applicant: Austin W. Magee.

ACTION OF BOARD—Application reopened, calendar call waived and set for hearing February 1, 1938, at 2 P. M.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

440-22-BZ.

APPLICANT—James J. Malone, for 571 West 182nd Street Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time—re Application (decision of the commissioner of buildings) under section 7b of the building zone resolution, permitting partly in a business use district and partly in a residence use district the alteration and change of occupancy of a building occupied as a post office to stores (the post office use having been previously granted by the board).

PREMISES AFFECTED—571-573 West 182nd street, north side, 60 ft. east of St. Nicholas avenue (Block No. 2154, Lot No. 65), Borough of Manhattan.

APPEARANCES—

For Applicant: James J. Malone.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(440-22-BZ)

WHEREAS, this application affecting premises 571-573 West 182nd, north side, 60 ft east of St. Nicholas avenue (Block No. 2154, Lot No. 65), Borough of Manhattan, was granted by the board May 2, 1922 on certain conditions, resolution amended January 21, 1936 on certain conditions, time extended January 26, 1937 and applicant requests a further extension of time to complete work.

Resolved, that the resolution adopted by the board on January 21, 1936 be and it hereby is *amended,* only so far as it has reference to the time to complete the work, so that as amended this portion of the resolution will read:

"that the time to obtain permits and to complete work be extended for one year from the date of this amended resolution, and that the resolution, adopted on January 21, 1936, other than as amended herein, shall be complied with in all respects."

772-28-BZ.

APPLICANT—Louis E. Ordwein, for The Bank for Savings in City of New York, owner.

SUBJECT—Application for consideration—reopening and amendment—(re decision of department of housing and buildings) re Application, granted on condition, under section 7e of the building zone resolution, permitting in a business use district the alteration and conversion of occupancy of an exist-

ing building to a garage for more than five (5) motor vehicles.

PREMISES AFFECTED—136-138 East 41st street, south side, 148 ft. 3 in. east of Lexington avenue (Block No. 1295, Lot No. 46), Borough of Manhattan.

APPEARANCES—
For Applicant: David Weinberg.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(772-28-BZ)

WHEREAS, this application affecting premises 136-138 East 41st street, south side, 148 ft. 3 in east of Lexington avenue (Block No. 1295, Lot No. 46), Borough of Manhattan, was granted by the board, March 12, 1929, on certain conditions and owner requested an amendment of the resolution.

Resolved, that the board of standards and appeals does hereby *amend* resolution adopted on March 12, 1929, as amended by resolution July 13, 1937, so that as amended it shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby make a variation in the application of the use and area district regulations of the building zone resolutions and that the application be and hereby is *granted* under section 7e, permitting the use of this building for the storage of more than five (5) motor vehicles *on condition* that any gasoline stored in the building shall be used exclusively for servicing the automobiles stored therein and not for sale to passing motor vehicles; that the building shall be constructed fireproof throughout; that the gable and rear walls shall be unpioerced throughout their entire height and width; that a rear yard, not less than 8 ft. in depth on the average, starting at the level of the second tier of beams and 21 ft. easterly from the westerly property line of this plot, shall be established and maintained; that a new wall shall be erected enclosing the rear of the building at this point; that no opening shall be constructed in this new rear wall; that the requirements of the building code shall be complied with as to structural requirements and the side party walls shall be required to be reinforced by construction of piers or steel columns for the support of the new fireproof floor construction; that the requirements of the zone resolution shall be complied with in all respects other than as varied herein; that the front wall *shall be either reconstructed with face brick or* shall be thoroughly repaired and treated with a stucco finish in imitation limestone; that the roof shall not be used for the storage or servicing of any automobiles; that any opening in the elevator shaft constructed above the main roof level shall be restricted to a width not exceeding 3 ft.; that any advertising exposed or displayed on the front of the building shall be restricted to one projecting illuminated sign, indicating the name and title of the business conducted on the premises, prohibiting any temporary signs or roof signs; *that in the event the owner desires to construct openings on the 1st and 2nd floors to connect this building with the adjoining garage building located at* 130-132 *East* 41*st street, constructed in accordane with zoning variance granted by the board under Cal. No. 774-20-BZ, such openings may be permitted so long as both buildings meet all the requirements for such garage use; that such openings shall not exceed the size shown on plans marked 'Received January* 10, 1938, *and are protected with Underwriters' steel doors or rolling steel curtains on each side of each opening; that the cellar may be used provided that the room in which the heater is installed shall be separated from balance of building with fireproof construction and enterable only from exterior of the building; that the tanks for the storage of gasoline as herein permitted shall not be constructed nearer than* 15 *ft. from any portion of the boiler room;* that all permits shall be obtained and all work completed within one year from the date of this action.

394-29-BZ.

APPLICANT—F. A. McKeown, for W. J. Olvaney, owner.

SUBJECT—Application for consideration—reopening and amendment—re Application (decision of the superintendent of buildings) under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—Southwest corner of Elmhurst avenue and Case street (Block No. 677, part of Lot No. 1), Elmhurst, Borough of Queens.

APPEARANCES—
For Applicant: F. A. McKeown.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(394-29-BZ)

WHEREAS, this application affecting premises southwest corner of Elmhurst avenue and Case street, Block No. 677, part of Lot No. 1), Elmhurst, Borough of Queens, was granted by the board December 3, 1929, on certain conditions, amended March 19, 1935, and owner requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals *does* hereby amend its resolution of December 3, 1929, as amended by resolution adopted March 19, 1935, so that as amended the resolution will read as follows:

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21 of the building zone resolution, *on condition* that no gasoline pump shall be erected within 10 feet of any street building line; that there shall be erected along the building line of the three street fronts a reinforced concrete curbing not less than 5 inches in height nor less than 12 inches in width with not more than two openings to any street front or a total of not more than six openings; that no opening shall exceed 25 feet in width; that curb cuts opposite shall not exceed 30 feet in width; that the buildings on this plot shall consist of an office section and greasing section and shall not exceed one story in height and shall be constructed of fireproof materials except that the roof beams, roof boarding, door frames and doors, window frames and sash may be of wood, provided the roof is weather-surfaced with non-inflam-

mable roofing and the ceilings throughout fire-retarded in acordance with the rules of the Board of Standards and Appeals; that the fronts of these accessory buildings shall be faced with brick or architectural terra cotta; that the greasing pits section shall have the front open *unless the greasing equipment is of the hydraulic type, in which case closure doors may be permitted and the greasing section may be heated by means of a Humphrey gas-fire garage heater, constructed and installed in accordance with approval of the New York Board of Fire Underwriters, provided such heater is not less than 8 ft. above the floor level and is properly vented by duct to the outside air"*; that there shall be no openings in the rear wall of this building facing on adjoining property unless the building is set off from the rear property line of the plot a distance of not less than three feet, but any such windows shall have fireproof frames and sash; that there shall be no portable gasoline tanks maintained or operated on the premises; that advertising shall be confined to the illuminated globes of the pumps and to permanent flat signs on the facade of the accessory building and to not over two post standards erected within the building line and carrying signs which may be illuminated, advertising the brand of gasoline for sale; that there shall be no motor vehicle repairing permitted on the premises and no parking of cars thereon other than those being serviced; that there shall be no open excavation under the accessory buildings except the pits for the greasing racks; that the plans submitted marked "Received March 6, 1935," are hereby approved, as complying with the requirements of this resolution, as to the accessory building, provided the rear windows are made to comply with the requirements thereof; that the entire plot where not covered by accessory buildings shall be either cement paved or covered with asphalt paving; that all permits required shall be obtained within three months and all work involved completed within nine months from the date of this amended resolution.

106-32-BZ.

APPLICANT—Scacchetti and Siegel, for Confield Estates, Inc., owner.

SUBJECT—Application for consideration—reopening and extension of time to complete work—re Application (decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a residence use district the alteration and change of occupancy of part of the first floor of an existing multiple dwelling to business use (stores).

PREMISES AFFECTED—2351-2355 Grand Concourse, northwest corner Field place (Block No. 3164, Lot No. 50), Borough of The Bronx.

APPEARANCES—

For Applicant: Irving H. Stolz.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(106-32-BZ)

WHEREAS, this application affecting premises 2351-2355 Grand Concourse, north west corner of Field place (Block No. 3164, Lot No. 50), Borough of The Bronx, was granted by the board April 13, 1937 on certain conditions and applicant requested an extension of time to complete work.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on April 13, 1937, only so far as it has relation to the completion of work, so that as amended this portion of the resolution shall read:

". . . that all work shall be completed within one year from the date of this amended resolution."

APPEALS FROM ADMINISTRATIVE ORDERS

439-37-A.

APPLICANT—Montgomery Ward & Co., Inc., owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—150-18 Jamaica avenue, southwest corner of 151st street (Block No. 1044, Lot No. 6), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Arthur L. Kraut.

ACTION OF BOARD—Laid over to February 1, 1938 at 2 P. M., on request of applicants representative.

596-37-A.

APPLICANT—Edward and John Burke, Ltd., owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—47-24 27th street, west side, 100 ft. south of 47th avenue (Block No. 97, Lot No. 3), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: H. S. Lasue.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Laid over to January 25, 1938, at 2 P. M. for report from fire department.

622-37-A.

APPLICANT—Benjamin Saltzman, Assistant Engineer, Department of Buildings, for Edwin H. Thatcher, Commissioner, Department of Buildings, Borough of Brooklyn.

SUBJECT—Application for revocation of permits and certificates of occupancy—re premises partially converted from a storage garage to a gasoline service station in a residence use district.

PREMISES AFFECTED—2042-2044 Ocean avenue, west side, 470 ft. south of Avenue O (Block No. 6755, Lot No. 36 and part of Lot No. 38), Borough of Brooklyn.

APPEARANCES—

For Applicant: Benjamin Saltzman, Assistant Engineer, Department of Housing and Buildings.

For Owner: Henry Filsenstein.

ACTION OF BOARD—Laid over to February 4, 1938, at 10 A. M. on request of owner of premises.

486-37-A.

APPLICANT—L. B. DeGarmo, for The Emergency Shelter, Inc., lessee.

SUBJECT—Appeal from a decision of the commissioner of buildings.

PREMISES AFFECTED—69 St. Marks place, north side, 175 ft. northwest of First avenue (Block No. 450, Lot No. 40), Borough of Manhattan.

APPEARANCES—

For Applicant: L. B. De Garmo and Reuben Golin.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(486-37-A)

WHEREAS, L. C. De Garmo, for The Emergency Shelter, Inc., lessee, filed October 14, 1937, an appeal from an order and a decision of the Commissioner of Buildings, affecting premises 69 St. Marks place, northside, 175 ft. northwest of First avenue (Block No. 450, Lot No. 40), Borough of Manhattan; and

WHEREAS, the order of the Commissioner of Buildings, dated September 14, 1937 (Viol. Order No. 5849-1936), reads:

"You are hereby notified that the building situated on the front of the lot on the north side of St. Marks place, commencing about 175 ft. from the northwest corner of St. Marks Place and First avenue, being cellar story, non-fireproof building, about 25 ft. front, 25 ft. rear, 93 ft. 11 in. deep and 61 ft. in height and occupied as a lodging house and known as No. 69 St. Marks place, in the Borough of Manhattan, in the City of New York, does not conform to section 6 of the building code, in the respects noted below:

In that of converting the occupancy of the entire building from meeting rooms to lodging house, no certificate of occupancy issued by building department.

You are hereby directed in discontinue the said use of the above described building until a certificate of occupancy has been issued by the Commissioner of Buildings for such new use and occupancy."

and

WHEREAS, the decision of the Commissioner of Buildings, dated December 1, 1937, reads:

"Replying to your letter of November 18, 1937, in regard to above stated alteration application, and your request that this application be denied in order that the matter may be taken before the Board of Standards and Appeals, I wish to advise that—

Amendment to this alteration application was disapproved on February 23, 1937, requesting that a full set of plans be filed to show full compliance with the Multiple Dwelling Law for a building hereafter erected."

and

WHEREAS, the building is 5 stories, 60 ft. in height, 25 ft. by 93 ft. 11 in. in area at the 1st story and 25 ft. by 78 ft. 10 in. in area above, of non-fireproof construction, located in a residence use district, erected in 1890 and occupied since October 1st, 1936, as follows: Cellar—wash rooms—70 persons; 1st floor—laundry, office, dining room, kitchen—70 persons; 2nd floor—private office—70 persons; 3rd floor—chapel, dormitory—30 persons; 4th floor—dormitory—30 persons; 5th floor—dormitory—20 persons, for which no certificate of occupancy has been issued; and

WHEREAS, the applicant contends that the Emregency Shelter, Inc., is a membership corporation organized for the purpose of assisting and rehabilitating homeless and unemployed men; that it has now been operating for a number of years; that prior to its removal in 1936, to 69 St. Marks place, New York City, it was located at 257-261 Greene street, New York City; that The Shelter is supported entirely by voluntary contributions, no charge of any kind whatsoever being made for the services furnished to applicants for assistance; that during the course of a year the Shelter will serve approximately 500,000 meals and furnish each night sleeping accommodations for at least 70 men; that in addition, the Shelter maintains a free employment department, a first aid department, a dental department, a laundry and a general clothes repair service; that an examination of the Multiple Dwelling Law with special reference to section 4, paragraph 3, indicates that the law applies only to dwellings which are "either rented, leased, let or hired out"; that the premises occupied by the Shelter are neither rented, leased, let or hired out to the homeless men who are there given lodging; that this service, as stated above, is completely gratuitous; that it follows that the Shelter's occupancy is not one intended to be covered by the Legislature in its enactment of the Multiple Dwelling Law, and that, therefore, a certificate of occupancy should properly be issued to the Shelter; and

WHEREAS, the question presented is whether this building is a Class B multiple dwelling and as such is subject to the requirements of the Multiple Dwelling Law; and

WHEREAS, after inspection and consideration, the board is of the opinion that the building is being used as a Class B multiple dwelling, as a lodging house within the description contained in article I, section 4, paragraph 5, and that it cannot be considered as an asylum so as to be exempt from the requirements of the Multiple Dwelling Law.

Resolved, that the order of the commissioner of buildings, No. 5849-1936, be and it hereby is *affirmed* and that the appeal be and it hereby is *denied.*

606-37-A.

APPLICANT—Erwin Rebafka, for 40 Exchange Place Corporation, owner.

SUBJECT—Appeal from an order and a decision of the commissioner of buildings.

PREMISES AFFECTED—25-29 William street and 40 Exchange place, southwest corner (Block No. 25, Lot No. 27), Borough of Manhattan.

APPEARANCES—

For Applicant: Erwin Rebafka.

For Administration: Inspector Maher, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(606-37-A)

WHEREAS, Erwin Rebafka, for 40 Exchange Place Corporation, owner, filed December 20, 1937, an appeal from an order and a decision of the commisioner of buildings affecting premises 25-29 William street and 40 Exchange place, southwest corner, (Block No. 25, Lot No. 27), Borough of Manhattan; and

WHEREAS, the order of the commissioner of buildings, dated October 25, 1937, No. 37408-F, reads as follows:

1. Provide 4 approved 2½ gallon liquid fire extinguishers on each story. Sec. 20, Ch. 12, Code of Ordinances.

2. Provide an additional standpipe riser with 100 ft. of 2½ in. hose on each story. Sections 580-81, Ch. 5, Code of Ordinances."

and

WHEREAS, the decision of the commissioner of buildings, dated December 15, 1937 reads as follows:

Your communication of December 10, relative to Order 37408 F noted. Our records show no acceptance of the present standpipe conditions and as this department has no power to grant a modification of the standpipe rules, it is suggested that the matter be taken before the Board of Standards and Appeals."

and

WHEREAS, the building is 20 stories, 277 feet in height, 70 feet by 182 feet in area, of fireproof construction, equipped with a standpipe system and located in a business use district, erected in 1895 and occupied as follows: 1st floor, stores, 30 persons; 2nd floor, vacant; 3rd floor, offices, 7 persons; 4th floor, offices, 70 persons; 5th floor, offices 14 persons; 6th floor, offices, 70 persons; 7th floor, offices, 25 persons; 8th floor, offices, 64 persons; 9th floor, offices, 20 persons; 10th floor, offices, 54 persons; 11th floor, vacant; 12th floor, offices, 53 persons; 13th floor, offices, 41 persons; 14th floor, offices, 35 persons; 15th floor, offices, 55 persons; 16th floor, offices, 32 persons; 17th floor,

offices, 36 persons; 18th floor, offices, 33 persons; 19th floor, offices, 54 persons; 20th floor, offices, 21 persons; for which certificate of occupancy No. 4467 was issued March 14, 1922, allowing 50 persons per story; and

WHEREAS, the applicant contends that the existing standpipe system has been approved and accepted by the department having jurisdiction since the building was erected in 1895, that the building is used for office purposes and the occupancy is non-hazardous, that the housekeeping conditions are good; that the employees in the building have been organized to meet emergencies such as may be caused by incipient fires; that in lieu of installing the additional standpipe riser, it is proposed to add 25 feet of approved 2½ in. hose per floor; that the 125 ft. hose length plus the 20 ft. stream allowance will cover 140 ft.; that the total distance from the existing standpipe riser to the extreme west wall of the south wing is 175 ft. which leaves approximately 30 ft. or 800 sq. ft. in area unprotected by the standpipe hose, in this area it is proposed to install one 2½ gallon soda and acid fire extinguisher and one additional 2½ gallon extinguisher at any designated point per floor, making a total of 40 extinguishers in the building, exclusive of pump and motor rooms which are now adequately protected; and

WHEREAS, the standpipe equipment has been tested by the Department of Housing and Buildings and has been made to comply with the requirements.

Resolved, that the order of the commissioner of buildings, No. 37408-F, Items 1 and 2, be and it hereby is *modified* and that the application be and it hereby is *granted on condition* that the existing standpipe system shall be maintained to the satisfaction of the administrative official; that there shall be installed 150 feet of approved 2½ in. hose at the hose outlet on each floor; that there shall be installed on each floor four approved 2½ gallon fire extinguishers, located as the administrative official may direct.

590-37-A-WF.

APPLICANT—Arthur Hamburger, for Hydor Realty Associates, Inc., owner and Lincoln Associates, lessee.

SUBJECT—Appeal from a decision of the commissioner of buildings.

PREMISES AFFECTED—South side of Northern boulevard, 100 ft. east of Willets Point boulevard (Block No. 838, Lot No. 221), Corona, Borough of Queens.

APPEARANCES—

For Applicant: D. Reisner and H. Ginsberg.

For Opposition: Latham C. Squire.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(590-37-A-WF)

WHEREAS, Arthur Hamburger, for Hydor Realty Associates, Inc., owner, and Lincoln Associates, lessee, filed on December 13, 1937, an application for permission to erect and maintain signs on a building in the course of erection on the south side of Northern boulevard, 100 feet east of Willets Point boulevard (Block No. 838, Lot No. 221), Corona, Borough of Queens; and

WHEREAS, the decision of the commissioner of buildings on N.B. Application 5656-36, dated November 16, 1937, reads as follows:

"1. Although the premises are located within an unrestricted district this department cannot at this time issue a permit for an advertising sign upon the roof of the building, without the approval of the Board of Standards and Appeals, by reason of the provisions of sections 1, 2 and 4 of a resolution adopted by the Board of Estimate and Apportionment on Sept. 27, 1937, regulating signs, parking spaces and amusements in the area contiguous to the World's Fair, Borough of Queens. By the terms of section 9 of said resolution, the supports and footings for the sign, erected under approved permit N.B. 5655 of 1936 dated November 25, 1936, can not be considered by this department in view of the above resolution. An appeal from this decision must be made to the Board of Standards and Appeals."

and

WHEREAS, the building, which is in the course of erection, will be of nonfireproof construction one-story (22 ft.) in height, 150 ft. by 340 ft. in area, located on a plot 176 ft. x 402 ft. in area, in an unrestricted use district, equipped with a sprinkler system and occupied for the manufacture, storage and sale of mill work and lumber products and a garage machine shop and office accessory thereto; and

WHEREAS, it is proposed to erect three roof signs on the roof of the proposed building facing west, each sign to be five feet high and to be 50 ft., 50 ft. and 60 ft., respectively, in length, spaced 20 feet apart and to extend 17 feet above the roof and to affix to the parapet on the north side of the building lettering 5 feet high and extending 45 ft. in width on each side of the entrance; and

WHEREAS, this application is made pursuant to the provisions of the resolution adopted by the Board of Estimate and Apportionment September 27, 1937, regulating the World's Fair District; and

WHEREAS, pursuant to section 10 of the said resolution, the applicant has filed a copy of this application with the Police Commissioner, Fire Commissioner, Commissioner of Health, License Commissioner and Commissioner of Buildings, Queens; and

WHEREAS, pursuant to section 11 of the said resolution the Police Commissioner has reported that the Police Department has no recommendation to make in the matter; the Commissioner of Health has reported that the building is 90 per cent completed and no sanitary violations were found; the Commissioner of Buildings, Queens, has reported that an examination of the plans accompanying N.B. App. 5565-36 shows the sign in conformity with the building code and construction requirements; and no reports have been received from the Fire Commissioner or the Commissioner of Licenses; and

WHEREAS, the applicant contends that the owner purchased the property in 1926; that the owner is at present engaged in the lumber and millwork business and has its main building on 112th street and Northern boulevard, Corona, N. Y.; that he has been in the present business for approximately 50 years and has occupied the present location for thirty-one years; that the property in question was purchased in 1926 for the purpose of erecting a permanent building thereon similar to the one now under construction; that shortly after the time of purchase, a large billboard sign was erected on the premises, notifying the public that such premises would be used for the future business home of the owner; that long before the World's Fair was considered, tentative plans for the proposed building were drawn up by various architects and plans for a railroad siding for the premises in question were prepared for the owner; that a railroad siding has since been installed; that the premises in question are within approximately three-quarters of a mile of the present business location of the owner; that his present building has a sign across the front advertising its name and business; that the plans for the construction now under way were filed in November 1936, long before the resolution regulating sign installation and maintenance was passed; that the reason for building the new plant is to eliminate the necessity of shop, office, factory and warehouse being in different buildings in different locations and make possible the running of freight and materials right on the owner's premises by virtue of the railroad siding; the owner contemplates discontinuing all its other plants on the completion of the plant under construction; that the erection of the premises in question was commenced long prior to

the passage of the resolution in question; that it was always the intention of the owner and lessee to erect a sign, such as specified in the plans submitted which were rejected; that the supports and footings for the premises under construction were made strong enough to support the contemplated sign; that the cost of the proposed structure to the owner will be more than $250,000; that it is expected that the plant will be completed and READY FOR OCCUPANCY WITHIN THE NEXT TWO MONTHS. The owner and lessee plan to have a lawn in front of the premises facing the New Whitestone Bridge Approach which will be at least thirty or forty feet deep and will cover the entire frontage of the property, which is approximately one hundred and seventy-five feet; that the sign to be erected is to advertise only the business of the owner and will be simple and dignified; that THE VALUE of the plant will greatly be impaired unless there is adequate advertising space on the building itself for the sign which the owner seeks to erect.

Resolved, that the Board of Standards and Appeals does hereby *grant*, pursuant to the power vested in this board by the resolution adopted by the Board of Estimate and Apportionment on September 27, 1937, regulating the World's Fair district, permission to erect signs as indicated on plans filed herewith marked "Received January 18, 1938," *on condition* that no signs other than those indicated on these drawings shall be installed without the permission of this board and that no signs shall be erected above the parapet of any portion of the building, except such signs as are indicated to be painted on the glass of the monitor structures shown on the east elevation, provided that any such sign shall be limited solely to the east side of such monitors.

617-37-A.

APPLICANT—Morton E. Bleich, for Henry Phipps Estates, owner.

SUBJECT—Appeal from an order and a decision of the commissioner of buildings.

PREMISES AFFECTED—815-829 Eighth avenue, west side, between West 49th street and West 50th street, 307 West 49th street and 304 West 50th street (Block No. 1040, Lot No. 29), Borough of Manhattan.

APPEARANCES—

For Applicant: Morton E. Bleich.

For Administration: Inspector Maher, Department of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(617-37-A)

WHEREAS, Morton E. Bleich, for Henry Phipps Estates, owner, filed December 22, 1937, an appeal from an order and a decision of the commissioner of buildings, affecting premises 304 West 50th street, 307 West 49th street, 815-829 Eighth avenue, west side, between 49th and 50th streets (Block No. 1040, Lot No. 29), Borough of Manhattan; and

WHEREAS, the order of the commissioner of buildings, No. 37269-F, dated October 11, 1937, reads as follows:

"1. Replace all sprinkler heads and piping removed from store at the northeast corner of the building, 1st and 2nd floors, and arrange for a test on system when same is completed. Sec. 20, Ch. 12, Code of Ordinances."

and

WHEREAS, the decision of the commissioner of buildings, dated December 17, 1937, reads as follows:

"Replying to your communication dated December 11th, wherein you request that Order 37269-F be reissued, you are advised that your request must be denied.

There has been no change in the conditions to warrant a modification or reissuance of this order."

and

WHEREAS, the building in question is 6 stories (59 ft.) in height, 200.10 ft. by 124.75 ft. in area; of fireproof construction; equipped with a standpipe and a sprinkler system; erected in 1928, and occupied as follows: Cellar—exhibition, storage and boiler room, 870 persons; 1st story—stores, present occupancy 15 persons, proposed occupancy 25 persons; 2nd story—office, showrooms, 700 persons; 3rd story—golf school, locker room, 700 persons; 4th story—skating rink, 800 persons; 5th story—offices, locker room, 50 persons; 6th story—offices, lockers, 50 persons; for which Certificate of Occupancy No. 14490 was issued October 15, 1928; and

WHEREAS, the applicant contends the sprinklers in the northeast corner of building were removed on the 1st floor in order to have a smooth hung ceiling to hide the unsightly beams; that the pipes would be unsightly; that the ceiling would be very low if the sprinkler lines were to be concealed; that the cost of replacing these sprinkler lines would be prohibitive and would destroy the appearance of the new store; that it is the contention of the commissioner of buildings that this space must be fire-protected because of the Arcade entrance to Madison Square Garden and the show windows facing on the Arcade; that it is proposed to install three lines of sprinklers in the store and in the Arcade show windows, having a total of 27 sprinkler heads in an area of 250 sq. ft., thereby creating in the case of emergency a wall of water in the area questioned; and

WHEREAS, the premises were inspected by a committee of the board; and

WHEREAS, the board deemed that the conditions were such as to require the replacement of the sprinklers that were removed without authorization of the Department of Buildings and without proper fireproofing of the openings upon the arcade leading to Madison Square Garden.

Resolved, that the order and decision of the commissioner of buildings be and they hereby are *affirmed* and that the appeal be and it hereby is *denied.*

2-38-A.

APPLICANT—Childs Company, lessee.

SUBJECT—Appeal from a decision of the fire commissioner.

PREMISES AFFECTED—1551-1553 Broadway, northwest corner of West 46th street (Block No. 1018, Lot Nos. 26 and 126), Borough of Manhattan.

APPEARANCES—

For Applicant: M. A. Le Gette and W. H. Baldmann.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(2-38-A)

WHEREAS, Childs Company, applicant and lessee, filed on January 3, 1938, an appeal from a decision of the fire commissioner affecting premises 1551-1553 Broadway, northwest corner of West 46th street (Block No. 1018, Lot Nos. 26 and 126), Borough of Manhattan; and

WHEREAS, the decision of the fire commissioner, dated December 17, 1937, reads as follows:

"In reply to your letter of December 15, 1937, relative to a proposed refrigerating system for air cooling

the first floor of Childs' restaurant at 1551 Broadway, Manhattan, we regret that a permit cannot be granted for the reason that the system, as shown on the drawings submitted, is located on the second floor. This is in violation of section 219 (b) of article 18, chapter 10, Code of Ordinances.

However, this department has no objection if you will avail yourself of your right to appeal from the fire commissioner's decision by appealing to the Board of Standards and Appeals, Room 1002, Municipal Building, Manhattan."

and

WHEREAS, the building is three stories and basement, 40 ft. in height, 49 ft. 9 in. by 100 ft. 3 in. in area, of ordinary brick construction; erected in 1925 and occupied since 1927, as follows: Cellar—restaurant, 10 persons; 1st floor—restaurant, 150 persons; 2nd floor—vacant, 25 persons; 3rd floor—dance hall, 150 persons; for which Certificate of Occupancy No. 17556 has been issued; and

WHEREAS, it is proposed to install an air-conditioning system in the restaurant on the first floor, the compressor and condensing units to be located at the rear of the 2nd story; and

WHEREAS, the applicant contends that the refrigerating equipment will be placed entirely outside the building and separated from the building by a fireproof door. Fusible dampers will be installed in the duct where passing through the floor and equipment room; that these dampers will be so designed that upon closing of any damper, all equipment will automatically cease operation; that ceiling outlets on the first floor will be plaster sealed against the ceiling and constructed of metal; that all ducts passing through combustible construction will be constructed double, as recommended in the Building Code; that ducts piercing the floor will not be adjacent to any fire exit; that heat will be furnished to the air conditioning unit by means of steam piping from the boiler room in the basement; that the refrigerant to be used is F-12.

Resolved, that the decision of the fire commissioner, dated December 17, 1937, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* so as to permit the proposed refrigerating system, as described in this appeal, *on condition* that no open flames shall be permitted in the space in which the refrigerating machinery is to be installed and that complete working drawings shall be submitted to this board for approval before the work is commenced.

18-38-A.

APPLICANT—Peter Copeland, for Jaurale Corporation, owner.

SUBJECT—Appeal from a decision of the acting superintendent of buildings.

PREMISES AFFECTED—2081-2089 Broadway and 201 West 72nd street, north west corner (Block No. 1164, Lot No. 26), Borough of Manhattan.

APPEARANCES—

For Applicant: Peter Copeland and John E. Carroll.

For Administration: James J. Stack, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(18-38-A)

WHEREAS, Peter Copeland, for Jaurale Corporation, owner, filed on January 13, 1938, an appeal from a decision of the acting superintendent of buildings affecting premises 2081-2089 Broadway and 201 West 72nd street, northwest corner (Block No. 1164, Lot No. 26), Borough of Manhattan; and

WHEREAS, the decision of the acting superintendent of buildings, dated January 3, 1938, in acting on New Building Application No. 243-1937, reads:

"8. Exits from 2nd floor and cellar should comply with Art. 8, Bldg. Code. Private independent exits required and not less than two exits should continue to roof."

and

WHEREAS, the proposed building is to be 2 stories, 31 ft. in height, 106.10 ft. by 173.4 ft. in area, of fireproof construction, equipped with a standpipe system, located in a business use district and to be occupied as follows: Cellar, boiler room, toilets and storage, 20 persons; 1st floor—motion picture theatre and stores—540 persons; 2nd floor, offices, 120 persons; and

WHEREAS, the applicant contends that the stairs as shown on the plans filed with the department of housing and buildings are 45 ft. apart and are located in a public corridor enclosed in 4 in. terra cotta block partitions, that the Broadway side of the building at 1st story consists of the entrance to the theatre and show rooms which have already been leased; that neither of these areas are available for additional stairs, that the westerly space of the 2nd floor is under consideration of a lease to one tenant, and it is desired to keep this space free from stairs.

Resolved, that the decision of the acting superintendent of buildings, dated January 3, 1938, New Building Application No. 243-1937, Item No. 8, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* permitting the main exits from the second floor of the building as shown exiting to 72nd street through a public corridor of the width shown, *on condition* that there shall be maintained on the 2nd floor, a fireproof enclosed public hall from which the stairways descend of sufficient area so that no part of the open floor shall be more than 100 ft. from a fireproof door opening into such public hall enclosure; that the exit stair from the cellar to the public hall leading to 72nd street shall be cut off with fireproof construction with fireproof self-closing door at the head of the cellar stair; that all parts of the building used as part of the proposed theatre shall be separated by fireproof construction from the balance of the building and that in all other respects the building code and all other laws, rules and regulations applicable thereto shall be complied with.

201-37-A.

APPLICANT—David Kaufman, for Gottfried Baking Co., Inc., owner.

SUBJECT—Application for consideration—reopening and amendment—re Appeal from an order of the commissioner of buildings.

PREMISES AFFECTED—1032-1054 Union avenue, east side, 127.32 ft. north of East 165th street and 1037-1043 Prospect avenue (Block No. 2679, Lot Nos. 2, 40 and 41), Borough of The Bronx.

APPEARANCES—

For Applicant: David Kaufman.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(201-37-A)

WHEREAS, David Kaufman, for Gottfried Baking Co.,

Inc., owner, filed May 3, 1937, an appeal from an order and a decision of the commissioner of buildings, affecting premises 1032-1054 Union avenue, east side, 127.32 ft. north of East 165th street and 1037-1043 Prospect avenue (Block No. 2679, Lot Nos. 2, 40 and 41), Borough of The Bronx; and

WHEREAS, the order of the commissioner of buildings, No. 4534, dated January 10, 1934, reads:

"1. Install an approved standpipe system with risers 4 inches in diameter, in accordance with the rules of the Board of Standards and Appeals. Sec. 580-581, Art. 28, Ch. 5, Code of Ordinances."

and

WHEREAS, the decision of the commissioner of buildings, dated April 10th, 1937, reads:

"In response to your request of the 2nd inst. you are herewith informed that although the area is subdivided with fire walls, the district inspector of fire prevention reports that most of the openings in these walls are only protected with one fire door at each opening.

In view of the provisions of Rule 7 of the Standpipe Fire Line Rules adopted by the Board of Standards and Appeals, this department has no alternative but to consider the entire building as being one area and must therefore of course deny your request to rescind the standpipe order notwithstanding the sprinkler protection.

You still have the recourse of making an appeal to the board concerning the matter."

and

WHEREAS, the premises in question consist of a plot of ground located in an unrestricted district, fronting 197 ft. on Union avenue and 75 ft. on Prospect avenue, covered by building divided into five areas, as follows: Area "A" with a total of 21,720 square feet of internal area and occupied as a one story baking shop, a shipping room and an office over the shipping room, with 25 people on the first floor and 7 people in the office; and a basement with 1 person in the boiler room; Area "B" with a total of 9,775 square feet of internal area and occupied as a garage on the first floor with 6 people and a cake room on the second floor with 10 people; Area "C" with a total of 3,575 square feet of internal area and occupied as a one story repair shop with 3 people; Area "D" with a total of 3,445 square feet of internal area occupied on the first floor as a wrapping room with 3 people and one store with 2 employees, on the second floor as a mechanics office with 3 people and a mixing room with 2 people, and in the pent house over the mixing room housing bread mixing machinery; Area "E" with a total of 1,830 square feet of internal area, one story in height and occupied by 4 stores with 2 employees in each store; and

WHEREAS, the applicant contends that all the areas are separated by 12 in. brick firewalls and openings are protected by fireproof doors as indicated on the plans; that all areas having two stories in height are under 10,000 square feet; that the one story bake shop is 18,000 square feet; that the entire building is equipped with a 100 per cent. two source approved sprinkler system with automatic siamese connections for the use of the fire department on the Prospect avenue and on the Union avenue sides of the building; therefore the applicant requests that the board waive the requirements of a standpipe system; and

WHEREAS, this appeal was granted by the board June 22, 1937, on certain conditions and applicant requests a modification of these conditions to omit doors on each side of openings.

Resolved, that the order of the commissioner of buildings, No. 4534 and the decision dated April 10, 1937, be and they hereby are *modified*, and that the appeal be and it hereby is *granted*, waiving the requirements of the standpipe fire-line system, *on condition* that the building shall be subdivided as shown on plans filed with this appeal, with approved fireproof self-closing doors in the brick separating fire walls; that the building shall be protected throughout with a two-source sprinkler system complying with the rules of the Board of Standards and Appeals; *granted* only so long as the building is used for the present occupancy, as stated in this appeal and is not increased in height or area and complies with all other laws, rules and regulations applicable to this building and occupancy thereof.

314-37-A.

APPLICANT—Metropolitan Oil Burner & Air Conditioning Association, Inc., for Park Lexington Company, Inc.

SUBJECT—Application for Reopening — Amendment re Appeal from a decision of the fire commissioner.

PREMISES AFFECTED — 480-494 Lexington avenue (Block No. 1301, Lot No. 1), Borough of Manhattan.

APPEARANCES—

For Applicant: Irving A. Heimlich.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(314-37-A)

WHEREAS, Metropolitan Oil Burner & Air Conditioning Association, Inc., for Park Lexington Company, Inc., owner, filed on June 24th, 1937, an appeal from a decision of the fire commissioner, affecting premises 480-494 Lexington avenue, west side, between East 46th street and East 47th street (Block No. 1301, Lot No. 1), Borough of Manhattan; and

WHEREAS, the decision of the fire commissioner, dated June 3rd, 1937, reads as follows:

"I wish to acknowledge receipt of your communication of the 25th inst. relative to the installation of a number of fuel oil burners in the Grand Central Palace on either the second or third stories during the Heating and Ventilating Exposition.

In reply, I desire to state that this department has always opposed the installation of oil burning devices in any premises where a large number of persons congregate, which I think will be the case during this Exposition.

Further, I fail to see how you can comply with all the oil burner rules, particularly in respect to Rule 12-1-A, Rule 12-2-B, Rule 14 and Rule 8-4-D.

In your communication you state that possibly ten gallons of oil would be sufficient. This seems to be rather a small quantity for a large number of burners, and if you are in error, I might mention Rule 6-1-A above.

In view of the above, this department cannot issue the permit you request, and would suggest an appeal to the Board of Standards and Appeals within 30 days of the receipt of this communication."

and

WHEREAS, the building in question is 12 stories, 271 ft. in height, 200 ft. 10 in. by 275 ft. in area at the first story and 200 ft. 10 in. by 192 ft. in area at typical floor; of fireproof construction; erected in 1912; located in a business use district and ocupied as follows: First to fourth floor—exhibition space; fifth to twelfth fioors inclusive—offices; and

WHEREAS, applicant contends that quite a number of the Metropolitan Oil Burner & Air Conditioning Association's members have made tentative reservations for display of

their burners at the Heating and Ventilating Exposition to take place next January at the Grand Central Palace; that stoker and gas people are also displaying; that it is the desire of the oil burner people to place live exhibits on display in the same manner as the coal, stoker and gas people are doing; that desirable reservations for space of necessity have to be confirmed immediately and the oil burner industry will be at a marked disadvantage as against gas and stoker competition; that under existing regulations it is, of course, impossible to have a live exhibit; that the board is requested to permit a live oil burner exhibit on either the second or third floor of the Grand Central Palace during this exposition; that it is proposed that the flues be brought directly out of the windows, the windows having first been replaced with sheet steel or some other fireproof and accepted substance, the number of burners put on any one stack to be limited according to size of the stacks, etc.; and

WHEREAS, *this appeal was granted July* 9, 1937, *on certain conditions and applicant requested an amendment of the resolution.*

Resolved, that the decision of the fire commissioner be and it hereby is *modified,* and the appeal be and it hereby is *granted* to permit the installation on 2nd and 3rd (mezzanine) floors of the Grand Central Palace during the Air Conditioning Exhibition, to be held from January 24 to January 28, 1938, of exhibition oil burners, *on condition* that no oil burner shall be installed or exhibited that has not been approved for use in New York City by the Board of Standards and Appeals; that the installation shall comply in all respects with the Rules of the Board of Standards and Appeals, except that the supply of fuel oil may be piped from an approved six-gallon tank container per burner; that insulated exhaust from such burners as are connected for exhibition purposes shall be by means of metal ducts connected with the burners and properly supported, exhausting through the nearest adjacent exterior window; that no fuel oil heavier than No. 4 shall be used and all tanks shall be filled from approved safety cans, such filling to be done when burner is not in operation and after filling tank the safety can shall be removed from the exhibition floor; that no oil burning installation shall be nearer than 20 ft. to a building exit or passenger elevator; that each exhibitor's booth shall be under the charge of a person holding a Certificate of Fitness and shall be under continuous supervision during operation of the burners; that no burner shall be operated except during the hours from 10:00 A. M. to 10:00 P. M.; that a request shall be filed with the fire commissioner to detail a member of the uniformed force to be present during the exhibition hours; that prior to the opening of the exhibition, complete plans shall be filed with this board and with the fire commissioner showing the location and make, as well as Calendar number of this board under which approval was given, of all burners to be exhibited; that each booth shall be provided with one pail of sand and at least one (1) two-quart, approved fire extinguisher; that the total number of oil burning installations exhibited under operating conditions shall not exceed thirty (30) on the two floors as herein permitted; that upon termination of the exhibition on January 28, 1938, all such burner installations shall be dismantled and removed from the premises; that the requirements of this resolution shall have application only to such burners as are burning oil under actual operating conditions.

VARIATIONS OF LABOR LAW

512-37-S.

APPLICANT—Jack Z. Cohen, for Benwill Realty Corporation, owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the commissioner of buildings.

PREMISES AFFECTED—44-46 Crown street, south side, 175 ft. west of Franklin avenue and 916 Franklin avenue (Block No. 1190, Lot No. 30), Borough of Brooklyn.

APPEARANCES—

For Applicant: Larry Meltzer.

For Administration: Inspector Meagher, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(512-37-S)

WHEREAS, Jack Z. Cohen, for Benwill Realty Corporation, owner, filed October 27, 1937, an application for variation from the requirements of the labor law, as cited in an order and a decision of the commissioner of buildings, affecting premises 44-46 Crown street, south side, 175 ft. west of Franklin avenue and 916 Franklin avenue (Block No. 1190, Lot No. 30), Borough of Brooklyn; and

WHEREAS, the order of the commissioner of buildings, dated December 30, 1936, re. Order No. 13443-LD, reads:

"1. Arrange all iron bars from windows on 1st and 2nd story so as to be readily movable or removable from both sides in such a manner as to afford the free and unobstructed use of such windows for the purpose of egress."

and

WHEREAS, the decision of the commissioner of buildings, dated October 26, 1937, reads:

"In reply to your letter of October 25th, 1937 advising that you have been retained by the owners to appeal from requirements of Order 13443 L. D. and that you are unable to do so due to the fact that the Board of Standards and Appeals will not accept an appeal for the reason that the time limit, thirty (30) days, had elapsed, and request dismissal and re-issuance of the above order.

You are advised that the order cannot be dismissed or re-issued. Therefore, your request is denied."

and

WHEREAS, the premises in question is two stories, 29 ft. in height, 35 ft. front on Crown street with a depth of 152 ft.; there are seven windows affected at the rear of the second story; the building is equipped with one interior iron stairs with concrete treads enclosed in 6 in. terra cotta blocks, equipped with fireproof doors, extending from the street to the roof and one exterior stairs extending to the roof by means of an iron ladder and to the yard by means of a stationary iron stairs with direct access to Franklin avenue. Windows on the course are fireproof self-closing. There is no safe egress from the roof. The building is occupied as follows: 1st floor, wet wash laundry, 15 persons; 2nd floor, same, 60 persons; certificate of occupancy No. 75924 was issued on June 17, 1935; and

WHEREAS, the lessee was convicted and sentence suspended on April 28, 1937 in Municipal Term Magistrate's Court, Brooklyn, on a charge of violating section 272 of the labor law; and

WHEREAS, the applicant contends that the window bars on first floor were installed several years ago, as a protection against burglary since these windows are easily accessible from roof of adjoining one story garage; that since there is ample means of egress from any portion of the first floor as may be seen on plan herewith filed, and there are only 15 males employed on this first floor, it is requested that the board grant a modification from the requirements of the labor law.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* from the requirements of the labor law, and that the application be and it hereby is *granted* as to order of the commissioner of buildings, No. 13443-LD, Item 1, permitting the continuation of the barred rear windows on the first floor only, as indicated on plans

filed with this application, *on condition* that the bars shall be removed on the second story; that the sprinkler system in the building shall be maintained to the satisfaction of the administrative official; that the rear 5 ft. yard serving as an exit through to Franklin avenue shall be maintained clear of obstructions at all times and that in all other respects all laws, rules and regulations applicable to the occupancy of this building shall be complied with.

5-38-S.

APPLICANT—Joseph M. Reiss, for M. Reiss and Son, owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the commissioner of buildings.

PREMISES AFFECTED—124-128 Stuyvesant avenue and 331-337 Van Buren street, northwest corner (Block No. 1610, Lot No. 49), Borough of Brooklyn.

APPEARANCES—

For Applicant: Joseph M. Reiss.

For Administration: Inspector Meagher, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(5-38-S)

WHEREAS, Joseph M. Reiss, for M. Reiss & Son, owner, filed January 5, 1938, an application for variation of the Labor Law, as cited in an order and a decision of commissioner of buildings, affecting premises 124-128 Stuyvesant avenue and 331-337 Van Buren street, northwest corner (Block No. 1610, Lot No. 49), Borough of Brooklyn; and

WHEREAS, the order of the commissioner of buildings, dated March 22, 1937, re Order No. 15316-LD, reads:

"1. Arrange iron bars and iron screens on windows so as to be readily movable or removable from both sides in such a manner as to afford the free and unobstructed use of such windows for the purpose of egress."

and

WHEREAS, the decision of the commissioner of buildings, dated December 31, 1937, reads:

"In reply to your letter of December 30th, 1937, advising that you intend to appeal from requirements of Order No. 15316-L.D. and that you are unable to do so due to the fact that the Board of Standards and Appeals will not accept an appeal for the reason that the time limit, thirty (30) days, had elapsed, and request dismissal and re-issuance of the above order.

You are advised that the order cannot be dismissed or re-issued. Therefore, your request is denied."

and

WHEREAS, the building is three stories and basement in height of non-fireproof construction, 62 ft. 6 in. by 75 ft. in area, erected in 1908, occupied as follows: Cellar—manufacture of face creams, 2 persons; 1st floor—manufacture of underwear, 25 persons; 2nd floor—manufacture of coats and suits, 20 persons; 3rd floor—manufacture of knit wear, 4 persons; for which no certificate of occupancy has been issued; that there are six barred windows affected, located on the basement story; and

WHEREAS, the applicant contends that there are six unbarred windows on the basement story in addition to two regular exits shown on the plans; that there are but two persons located on the basement story; that a valuable stock of merchandise is carried on the first floor and several years ago the owner sustained a terrific loss through burglary and for that reason the owner is reluctant about placing the remaining iron bars on hinges and in view of this fact that there is sufficient means of egress for the number of persons occupying the basement story and that a hardship would result to the owner if the order had to be complied with and it is respectfully requested a variation be granted so as to accept the existing conditions.

*Resolved, t*hat the Board of Standards and Appeals does hereby *make a variation* from the requirements of the Labor Law, and that the application be and it hereby is *granted* as to order of the commissioner of buildings, No. 15316-LD, *on condition* that the windows in the cellar story now arranged to be openable as indicated on plans filed with this application, shall be so maintained at all times while the cellar story is being occupied and that in all other respects all laws, rules and regulations applicable to this building and its occupancy shall be complied with.

6-38-S.

APPLICANT—Alclif Holding Co., Inc., owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the commissioner of buildings.

PREMISES AFFECTED—18 West 27th street, south side, 110 ft. 6¼ in. west of Broadway (Block No. 828, Lot No. 59), Borough of Manhattan.

APPEARANCES—

For Applicant: William Davis.

For Administration: Inspector Maher, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(6-38-S)

WHEREAS, Alclif Holding Co., Inc., applicant and owner, filed January 5, 1938, an application for a variation from the requirements of the labor law, as cited in an order and a decision of commissioner of buildings, affecting premises 18 West 27th street, south side, 100 ft. 6¼ in. west of Broadway, (Block No. 828, Lot No. 59), Borough of Manhattan; and

WHEREAS, the order of the commissioner of buildings, dated March 23, 1937, re. Order No. 34568-LD, reads:

"1. Provide a secondary means of egress from each floor of the building remote from the interior stairway, as per rules of the Board of Standards and Appeals and section 271 of the labor law.

Note:—Plans for all structural changes must be filed in this Department."

and

WHEREAS, the decision of the commissioner of buildings dated December 17, 1937, reads:

"In reply to your communication dated December 14th relative to Order 34568-LD affecting the above premises, you are advised that your request must be denied."

and

WHEREAS, the building is 12 stories, 147 ft. in height. 25 ft. by 96 ft. in area, of fireproof construction, with wood floors and trim, erected in 1910 and occupied as follows: Cellar, storage and boiler room; 1st floor, salesroom, rugs and linoleum, 6 persons, 2d floor, sale and showroom, billiard tables, 5 persons; 3rd floor, cutting and sale trench coats, 3 persons; 4th floor, cutting and sale men's shirts, 5 persons; 5th floor, manufacture of velvet novelties, 6 persons; 6th floor, manufacture of caps and embroidery, 13 persons; 7th floor, manufacture of neckwear, 6 persons; 8th floor, vacant; 9th floor, sale and showroom neckwear sets, 6 persons; 10th floor, finishing plastic articles, 2 persons; 11th floor, sale of tapestry and manufacture of dental supplies, 6 persons; 12th floor, real estate and linoleum salesroom, 9 persons; the means of egress consisting of one interior fireproof stairs which extends from the street to the top story; with a scuttle and ladder to roof and a 60 degree fire escape located at the rear, with gooseneck

Ignition—electric. Webster transformer 110 to 10,000 volts.

Model EJ-2—This model differs only from the above in that the motor is ¼ h.p., and the fan and nozzle are of a larger size. Capacity of the nozzle being 6 to 20 gallons per hour.

Controls—Both models use Minneapolis Honeywell controls consisting of protectorelay R-117-3 and Pressuretrol L-404.

The Model EJ-1 was the model tested. With the oil supply shut off and with a cold combustion chamber, the burner was operated and on two successive tests the controls functioned and shut the burner down in 70 and 73 seconds respectively. The burner was then put into normal operation and during the period of test there were no flare backs due to faulty ignition. The flame was clean, being free of soot and smoke. Examination of the combustion chamber showed no undue carbon deposits. These burners are designed for the use of Nos. 1, 2 and 3 commercial grades of fuel oil.

As a result of this inspection and test, it is therefore recommended that these models, EJ-1 and EJ-2 be approved for domestic use when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals, when used with fuel oil not heavier than No. 3 U. S. Department of Commerce standards.

Resolved, that the Board of Standards and Appeals does hereby approve the device known as the Clark Domestic Gun Type Oil Burner, Models EJ-1 and EJ-2 for use in domestic installations with fuel oil not heavier than No. 3 U. S. Dept. of Commerce Standards, when installed in accordance with above report and the oil burner rules of the Board of Standards and Appeals; that the device shall bear a label permanently affixed thereto reading, as follows:

NOTICE
APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City
Under Cal. No. 579-37-SA.

618-37-SA.

APPLICANT—John L. Weeks, for National Oil Burner Company, owner.

SUBJECT—Clark Horizontal Rotary Oil Burner, approval of.

APPEARANCES—
For Applicant: J. L. Weeks.

ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(618-37-SA)

Whereas, John Weeks, agent for National Oil Burner Company, owner, filed December 27, 1937, an application with the Board of Standards and Appeals for approval of the device known as the Clark Horizontal Rotary Oil Burner; and

Whereas, the device was submitted to the engineer of the board and the division of combustibles of the fire department for test and report; and

Whereas, the report of the engineer of the board,, supplemented by that of the representative of the division of combustibles of the fire department, was substantially as follows:

The burner as installed here is fully automatic. It is a horizontal rotary mechanical draft type, for installation in steam or hot water boiler, hot air furnaces, ovens or kilns. It is of the centrifugal atomizing type and operates with suction feed from oil storage tank or may be operated in gravity feed systems from an approved type pump set.

The parts consist of a revolving brass cup which atomizes the oil and revolves at motor speed, the motor being connected directly to the shaft.

The oil is thrown from the periphery of the cup in an atomized state by means of centrifugal force and is mixed with air supplied by a fan in the fan housing. The fan is located directly behind the atomizing assembly and supplies air for combustion. The fan housing is constructed of cast iron and is provided with brackets for attachment to the hinge stuffing box.

The air nozzle is mounted upon front of the fan housing surrounding the oil nozzle and air for combustion is directed around the oil spray by means of this air nozzle. The nozzle protector is attached to the front plate of the burner and serves as protection against heat from the combustion chamber.

The burner is provided with a Westinghouse motor, ½ H.P., operating on 220 volts A.C. with a speed of 3450 R.P.M.

The pump is manufactured by Brown and Sharp. It is of the rotor gear type and is mounted upon the burner between motor and fan, driven from motor shaft through a worm gear. The shaft is directly driven from the motor.

There is one strainer between the pre-heater and the pump.

An "Asco" oil valve and a "Wells" automatic electric heater have been installed. This type of electric heater is designed to maintain the oil at a predetermined temperature. The heater consists of a head having one or more sheathed electric heating elements with a thermostatic element immersed therein. This keeps the oil at a predetermined temperature (125° F). There is also a thermostatic limit switch which prevents the starting of the burner until the oil temperature is at the required setting.

The burner cannot be operated on a cold start until the oil reaches 125° F. The burner was put in normal operation and it was found that the controls, i.e., a Minneapolis Honeywell Protecto-relay, operated as designed. If the burner is swung open under operating conditions, the electrical contact is broken and the burner is shut off.

It is therefore recommended that the Clark Horizontal Rotary Oil Burner be approved for industrial and commercial uses when installed in accordance with the provisions of the Oil Burner Rules adopted by the Board of Standards and Appeals, for use with No. 6 fuel oil, U. S. Department of Commerce Standards, when preheated.

Resolved, that the Board of Standards and Appeals does hereby approve the device known as the Clark Horizontal Rotary Oil Burner, for use in commercial and industrial installations with fuel oil not heavier than No. 6 U. S. Dept. of Commerce Standards, when preheated, when installed in accordance with above report and the oil burner rules of the Board of Standards and Appeals; that the device shall bear a label permanently affixed thereto reading, as follows:

NOTICE
APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City
Under Cal. No. 618-37-SA.

Adjourned, 4:45 P. M.

Edward V. Barton, Chief Clerk.

APPROVED APPLIANCES

Burners for Industrial Use

Name of Burner	*Calendar No.*
Ace Rotary Oil Burner	47-35-SA
Air-Blast Oil Burner	579-32-SA
Airnoil Burner	175-37-SA
Airtemp Oil Burner, Models D, F and G	88-34-SA
Alpine Oil Burner, Models A and H	110-36-SA
Anthony Nebulyte Oil Burner	1026-22-SA
Aristocrat Oil Burner	222-35-SA
Associated Oil Burner	178-35-SA
Auto Heat Oil Burner	284-33-SA
Automatic Airless Oil Burner, Model No. 1	53-34-SA
Babcock & Wilcox Mechanical Oil Burner	45-21-SA
Ballard Automatic Oil Burner	1363-23-SA
Ballard Oil Burner, Models B-A 1, 2, 3 and 4	447-32-SA
Ballard Low Pressure Mechanical Oil Burner	1493-22-SA
Ballard Jr. Oil Burner	1176-27-SA
Ballard Staples & Pfeiffer Steam Atomizing High Pressure Burner	1414-22-SA
Bauer Oil Burner	129-37-SA
Berggren Oil Burner	764-26-SA
Best Calorex Burner	1464-21-SA
Bethlehem Steam Atomizing Fuel Oil Burner	485-32-SA
Bettendorf Automatic Oil Burner, Models D, F and G	88-34-SA
Bock Oil Burner, Models A, B, C and D	123-31-SA
Bock Oil Burner, Models WH-3, WH-5, WH-6 and WH-8	102-34-SA
Borden Oil Burner, Model B	29-37-SA
Brighton Oil Burner	372-33-SA
Bullet Automatic Oil Burners, Models A and B	195-33-SA
Burnwell Mechanical Burner	957-22-SA
Caloroil Burner, Type AA	1361-24-SA
Carter Oil Burner, Models 4X, 5X, 6X and 10X	117-34-SA
Central Oil Burner, Models 4X, 5X, 6X and 10X	117-34-SA
Century pressing Machine Oil Burner, Models U1 and U2	25-37-SA
Chalmers-Ace (Rotary) Oil Burner	47-35-SA
Chalmers Automatic Oil Burner, Models D1 and D2	608-32-SA
Clark Horizontal Rotary Oil Burner	618-37-SA
Coen Mechanical Oil Burner	942-21-SA
Concord Burner	108-35-SA
Cornell No. 1 Type A Oil Burner	397-23-SA
Craftsman Oil Burner	222-35-SA
Crater Automatic Oil Burner	34-34-SA
Dahl Mechanical Fuel Oil Burner	13-21-SA
D'Elia Oil Burner	155-31-SA
DeWalt Oil Burner	541-31-SA
Doe Oil Burner	317-31-SA
Draft-Rite Oil Burner	178-35-SA
Empire Oil Burner	222-35-SA
Enco Type 400 Steam Atomizing Oil Burner	1414-23-SA
Enco Mechanical Oil Burner	509-30-SA
Enterprise Rotary Fuel Oil Burner	1149-27-SA
Enterprise Steam Atomizing Burner	15-33-SA
Fess Turbine Burner, Airoil Fan and Pump Set	26-22-SA
Fine-Glo Oil Burner	178-35-SA
Forsdraft Oil Burner	41-34-SA
Frankfort Type P Oil Burner	1046-23-SA
Gem Fuel Oil Burner	111-26-SA
General Electric Fuel Oil Burner, Model D-1	434-32-SA
General Electric Oil Burner, Type DA-2	228-33-SA
Ghapco Steam Generator	348-31-SA
Gilbarco-Ballard Heavy Oil Burner, Models BM, DM, FM, HM, BS, DS, FS, HS, BA, DA, FA, HA, BPM, DPM, FPM, HPM, BPS, DPS, FPS, HPS, BPA, DPA, FPA, HPA, BPW, DPW, FPW, HPW, BPH, DPH, FPH and HPH	1493-22-SA
Gilbarco Industrial Burner	350-32-SA
Gilbert & Barker Fuel Oil Burner	1636-21-SA
Gold Star Oil Burner, Models F and S	166-33-SA
Goodspeed Oil Burner, Nozzle Type 2	346-33-SA
Gould Automatic Oil Burner	178-35-SA
Grant Oil Burner, Model "C"	232-32-SA
GRD Fuel Oil Atomizer	128-27-SA
Greenawalt Down Draft Combustion Oil Burning Furnace	85-35-SA
Hammond Oil Burner	72-31-SA
Harris Fuel Oil Burner	690-30-SA
Hart Oil Burner, Model "H"	221-33-SA
Hauck Venturi Low Pressure Oil Burner	88-27-SA
Hayward Oil Burner (Vertical Rotary), Models AG, BG, CG, DG, AP, BP, CP and DP	696-30-SA
Hayward Oil Burner, Model 2000	118-35-SA
Heat-O-Matic Oil Burner	178-35-SA
Herco Oil Burner, Models R15 and R35	21-36-SA
Hobeco Oil Burner	1278-21-SA
Holby Oil Burner	328-27-SA
Holby Type B Fuel Oil Burner	689-29-SA
Holland Gun Type Oil Burner	225-37-SA
Hupp Oil Burner, Models H, U, P and PP	10-34-SA
Induslo Fuel Oil Burner 1-27	5-24-SA
Kelvinator Oil Burner, Model K	105-34-SA
Kingsway Century Oil Burner, Models F and G	369-33-SA
Kingsway Silent Automatic Oil Burner, Model A-1	216-36-SA
Korth Oil Burner, Models G and S	136-34-SA
Kreager Oil Burner	367-30-SA
Kres-Kno Pressing Machine Burner, Model MD, sizes KRF and KRF-1	354-34-SA
Laco Oil Burner, Models F, JF, BF and D	226-33-SA
Leader Bake Oven Oil Burner	384-36-SA
Leiman Brothers Fuel Oil Burner	314-30-SA
Liberty Automatic Heater	129-28-SA
Liberty Pressure Oil Burner	75-34-SA
Leintz Oil Burner	155-20-SA
Lonergan Automatic Oil Burner	208-33-SA
Lynn Power Oil Burner, Models 1, 2 and 3	166-34-SA
Magna Fuel Oil Burner	197-32-SA
Mahrvel Low Pressure Burner	859-26-SA
Major Oil Burner, Models H, U, P and PP	10-34-SA
Master Fuel Oil Burner	350-32-SA
Maxon Oil Burner (New Style)	1026-22-SA
May Oil Burner	68-24-SA
Mercurol Oil Burner, Models 4X, 5X, 6X and 10X	117-34-SA
Metered Heat Oil Burner, Model G	136-34-SA
Micron Oil Burner	345-34-SA
Midget Oil Burner	155-34-SA
Midget Pressing Machine Oil Burner	122-35-SA
Mid-West Oil Burner, Models 106, 108, 208, 211, 311 and 114	327-31-SA
Minneapolis Automatic Oil Burner	34-34-SA
Mohawk Oil Burner, Models A and H	110-36-SA
Monarch Industrial Oil Burner	133-35-SA
Morgan Oil Burner, Models A and H	110-36-SA
Morrissey Oil Burner, Models MA-2, MA-3, MA-4, SP-1, SP-2, SP-3 and MP-1	359-33-SA
Morse Conical Type Steam Atomizing Burner	938-25-SA
Morse Fan Tail Type Steam Atomizing Burner	939-25-SA
Morse Fuel Oil Burner	820-23-SA
Nabco Oil Burner	287-37-SA
National Airoil High Pressure Burner	185-29-SA
National Airoil Low Pressure Burner	186-29-SA
National Airoil Type D-R Rotary Oil Burner	548-31-SA

APPROVED APPLIANCES

Name of Burner	*Calendar No.*
National Barley Rotary Oil Burner	197-33-SA
National Clark Rotary Oil Burner	197-33-SA
National Devices Oil Burner	184-36-SA
Nesbitt Oil Burner, Models F, JF, BF and D	226-33-SA
Nichols-McCann-Harrison Burners	255-31-SA
Norge Oil Burner, Models N8-8C and N13-8C	543-37-SA
North American Low Pressure Oil Burner	792-26-SA
Oilbilt Burner	85-33-SA
Orco Oil Burner, Model A-1	216-36-SA
Oronoque Oil Burner	394-30-SA
Packard Fuel Oil Burner	77-34-SA
Paragon Oil Burner, Models R-15 and R-35	21-36-SA
Paramount Oil Burner, Model A	617-30-SA
Peabody-Fisher Wide Range Mech. Oil Burner	644-21-SA
Penn Automatic Oil Burner, Gun Type	250-37-SA
Perfect-Pantex Oil Burner	271-33-SA
Perfex Airnoil Burner	175-37-SA
Petro Mechanical Burner and Air Register	735-24-SA
Petro Model W Oil Burner	452-31-SA
Petro Oil Burner, Models D-10, D-11, D-12, D-13, D-14 and D-15	40-31-SA
Petroleum Heat & Power Company Fuel Oil Burner, Model W-AH	614-32-SA
Preferred Oil Burner (Manual Operation), Model D. O.	253-35-SA
Presto Automatic Oil Burner	294-34-SA
Progressive Press Machine Oil Burner, Models PMB and PMBS	224-34-SA
Public Service Oil Burner, Models R-15 and R-35	21-36-SA
Pyrolene Oil Burner	184-36-SA
Quiet Ballard Automatic Oil Burner	660-30-SA
Quiet Heet Oil Burner	49-36-SA
Quigley No. 10 Low Pressure Oil Burner	436-31-SA
Quinn Oil Burning Equipment	367-21-SA
Rasol Oil Burner	108-34-SA
Ray Rotary Fuel Oil Burner, Types A and B	504-23-SA
Rexoil Domestic and Industrial Fuel Oil Burner	667-28-SA
Reynolds Oil Burner, Model GC	266-34-SA
Rockwell Fuel Oil Burner	341-21-SA
Rohr Schanck Fuel Oil Burner	583-21-SA
S. & K. Mechanical Fuel Oil Burner	1115-22-SA
S. & K. Wide Range Fuel Oil Burner	10-33-SA
S. K. Oil Burner, Models F and G	369-33-SA
S. T. Johnson Co., Type 30-A, Rotary Fuel Oil Burner	197-32-SA
S. T. Johnson Co., Type 30-H, Rotary Fuel Oil Burner	198-32-SA
Silent Glow Mid-West Oil Burner for Pressing Machines, Model 106	328-37-SA
Silent Glow Oil Burner for Pressing Machines, Models 600 and 800	327-37-SA
Silent Flame Oil Burner, Model M	172-37-SA
Silent Paramount Oil Burner, Models F and G	369-33-SA
Simplex Horizontal Rotary Oil Burner, Types H, H.E.G. and H.E.G.-H	367-36-SA
Simplex Turbine Fuel Oil Burner, Models C.O.G. and M.O.G.	1203-22-SA
Standardyne Oil Burner	34-34-SA
Steam Oil Burner	183-22-SA
Stephens Oil Burner, Models No. 1 and No. 2	146-33-SA
Stewart Gasifier Oil Burner	146-35-SA
Sun Heat Oil Burner	603-29-SA
Sun-Ray Fuel Oil Burner	106-33-SA
Sunway Oil Burner	624-30-SA
Superior Oil Burner, Models A and H	110-36-SA
Supreme Oil Burner, Model G	136-34-SA
Surface Combustion Low Pressure Burner	92-23-SA
Syncro-Flame Oil Burner, Model R	139-35-SA
Tate-Jones Fuel Oil Burner, "L" Type	1254-24-SA
Tate-Jones No. 6 Oil Burner	1444-23-SA
Thompson-Gould Oil Burner	178-35-SA
Timken Rotary Oil Burner	297-29-SA
Timken Silent Automatic Oil Burner, Model G	266-34-SA
Todd Mechanical Fuel Oil Burner	1525-22-SA
Todd Mechanical Oil Burner, Type Hex-Press	177-35-SA
Todd Rotary Burner, Models A, B and C	454-25-SA
Todd Spiro Oil Burner	470-31-SA
Todd Spiro Burner (pump type)	94-32-SA
Todd Steam Atomizing Fuel Oil Burner	123-23-SA
Trojan Domestic and Industrial Fuel Oil Burner	667-28-SA
Tropic Heat Oil Burner, Model G	136-34-SA
United States Gun-type Oil Burner	222-35-SA
United States Oil Burner	620-28-SA
Vapofier Oil Burner	184-34-SA
Vapomatic Oil Burner	275-34-SA
Vaporoil Burner	44-32-SA
Vitro-Heet Pressing Machine Burner, Model MD, Sizes KRF and KRF-1	354-34-SA
Warner Oil Burner, Model A	16-34-SA
Wheco Oil Burner	108-34-SA
White Heat Oil Burner	232-36-SA
Winslow Kleen Heet Burner, Models 805 and 820	19-25-SA
Wizard Automatic Oil Burner	181-33-SA
York Bake Oven Oil Burner	384-36-SA
York-Lalor Oil Burner	261-37-SA
Yorktown Oil Burner	166-33-SA
Yorktown Oil Burner, Model A	3-35-SA

APPROVED APPLIANCES

APPROVED FIRELINE HOSE VALVES

TYPE A—150 LBS. WATER WORKING PRESSURE

May be installed on all 4-inch and 6-inch systems and on uppermost stories on 8-inch systems

Fairbanks Company	81-20-SA
Walworth Company	899-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Croker National Fire Prev. Eng. Co.	304-28-SA
Jenkins Brothers	779-28-SA
W. D. Allen Mfg. Co.	890-28-SA
John Simmons Co.	209-29-SA
Grinnell	651-30-SA
Elkhart	14-31-SA

TYPE B—250 LBS. WATER WORKING PRESSURE

May be installed on all standpipe systems

New York Brass Foundry Co. (Stillbech)	53-21-SA
Walworth Company	900-27-SA
W. D. Allen Mfg. Company	1151-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Jenkins Brothers	780-28-SA
Croker National Fire Prev. Eng. Co.	970-28-SA
Fairbanks Company	268-29-SA
Pratt & Cady	231-30-SA
Elkhart	15-31-SA

RESERVE CALENDAR

BOARD OF STANDARDS AND APPEALS

Appeals from Administrative Orders.

284-37-A—484-496 Fulton street and 2-30 Bond street, southeast corner (Block No. 159, Lot No. 1), Borough of Brooklyn.

288-37-A—422-438 Fulton street, 14-30 Hoyt street, 171-201 Livingston street and 15-19 Gallatin place (Block No. 156, Lot No. 1), Borough of Brooklyn.

331-37-A—450-458 Fulton street, south side, block bounded by Livingston street, Hoyt street and Elm place (Block No. 157, Lot No. 1), Borough of Brooklyn.

351-37-A—2307 Beverly road and 2410 Bedford avenue, northwest corner (Block No. 5133, Lot No. 14), Borough of Brooklyn.

354-37-A—1-59 Fort Greene place, 126-135 DeKalb avenue and 2-52 South Elliott place (Block No. 2098, Lot Nos. 13-70), Borough of Brooklyn.

358-37-A—166-01 Jamaica avenue, northeast corner of 166th street (Block No. 867, Lot No. 190), Jamaica, Borough of Queens.

386-37-A—4208 Manhattan avenue, west side, 590 ft. 11½ in. north of Neptune avenue (Block No. 7024, Lot No. 89), Borough of Brooklyn.

442-37-A—132-138 4th avenue and 78 East 13th street, southwest corner (Block No. 564, Lot No. 45), Borough of Manhattan.

504-37-A—14 Second avenue, east side, 47 ft. 10 in. south of East 1st street (Block No. 442, Lot No. 6), Borough of Manhattan.

Appliances Submitted for Approval.

1279-25-SA—Teesdale, Automatic Booster Pumps, Models TUX, TUS, KP and R.

697-28-SA—Acme Fire Alarm Signal System.

380-29-SA—Kennedy 2½-inch Hose Outlet Valve, Type "A".

637-29-SA—Merco Oil Burner, Model K-1.

327-31-SA—Caloroil Horizontal Rotary Oil Burner, Models 1, 2, 3, 4, 5 and 6.

491-31-SA—Superfex Oil Burning Heaters and Heat Projectors, Various Models.

237-32-SA—D. B. Smith & Co. Fire Extinguishers, Models Arrow and Oneida.

400-32-SA—Superfex Oil Burner Warm Air Furnace. Models 100, 100-E, 101, 101-E, 200, 200-E, 300 and 300-E.

98-33-SA—Elkhart Siamese Hose Connection for Standpipe and Sprinkler Systems 3 x 3 x 6 in. flush type of straightway and 90° patterns.

164-33-SA—Firemaster Fire Extinguisher.

165-33-SA—Chemical Processes Company Fuel Oil Burner (for Kerrick Kleaner).

237-33-SA—Kelco Oil Burner.

136-34-SA—Korth Oil Burner, Model E.

181-34-SA—Genuine Detroit Safety Float Valve, Models CRC-236-W, CRC-236-E, CRC-236-S and CRC-236-A.

221-34-SA—Metropolitan Curb Fill Box No. 138 for Gasoline.

301-34-SM—"Radbur" Flameproofing Compound.

308-34-SA—Presteel Range Oil Burner.

7-35-SA—Harding Float Switch, Type CC (for Standpipe Alarm System).

11-35-SA—N. Y. B. F. 4", 5" and 6" Standpipe and Automatic Sprinkler Siamese Connection.

29-35-SA—Aetna Range Oil Burner, Model 27-SGD.

39-35-SA—De Bothezat Bifurcator (for Paint Spraying).

43-35-SA—Universal Water Closet Unit, Models Castle No. 5232 and Climax No. 5022.

51-35-SA—General Electric Copper Oxide Rectifier, Model 6RC81Y1, for Fire Alarm Service.

88-35-SA—Kraissl-Trumbull Fuel Oil Wall Pump, No. 522, for Domestic Oil Burners.

156-35-SA—Gillespie Elevator Shaft Door Switch.

163-35-SA—United Iron Works Centrifugal Pump for Gasoline and Fuel Oil, Type Single Stage Vertical Pump.

171-35-SA—Florence Cabinet Heater, Models CJ-1, CJ-2, CJ-21 and C-2.

189-35-SA—Air-O-Flame Cabinet Heater, Models 42, 51, 52 and 521.

207-35-SA—Cole Hot Blast Oil Heater, Model 915.

216-35-SA—Vac-O-Vent Fill Box (Pressure and Vacuum Relief).

226-35-SA—Savoil Cabinet Heaters and Cooker, Models 100, 200, 201 and 300.

229-35-SA—Hardinge Gun Type Oil Burner, Model 25.

231-35-SA—Sealtite Fill Pipe Terminal for Gasoline.

238-35-SA—Garfire Gun (Fire Extinguisher).

265-35-SA—French Automatic Oil Burner, Model 5 De Luxe.

266-35-SA—Kerogas Bowl Type Oil Space Heater, Model 325-A.

21-36-SA—Herco Oil Burner, Models F, P15, P35, P50, J5, J10, S20 and S40.

191-36-SM—Carey Rocktex Insulating Wool.

201-36-SA—Quick Heat Pot Type Radiant Heater, Models 316-0, 319-0, 316-1, 319-1, 326-0, 329-0, 326-1 and 329-1.

202-36-SA—Quick Heat Pot Type Circulating Heater, Models 218-1, 218-2, 228-1, 228-2, 238-1 and 238-2.

219-36-SA—Bronx Faultless Oil Burner for Pressing Machine.

242-36-SA—Swirling Heat Oil Burner, Models A-S, A-M, A-L and B.

243-36-SA—Victor Circulating Fuel Oil Heater, Models VCH 27, VCH 19 and VCH 17.

248-36-SA—Dupont Oil Burner.

286-36-SA—Oil Industrial Laboratories, Anti-Syphon Oil Check Valve, Model No. 426.

295-36-SA—Vesta Fuel Oil Meter.

317-36-SA—Dempsey Industrial Oil Burner.

124-37-SA—Beach Air Brushes (for Paint Spraying Equipment).

156-37-SA—McClintock Automatic Hydraulic Sewer Valve.

159-37-SA—Stempel Pressure Type Fire Extinguisher.

168-37-SA—Flex-O-Gas Oil Burner, Model FR.

214-37-SA—Lattner Gravity Oil Burner, Models A, B, C and D.

281-37-SA—Todd Rotary Burner (Pump Type), Models A, B, C, C-1 and D.

282-37-SA—Lux Model 2 Carbon Dioxide (CO^2) Fire Extinguisher.

289-37-SA—Lido Oil Burner, Models D and C.

293-37-SA—Conran System of Standpipes.

385-37-SA—Edwards VACC, Non-Code, Closed Circuit Interior Fire Alarm System.

447-37-SA—Bomar Fill Pipe Terminal for Gasoline and Fuel Oil.

477-37-SA—Automatic Paint Sprayer.

478-37-SA—Eureka Paint Sprayer.

484-37-SA—Stop-Fire Fire Extinguisher, Types MC and C.

503-37-SA—Indiana Oil Burner.

547-37-SA—Fairfield Model F Jr. Oil Burner.

567-37-SA—Instantaneous Hose Reel.

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BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

THE LIBRARY OF THE
FEB 7 1938
UNIVERSITY OF ILLINOIS

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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DIRECTORY

BOARD OF STANDARDS AND APPEALS
HARRIS H. MURDOCK, Chairman
BERNARD A. SAVAGE
CHARLES M. BLUM
CHIEF JOHN J. MCELLIGOTT
EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.
TELEPHONE—WORTH 2-0184.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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Approved Fuel Oil Fill Pipe Terminals.

Oil Burner Rules.

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Call of Clerk's Calendar, Mondays, at 2 p. m.

All hearings are held in Room 1013, Municipal Building, Manhattan.

HOURS FOR CONSULTATION
10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

CALL OF CLERK'S CALENDAR

The *Clerk's Calendar* consists of applications under the Building Zone Resolution, and its object is to give interested property owners opportunity to file objections, if any, and will be called in Room 1013, *Monday, January* 31, 1938, at 2 o'clock. At this call each case is set for hearing on a definite day.

The next subsequent Call of the Calendar will be on *Monday, February 7*, 1938, at 2 o'clock.

The *Clerk's Calendar* is not to be confused with the calendar of cases that have been definitely set for hearing on fixed days.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

DOCKET

New Cases Filed up to January 25, 1938

Cal. No. *Department* *Premises Affected*

34-38-SM.....H.B.....Barrett Rock Wool, Material.

35-38-BZ.....D.B.M.... 70-72 Eighth avenue, east side, 46 ft. south of West 14th street and 124-130 Greenwich street (Block 618, Lot 1), Borough of Manhattan, Decision.

36-38-SA.....F.D.....York Air Conditioning Systems Oil Burner, Model M.V. 141, Appliance

---

37-38-S.....H.B.B.....15-45 Ryerson street, east side, 187 ft. 9 in. south of Flushing avenue, 260-266 Flushing avenue, 317-329 Park avenue and 32-52 Grand avenue (Block 1877, Lot 1), Borough of Brooklyn,. 18459-L.D. and Decision.

38-38-BZ.....H.B.M.....167-175 Chrystie street, west side, 99.6 ft. south of Rivington street and 199-205 Bowery (Block 425, Lot 9), Borough of Manhattan, N.B. 4-38.

39-38-A.....D.B.B.....284-300 Sheffield avenue, southwest corner of Belmont avenue (Block 3753, Lot 9), Borough of Brooklyn, 20017-L.F.

40-38-S.....D.B.B.....284-300 Sheffield avenue, southwest corner of Belmont avenue (Block 3753, Lot 9), Borough of Brooklyn, 20018-L.D., 20019-L.D. and 20021-L.D.

41-38-A.....H.B.Bx.....East side of Barker avenue, 51.69 ft. south of Allerton avenue (Block 4428, Lot 21), Borough of The Bronx, N.B. 23-38

42-38-BZ.....D.B.B.....22-36 Caton place, south side, 182 ft. 10 in. east of Ocean parkway (Block 5320, Lot 55), Borough of Brooklyn, Applic. 20028-37.

43-38-BZ.....H.B.M.....313-315 West 50th street, north side, 175 ft. 1 in. west of Eighth avenue (Block 1041, Lots 24 and 25), Borough of Manhattan, Alt. 2461-37.

44-38-BZ.....D.B.Q.....89-22 to 89-26 165th street, west side, 200.15 ft. south of 89th (Shelton) avenue (Block 866, Lot 48), Jamaica, Borough of Queens, Decision re: No. 5113-37.

45-38-S.....D.B.M.....316 Fifth avenue, southwest corner of West 32nd street (Block 833, Lot 46), Borough of Manhattan, Alt. 2746-37.

46-38-A.....H.B.Bx.....1921 Davidson avenue, west side, 200 ft. north of West 177th street (Block 2862, Lot 50), Borough of The Bronx, Alt. 460-37.

Restored to Calendar.

217-33-BZ.....H.B.Q.....Southwest corner of Springfield boulevard and 110th road (Block 2038, Lot 28), Queens Village, Borough of Queens, N.B. 102-36.

184-29-BZ.....D.B.M.....42-46 West 66th street, south side, 375 ft. west of Central Park West (Block 1118, Lots 48, 49 and 50), Borough of Manhattan, F. P. Applic. 1195-37.

CODE

D.B.....Department of Buildings
H.D.....Health Department
D.B.B.....Department of Buildings, Brooklyn
D.B.M.....Department of Buildings, Manhattan
D.B.Q.....Department of Buildings, Queens
D.B.R.....Department of Buildings, Richmond
D.B.Bx.....Department of Buildings, Bronx
T.H.D.....Tenement House Department
F.D.....Fire Department

DESIGNATIONS: H.B.—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

CERTIORARI ORDERS SERVED ON BOARD OF STANDARDS AND APPEALS

On January 20, 1938, Jerome N. Wanshel, attorney, served on board petition and order of certiorari for Molly Goldman, objector, in re decision of board on December 14, 1937, granting permission for parking and storage for two years under section 7-h, Cal. No. 97-37-BZ, at premises 1404-1428 East New York avenue, southwest corner of Amboy street, Borough of Brooklyn.

* * *

On January 20, 1938, Martin M. Gelber, attorney, served on board a petition and order of certiorari for Home Life Insurance Company, owner, in re decision of board on December 21, 1937, denying request to reopen for consideration under alleged new facts, under section 21, Cal. No. 260-36-BZ, of application for stores in residence district, at premises 1620-1624 Avenue H, southwest corner of E. 17th street, Borough of Brooklyn.

COURT DECISION

Matter of Drake Holding Corpn., pet. res. (Murdock et al.) &c.—On December 1, 1936, board granted stores on first story (previously denied) under section 21, in residence district, plot being partly in business district, Cal. No. 225-36-BZ, premises southeast corner Grand Concourse and East 167th street, Borough of The Bronx. Mr. Justice Noonan reversed board on ground that hardship was not proven (N.Y.L.J., July 1, 1937). Appellate Division unanimously affirmed order of Special Term, reversing board (N.Y. L.J., January 22, 1938).

CALENDAR

RULES

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Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
Concrete Rules (Hydrated Lime)	Aug. 3, 1937—Vol. 22, No. 31
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Oil Burner Rules	Feb. 1, 1938—Vol. 23, No. 5
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Sprinkler Rules	June 29, 1937—Vol. 22, No. 26
Standpipe Fireline Rules	June 8, 1937—Vol. 22, No. 23
Structural Alterations, Reporting	June 7, 1932—Vol. 17, No. 23
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Tank Trucks, Gasoline, etc	Nov. 24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr. 10, 1923—Vol. 8, No. 15

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Fuel Oil Burners for Domestic and Commercial Use	Jan. 4, 1938—Vol. 23, No. 1
Fuel Oil Fill Pipe Terminals	Feb. 1, 1938—Vol. 23, No. 5
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Fuel Oil Pumps	Feb. 1, 1938—Vol. 23, No. 5
Paint Varnish and Lacquer Spraying Equipment	Jan. 18, 1938—Vol. 23, No. 3
Range Oil Burners and Space Heaters	Feb. 1, 1938—Vol. 23, No. 5

CALL OF CLERK'S CALENDAR

MONDAY, JANUARY 31, 1938, AT 2 P. M.

Building Zone Cases.

119-37-BZ.

APPLICANT—Arthur W. Renander, for William J. Jung and Florence V. Jung, owners of Lot Nos. 30 and 32 and Frederick W. Erdtmann, receiver for Nathaniel C. Hendrickson, et al, owners of Lot No. 61.

PREMISES—89-17 to 89-27 162nd street, east side, 190.70 ft. south of 89th (Shelton) avenue and 89-26 to 89-30 163rd street, west side, 242.27 ft. south of 89th (Shelton) avenue (Block No. 836, Lot Nos. 30, 32 and 61), Jamaica, Borough of Queens.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles.

493-37-BZ.

APPLICANT—Nugent and Nugent, for Maude B. Mowry, owner.

PREMISES—71-20 to 71-32 Roosevelt avenue and 40-02 to 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

1218-22-BZ.

APPLICANT—Horace V. Shick, for General Cigar Co., Inc., owner.

PREMISES—36-40 Stone avenue and 305-313 MacDougal street, northwest corner (Block No. 1528, Lot No. 44), Borough of Brooklyn.

APPLICATION, under sections 7e and 21 of the building zone resolution (reopened under new proposal July 7, 1937),

TO PERMIT in a business use district the conversion of occupancy of a private garage for fifteen (15) motor vehicles-owners only-(previously granted by this Board) to a public garage for more than five (5) motor vehicles and motor vehicle repair shop on a street between two (2) intersecting streets in which portion there exists an entrance to a public school.

383-37-BZ.

APPLICANT—Lama and Proskauer, for Estate of A. J. Sweeney, owner.

PREMISES—2178-2188 Clarendon road, south side, 100 ft. east of Flatbush avenue (Block No. 5187, Lot Nos. 14, 16 and 114), Borough of Brooklyn.

APPLICATION, under sections 7c and 21 of the building zone resolution,

TO PERMIT in a business use district the alteration and extension of an existing garage for more than five (5) motor vehicles; the inclusion of a gasoline station in part of the existing garage and its extension across the entire Clarendon road front of the lot.

339-37-BZ.

APPLICANT—Lawrence M. Rothman, for Patsy Perro, owner.

PREMISES—635-637 Morris Park avenue, west side, 35.9 ft. south of Unionport road (Block No. 4011, Lot No. 23), Borough of The Bronx.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the conversion of occupancy of a building occupied as garage for five (5) motor vehicles, stores, club rooms and offices so as to use the garage portion as a garage for more than five (5) motor vehicles and motor vehicle repair shop.

FEBRUARY 1, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, February* 1, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 89-37-BZ—Application, March 6, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Sam Kupferman, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 2209 Mott avenue and 1147 Regina boulevard, southwest corner (Block No. 218, Lot No. 45), Far Rockaway, Borough of Queens.

CAL. NO. 134-37-BZ—Application, March 19, 1937, under section 7h of the building zone resolution, of Isidore Herman, applicant and lessee, on behalf of Annie Chutick, owner, to permit in a business use district, for a temporary period of not

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more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 1043-1053 Winthrop street, northeast corner of East 93rd street (Block No. 4612, Lot No. 43), Borough of Brooklyn.

CAL. NO. 164-37-BZ—Application, April 8, 1937, under section 7h of the building zone resolution, of Charles Hoffman, applicant and lessee, on behalf of Bessie Greenwald, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 9716-9718 Church avenue, south side, 72 ft. 6½ in. west of East 98th street (Block No. 4718, Lot Nos. 41 and 42), Borough of Brooklyn.

CAL. NO. 444-37-BZ—Application, July 15, 1937, under section 21 of the building zone resolution, of T. R. Galloway, applicant and structural engineer for New York and Queens Electric Light and Power Company, owner, to permit in a business use district the parking and storage of more than five (5) motor vehicles; premises 136-20 to 136-26 39th avenue (Locust avenue), south side, 184.934 ft. east of Main street and 136-19 to 136-25 Roosevelt avenue, north side, 175 ft. east of Main street (Block No. 4980, Lot No. 11), Flushing, Borough of Queens.

CAL. NO. 483-37-BZ—Application, October 13, 1937, under sections 7e and 21 of the building zone resolution, of Thomas W. Lamb, Inc., applicant, on behalf of 167 West 53rd Street Corporation, owner, to permit on a plot located partly in a retail use district and partly in a business use district the erection of a building to be occupied as stores and garage for the parking and storage of more than five (5) motor vehicles and a vacant portion at the rear occupied for open air parking and storage of more than five (5) motor vehicles; premises 821-825 Seventh avenue, 159-167 West 53rd street, northeast corner and 158 West 54th street (Block No. 1006, Lot Nos. 1, 2, 3, 4, 5 and 59½), Borough of Manhattan.

CAL. NO. 106-37-BZ—Application, March 12, 1937, under section 7h of the building zone resolution, of Arthur W. Renander, applicant, on behalf of Abraham D. Van Siclen, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises 89-17 to 89-19 165th street, east side and 89-18 to 89-20 166th street, west side, 150 ft. south of 89th avenue (Shelton avenue); (Block No. 866, Lot No. 83), Jamaica, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 1, 1938, 2 P. M.

Appeals from Administrative Orders

439-37-A—150-18 Jamaica avenue, southwest corner of 151st street (Block No. 1044, Lot No. 6), Jamaica, Borough of Queens.

31-38-A-WF—112-01 to 112-09 Queens boulevard, 75-01 to 75-09 112th street, northeast corner and 112-16 to 112-40 75th avenue (Block No. 1363, Lot No. 79), Forest Hills, Borough of Queens.

610-37-A-WF—125-27 Queens boulevard and 125-03 83rd avenue, northeast corner (Block No. 9653, Lot No. 1), Kew Gardens, Borough of Queens.

41-38-A—East side of Barker avenue, 51.69 ft. south of Allerton avenue (Block No. 4428, Lot No. 21), Borough of The Bronx.

499-37-A—27-35 Sheriff street and 55 Delancey street, southwest corner (Block No. 337, Lot No. 56), Borough of Manhattan.

Variation of Labor Law.

500-37-S—27-35 Sheriff street and 55 Delancey street, southwest corner (Block No. 337, Lot No. 56), Borough of Manhattan.

Appliance Submitted for Approval.

625-37-SA—Superseal Gas Connection.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, February* 1, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 51-30-BZ—Application of Austin W. Magee, applicant, on behalf of Seminole Garage, Inc., lessee (Cord Meyer Development Co., owner), reopened January 18, 1938, for consideration as to amendment of resolution as to signs—re Application, granted on condition, under sections 7g and 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles and, also, the installation of a gasoline service station; premises 112-01 to 112-09 Queens boulevard, 75-01 to 75-09 112th street (Seminole avenue), northeast corner and 112-16 to 112-40 75th avenue (Atom street); (Block No. 1363, Lot No. 79), Forest Hills, Borough of Queens.

CAL. NO. 120-33-BZ—Application of Eadie, Nunley and Eadie, applicants, on behalf of Harry Hugger, owner, reopened and restored to the calendar May 4, 1937, under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a motor vehicle repair shop, and, also, a gasoline service station (previously dismissed for lack of prosecution); prem-

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ises 2030 Hylan boulevard, southwest corner of Hamden avenue (Block No. 3688, Lot No. 9), Grant City, Borough of Richmond.

CAL. NO. 42-32-BZ—Application of Samuel L. Schwartz, owner, reopened January 11, 1938 for consideration as to extension of permit —re Application, granted on condition, under section 7f of the building zone resolution, permitting in a residence use district the erection and maintenance of a gasoline service station for a temporary period; premises 2263-2273 Linden boulevard, northwest corner of Elton street (Block No. 4336, Lot No. 21), Borough of Brooklyn.

CAL. NO. 575-32-BZ—Application of Wood and Marshall, applicants, on behalf of Suburban Maintenance Service Corporation, owner, reopened January 11, 1938 for consideration as to extension of permit —re Application, granted on condition, under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station for a temporary period; premises southeast corner of Merrick road and 242nd street (Block No. 3645, Lot No. 19). Rosedale, Borough of Queens.

CAL. NO. 207-37-BZ—Application, May 6, 1937, under sections 7g and 21 of the building zone resolution, of Larsen Baking Company, Inc., applicant and owner, to permit in a business use district the conversion of occupancy of an existing building to a garage for more than five (5) motor vehicles; premises 1490 Clove road, southwest corner of Tioga street (Block No. 661, Lot No. 7), West New Brighton, Borough of Richmond.

CAL. NO. 415-37-BZ—Application, August 23, 1937, under section 21 of the building zone resolution, of Wallace Gordon, applicant and lessee, on behalf of Beaver Film Corporation, owner, to permit in a business use district the conversion of occupancy of an existing building to paper stock and baling or a junk business; premises 215 Liberty avenue, northwest corner of Magnolia avenue (Block No. 3343, Lot Nos. 56 and 59), Dongan Hills, Borough of Richmond

CAL. NO. 458-37-BZ—Application, September 24, 1937, under sections 7c and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of East Brooklyn Savings Bank, owner, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a building to be used as a garage for more than five (5) motor vehicles and a motor vehicle repair shop and also the establishment of a gasoline service station; premises 374-386 Willoughby avenue and 903-907 Bedford avenue, southeast corner (Block No. 1762, Lot Nos. 32 and 36), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 4, 1938, 10 A. M.

SPECIAL MEETING.

Appeals from Administrative Orders.

553-37-A—1815-1825 Ocean avenue, east side, 280 ft. south of Avenue M (Block No. 7656, Lot No. 55 and part of Lot Nos. 5 4and 58), Borough of Brooklyn.

622-37-A—2042-2044 Ocean avenue, west side, 470 ft. south of Avenue O (Block No. 6766, Lot No. 36 and part of Lot No. 38), Borough of Brooklyn.

CALL OF THE CLERK'S CALENDAR

MONDAY, FEBRUARY 7, 1938, AT 2 P. M.

Building Zone Cases.

200-37-BZ.

APPLICANT—Otto J. Sambach, for Howdah Securities Corporation, owner.

PREMISES—103-39 Springfield boulevard, northeast corner of 104th avenue (Block No. 2046, Lot No. 7), Queens Village, Borough of Queens.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

336-37-BZ.

APPLICANT—Francis L. Shea, for American Newspapers, Inc., owner.

PREMISES—322-328 West 57th street, south side, 275 ft. west of 8th avenue (Block No. 1047, Lot Nos. 44 and 46), Borough of Manhattan.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a retail use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

472-37-BZ.

APPLICANT—Lama and Proskauer, for John Castagna and Salvatore Castagna, owners.

PREMISES—2761-2773 Cropsey avenue, north side, 6 ft. 9⅞ in. west of 28th avenue and 196 28th avenue (Block No. 6915, Lot No. 51), Borough of Brooklyn.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

507-37-BZ.

APPLICANT—John J. Beatty, for Tilyou Realty Company, owner.

PREMISES—1621-1627 Surf avenue and 2937-2947 West 17th street, northeast corner (Block No. 7062, Lot No. 34 and part of Lot No. 28), Borough of Brooklyn.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

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17-29-BZ.
APPLICANT—Clara K. Eberhart, owner.
PREMISES—1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.
APPLICATION, under section 21 of the building zone resolution (reopened November 23, 1937 under new proposal),
TO PERMIT partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles.

FEBRUARY 8, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, February* 8, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 263-37-BZ—Application, June 4, 1937, under section 21 of the building zone resolution, of Bertram J. Barrett, applicant, on behalf of Estate of A. & W. H Jackson, owner, to permit in a residence use district the parking and storage of more than five (5) motor vehicles, premises 28-11 41st street, east side, 100 ft. south of 28th avenue (Block No. 664, Lot Nos. 15 and 16), Astoria, Borough of Queens.

CAL. NO. 279-37-BZ—Application, June 10, 1937, under section 7h of the building zone resolution, of Bertram J. Barrett, applicant, on behalf of Estate of A. & W. H. Jackson, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 41-10 28th avenue, south side, 75 ft. east of 41st street (Block No. 664, Lot No. 20), Astoria, Borough of Queens.

CAL. NO. 473-37-BZ—Application, September 30, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Carrie Eidel and Estate of James S. Rourke, owners, to permit in a business use district the erection and maintenance of a building to be used as a garage for more than five (5) motor vehicles and motor vehicle repair shop and also the establishment of a gasoline service station; premises 230-234 Norman avenue and 229-237 North Henry street, southwest corner (Block No. 2655, Lot Nos. 6 and 8), Borough of Brooklyn.

CAL. NO. 337-37-BZ—Application, July 1, 1937, under sections 7a and 21 of the building zone resolution, of Thomas W. Golding, applicant, on behalf of Intrastate Theatres orporation, owner, to permit in a residence use district the extension in area of a building used as offices and film storage; premises 309-329 West 44th street, north side, 125 ft. west of Eighth avenue and 322-324 West 45th street (Block No. 1035, Lot Nos. 25, 26, 27, 17, 20 and 22), Borough of Manhattan.

CAL. NO. 450-37-BZ—Application, September 17, 1937, under sections 7c and 21 of the building zone resolution, of Samuel Rosenblum, applicant, on behalf of Pasquale Fiero, owner, to permit partly in a business use district and partly in a residence use district the extension of an existing gasoline service station and, also, the erection and maintenance of an accessory building to be used as office, lubritorium, auto laundry and motor vehicle repair shop; premises 1040-1050 East New York avenue, southeast corner of East 94th street (Block No. 4597, Lot Nos. 1, 2 and 4), Borough of Brooklyn.

CAL. NO. 467-37-BZ—Application, September 27, 1937, under section 21 of the building zone resolution, of H. L. Brandt, applicant, on behalf of Owen Realty Co., owner, to permit in a business use district the conversion of the occupancy of the first story of an existing building (now occupied in the cellar as a garage) to a motor vehicle repair shop; premises 5060-5076 Broadway and 501-507 West 215th street, northeast corner, 500 West 216th street and 4036-4050 Tenth avenue (Block No. 2232, Lot No. 18), Borough of Manhattan.

CAL. NO. 127-35-BZ—Application of Casper P. Colla, applicant, on behalf of Joseph Angelone, owner, reopened January 18, 1938, for consideration as to extension of permit—re Application, granted on condition, under section 7h of the building zone resolution, permitting in a business use district the parking and storage of more than five (5) motor vehicles for a temporary period (previously denied for a junk shop); premises 115-117 Truxton street, north side, 220 ft. east of Sackman street (Block No. 1544, Lot No. 45), Borough of Brooklyn.

CAL. NO. 309-35-BZ—Application of Hillside Parking Corp., applicant and lessee, on behalf of Nathan Straus, owner, reopened January 18, 1938, for consideration as to extension of permit—re Application, granted on condition, under section 21 of the building zone resolution, permitting in a residence use district the use of a plot of ground as a parking space for the storage of more than five (5) motor vehicles for a temporary period; premises northwest corner of Wilson avenue and East 214th street (Block No. 4709, Lot No. 1), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 8, 1938, 2 P. M.

Appeals from Administrative Orders.

623-37-A—906-910 Dean street, south side, 250 ft. west of

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Classon avenue (Block No. 1141, Lot Nos. 33 and 34), Borough of Brooklyn.

7-38-A—49-51 Elizabeth street, west side, 175 ft. north of Canal street (6th floor); (Block No. 204, Lot No. 22), Borough of Manhattan.

Building Zone Application

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, February* 8, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 419-37-BZ—Application, August 27, 1937, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Eva Rosenbush, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 110-02 to 110-18 Astoria boulevard and 32-03 110th street, southeast corner (Block No. 1704, Lot No. 172), Corona, Borough of Queens.

HARRIS H. MURDOCK, *Chairman*

CALL OF CLERK'S CALENDAR

MONDAY, FEBRUARY 14, 1938, AT 2 P. M.

Building Zone Cases

1-37-BZ.
APPLICANT—Oscar Goldschlag, for Pondrand Amusements Co., Inc., owner.
PREMISES—67-02 62nd street, west side, 125.11 ft. north of 68th avenue (Block No. 3620, Lot No. 7), Ridgewood, Borough of Queens.
APPLICATION, under section 7h of the building zone resolution (reopened and restored to calendar January 11, 1938)
TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution).

404-37-BZ.
APPLICANT—Harold Borgwald, for Marie Catherine Russell, owner.
PREMISES—4825 White Plains road, southwest corner of East 243rd street (Block No. 5109, Lot Nos. 1 and 3), Borough of The Bronx.
APPLICATION, under section 21 of the building zone resolution,
TO PERMIT in a business use dictrict the erection and maintenance of a gasoline service station.

536-37-BZ.
APPLICANT—Wortmann and Iser, for Station W Postal Building Corporation, owner.
PREMISES—158-162 West 83rd street, south side, 150 ft. east of Amsterdam avenue (Block No. 1213, Lot No. 58), Borough of Manhattan.
APPLICATION, under sections 7e and 21 of the building zone resolution,
TO PERMIT partly in a business use district and partly in a residence use district the conversion of occupancy of an existing building to a storage garage for more than five (5) motor vehicles and, also, the omission of the required rear yard.

545-37-BZ.
APPLICANT—Boris W. Dorfman, for Wayington Corporation, owner.
PREMISES—862-874 Washington avenue and 175-185 Eastern parkway, northwest corner (Block No. 1179, Lot No. 108), Borough of Brooklyn.
APPLICATION, under section 21 of the building zone reso'ution,
TO PERMIT in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use (stores).

535-37-BZ.
APPLICANT—Sidney H. Kitzler, for Nostmont Garage, Inc., owner.
PREMISES—956-978 Nostrand avenue, west side, from Sullivan place to Montgomery street, 291-301 Sullivan place and 412-416 Montgomery street (Block No. 1305, Lot Nos. 40, 46, 47, 48, 50 and 52), Borough of Brooklyn.
APPLICATION, under section 21 of the building zone resolution,
TO PERMIT partly in a business use district and partly in a residence use district the extension (a proposed basement story) of a garage for more than five (5) motor vehicles (previously granted by the board but not erected); the inclusion of stores in a garage for more than five (5) motor vehicles (previously granted by the board) and, also, the omission of the division wall between these two (2) garages for more than five (5) motor vehicles so as to create one unit garage.

539-37-BZ.
APPLICANT—Samuel A. Rosenberg, for Vitro Cirillo, owner.
PREMISES—1237-1243 McDonald avenue, east side, 180 ft. south of Avenue J (Block No. 6524, Lot No. 71), Borough of Brooklyn.
APPLICATION, under section 21 of the building zone resolution,
TO PERMIT in a business use district the extension and also the conversion of occupancy of an existing building to a refrigeration plant.

FEBRUARY 15, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, February* 15, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 324-37-BZ—Application, June 29, 1937, under section 21 of the building zone resolution, of Joseph M. Lonergan, applicant, on behalf of Mathilda Litchman and Bruno Bernabo, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4727-4729 Third avenue, west side and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

CAL. NO. 431-37-BZ—Application, September 2, 1937, under section 21 of the building zone resolution, of James J. Millman, applicant, on behalf of T. H. Fraser Mortgage Co., owner, to permit in a business use district the conversion of occu-

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pancy of an existing wet wash laundry to a garage for more than five (5) motor vehicles and gasoline service station; premises 5813-5823 20th avenue and 2001-2011 59th street, northeast corner (Block No. 5507, Lot No. 1), Borough of Brooklyn.

CAL. NO. 54-37-BZ—Application, February 13, 1937, under section 7h of the building zone resolution, of 92-32 Union Hall Street, Inc., applicant and owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises 160-13 to 160-21 Archer avenue, north side, 110 ft. west of Union Hall street (Block No. 1051, Lot No. 150), Jamaica, Borough of Queens.

CAL. NO. 166-37-BZ—Application, April 13, 1937, under section 7h of the building zone resolution, of Mary B. Roberts, applicant and lessee, on behalf of Lawida Corporation, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the use of a plot of ground for the parking and storage of more than five (5) motor vehicles and, also, for used car sales; premises 4485-4519 Broadway, northwest corner of West 192nd street (Block No. 2180, Lot Nos. 633, 635 and part of Lot No. 646), Borough of Manhattan.

CAL. NO. 366-37-BZ—Application, July 15, 1937, under sections 7h and 21 of the building zone resolution, of F. Oscar Larsen, applicant and lessee, on behalf of Queens boro Investing Company and Jackson Avenue Corporation, owners, to permit partly in a business use district and partly in a residence use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 37-05 75th street, 37-04 76th street and 75-10 37th avenue, south side, between 75th street and 76th street (Block No. 465, Lot Nos. 30, 31, 35, 38, 40 and 42), Jackson Heights, Borough of Queens.

CAL. NO. 429-37-BZ—Application, September 2, 1937, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Morris Roth, owner, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station; premises 47-11 108th street and 108-09 48th avenue, northeast corner (Block No. 2003, Lot No. 84), Corona, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 15, 1938, 2 P. M.

Appeal from Administrative Order

22-38-A—146-148 East 56th street, south side, 145 ft. east of Lexington avenue (Block No. 1310, Lot No. 47), Borough of Manhattan.

FEBRUARY 23, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Wednesday morning, February* 23, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 314-36-BZ—Application, October 23, 1936, under section 21 of the building zone resolution of Margaret Farrell, applicant and lessee, on behalf of Estate of Margaret Rowan, owner ,to permit partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises 619-623 East 163rd street, north side, 60 ft. west of Cauldwell avenue and 606-608 Teasdale place (Block No. 2621, Lot Nos. 29, 30, 31, 18 and 20), Borough of The Bronx.

CAL. NO. 430-37-BZ—Application, September 2, 1937, under sections 7b, 7c and 21 of the building zone resolution, of Goelet Realty Company, applicant and lessee, on behalf of Robert Walton Goelet, owner, to permit partly in a retail use district and partly in a restricted retail use district the erection and maintenance of a motion picture theatre; premises 384-390 Park avenue and 51-67 East 53rd street, northwest corner (Block No. 1289, Lot No. 36), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

MARCH 15, 1938, 2 P. M.

Appeal from Administration Order

27-38-A—346 Carroll street, south side. 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

FORMS FOR NOTICES TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

MINUTES

BOARD OF STANDARDS AND APPEALS

SPECIAL MEETING

FRIDAY MORNING, JANUARY 21, 1938

Present: Chairman Murdock, Commissioners Savage and Blum.

APPEAL FROM ADMINISTRATIVE ORDER

553-37-A.

APPLICANT—Benjamin Saltzman, Assistant Engineer, Department of Buildings, for Edwin H. Thatcher, Commissioner, Department of Buildings, Borough of Brooklyn.

OWNER—Estate of Mary E. Hayes, Mary T. Hasselman and Anastasia L. Bartley, Trustee.

SUBJECT—Application for Revocation of Certificate of Occupancy No. 47150 and Permit No. 7488/37—re maintenance of a gasoline service station and auto accessories located in a residence use district.

PREMISES AFFECTED—1815-1825 Ocean avenue, east side, 280 ft. south of Avenue M, (Block No. 7656, Lot No. 55 and part of Lot Nos. 54 and 58), Borough of Brooklyn.

ACTION OF BOARD—Laid over to February 4, 1938 at 10 A. M., by action of the board on January 18, 1938 at 2 P. M.

Adjourned, 10:10 A. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, JANUARY 25, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the regular meeting of the board held on Tuesday morning, January 18, 1938 and the minutes of the regular meeting of the board held on Tuesday afternoon, January 18, 1938, were approved as printed in Bulletin No. 4, Vol. XXIII.

BUILDING ZONE CASES.

419-37-BZ.

APPLICANT—Samuels & Samuels, for Eva Rosenbush, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—110-02 to 110-18 Astoria boulevard and 32-03 110th street, southeast corner (Block No. 1704, Lot No. 172), Corona, Borough of Queens.

APPEARANCES—

For Applicant: Archie Samuels.

For Opposition: Charles A. Kussmaul, Therese M. Casazza, Edward C. Abel, Louis Jay, L. C. Squire and M. Michalowitz, for Department of Parks.

ACTION OF BOARD—Laid over to February 8, 1938 at 2 P. M. for report of committee. No further argument.

226-37-BZ.

APPLICANT—Samuel Falk, for Hada Realty Company, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—3051-3067 Otis avenue, 1050-1066 Hollywood avenue and 3050-3068 Layton avenue, south side, from Otis avenue to Hollywood avenue (Block No. 5422, Lot No. 65), Borough of The Bronx.

APPEARANCES—

For Applicant: Samuel Falk.

For Opposition: Henry E. Schutzer.

ACTION OF BOARD—Application withdrawn upon request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

99-36-BZ.

APPLICANT—Lama and Proskauer, for Peter Dinnella, owner.

SUBJECT—Application reopened and restored to Calendar October 13, 1937—(re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a residence use district and also partly in an "F" area and partly in a "C" area district the erection and maintenance of a multiple dwelling not conforming with the building zone requirements as to yards and also area of the plot occupied (previously withdrawn).

PREMISES AFFECTED—84-14 Forest parkway, west side, 91.60 ft. south of Park lane south (Block No. 12, Lot Nos. 288, 325 and 327), Forest Hills, Borough of Queens.

APPEARANCES—

For Applicant: Alfred A. Lama, Peter Dinnella, Edward A. Miller and Joseph P. Driesel.

For Opposition: George C. Buechner, Homer G. Welch, August C. Schmidt and M. Michalowitz, Department of Parks.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(99-36-BZ)

WHEREAS, Lama and Proskauer, for Peter Dinnella, owner, filed April 16, 1936 an application under the building zone resolution to permit in a residence use district and partly in an "F" area and partly in a "C" area district, the erection and maintenance of a multiple dwelling not con-

forming with the building zone requrements as to yards and also area of plot occupied; Premises: 84-14 Forest parkway, west side, 91.60 ft. south of Park lane south (Block No. 12, Lot Nos. 288, 325 and 327), Forest Hills, Borough of Queens; and

WHEREAS, this application was withdrawn September 22, 1936 and reopened by vote of the board October 13, 1937; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, January 25, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Forest parkway (83rd street) is a residence use and "F" area; Park lane south is residence use and "F" and "C" area; 85th drive is residence use and "F" and "C" area; 80th street is residence use and "C" area; and

WHEREAS, the decision of the commissioner of buildings, dated October 19, 1937, Application No. 5083 reads:

> "Application on file together with letter of October 15, 1937 and accompanying sketch permits the examination only as it relates to the following requirements of the Building Zone Resolution.
>
> Residence F District.
>
> Required rear yard not provided—article 4 section 16, subdiv B.
>
> Required sideyards not provided, article 4 section 16, subdiv C.
>
> Area of plot occupied is in excess of that permitted, article 4, section 16, subdiv D."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 100 ft. and a maximum depth of 141.45 feet. The westerly portion of the plot extends into the "C" area district for a distance of approximately 39 feet—the remainder of the plot is in an "F" area district. The proposed building (multiple dwelling) is to be non-fireproof, 6 stories in height, 100 feet by 121 feet, irregular in area. This proposed building does not conform with the building zone requirements as to rear yards, side yards and area of plot occupied. The area of the entire lot is 13,900 square feet; 10,000 square feet of which are located in the "F" area district and 3,900 square feet are located in the "C" area district. The allowable occupancy of the lot within the "F" area district at curb level is 3,500 square feet and the proposed occupancy of the lot is 6,073 square feet an excess occupancy of 2,573 square feet; the allowable occupancy above the 18 feet above the curb level is 2,500 square feet; and the proposed occupancy is 6,073 square feet, an excess occupancy of 3,573 square feet. The required side yards (extending through to rear yard) are 15.5 feet wide—in lieu of these required side yards two side courts (as shown upon plans) are provided. The required set back of 15 feet from the street building line has been provided. The rear portion of the building is located in a "C" area district; the required rear yard in a "C" area district is 10 feet deep; proposed rear yard is 16 feet deep. In an "F" area district the depth of the required rear yard is 30 feet. The multiple dwelling law required a 15 foot 4 inch rear yard in this instance; and

WHEREAS, a petition had previously been filed with the board of estimate and apportionment for a change of the "F" zone along Forest parkway to a "C" zone which petition had not been acted upon but was referred to the borough president; and

WHEREAS, the board deemed that any relief as to the area requirements should apply to the frontage generally rather than to one plot area, that the proper relief should be obtained through petitions to the city planning commission for change to a less restrictive classification, but not necessarily to a "C" area as requested; and

WHEREAS, the board deemed that applicant was not entitled to relief under section 21 on the grounds of practical difficulty and unnecessary hardship;

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

372-37-BZ.

APPLICANT—Albert C. Fach, for Staten Island Savings Bank, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—203-207 Jersey street, northeast corner of Crescent avenue (Block No. 50, Lot No. 1), New Brighton, Borough of Richmond.

APPEARANCES—

For Applicant: Albert C. Fach, Michael H. Brennan.

For Opposition: Arthur E. Gale and M. Michalowitz, Department of Parks.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(372-37-BZ)

WHEREAS, Albert C. Fach, for Staten Island Savings Bank, owner, filed July 20, 1937 an application under the building zone resolution to permit in a business use district the erection and maintenance of a gasoline service station; Premises: 203-207 Jersey street, northeast corner of Crescent avenue (Block No, 50, Lot No. 1), New Brighton, Borough of Richmond; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, January 25, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Crescent avenue is in a residence and business use; Jersey street is in a business use; Cleveland avenue is in a business use and Beechwood avenue is in a residence and business use; and

WHEREAS, the decision of the commissioner of buildings, rendered June 23, 1937, reads:

> "Your application, New Building No. 342/1937, filed on June 21, 1937 for the erection of a gasoline selling station at premises 203-5-7 Jersey street, northeast corner of Crescent avenue, New Brighton, Borough of Richmond, is hereby disapproved, it being contrary to Section 4, Subdivision 46 of the Zoning Resolution to construct a gasoline selling station in a business district."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 104.6 feet on Crescent avenue, 62.4 feet on Jersey street and a distance of 85.5 feet along the north lot line. It is proposed to demolish the buildings now on the site and to erect thereon a one story building 22 ft. by 15 ft. 8 in. in area to be used as an office, to install the necessary tanks and pumps for a gasoline service station—and to provide also a lift for greasing cars; and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board, in order that the board might be informed prior to the hearing; and

WHEREAS, the board deemed that the applicant did not substantiate his basis of appeal under section 21 of the building zone resolution, practical difficultes and unnecessary hardship and that the property can be developed for conforming use.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed* and that the application be and it hereby is *denied.*

MINUTES

345-36-BZ.

APPLICANT—Hahn and Coller, for John Seinfeld, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use (stores).

PREMISES AFFECTED—2095 Grand concourse, west side, 93.63 ft. north of East 180th street (Block No. 3161, Lot No. 26), Borough of The Bronx.

APPEARANCES—

For Applicant: H. I. Feldman, Nathaniel Coller and John Seinfeld.

For Opposition: Inspector P. F. Kelly, Department of Housing and Buildings.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(345-36-BZ)

WHEREAS, Hahn and Coller, for John Seinfeld, owner, filed November 12, 1936 an application under the building zone resolution to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use (stores); Premises: 2095 Grand concourse, west side, 93.63 ft. north of East 180th street (Block No. 3161, Lot No. 26), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, January 25, 1938 after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Grand concourse is in a residence and business use district; Creston avenue is in a residence and business use district; East 180th street is in a residence and business use district and East 181st street is in a residence and business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered October 13, 1936, re Alt. Application No. 580-1936, reads:

"1. Objection 1 not removed:

In a residence district, no building or premises shall be used for business. Article 2, Section 3, Zone Resolution. Business and store proposed is unlawful."

and

WHEREAS, the building is of non-fireproof construction 5 stories and basement in height, with a frontage of 101.6 ft. and a depth of 87.8 feet, occupied as a multiple dwelling, it is proposed to alter the basement for occupancy for business use, 6 stores; and

WHEREAS, the board deemed that applicant had failed to substantiate his basis of appeal under section 21 of the building zone resolution, and was, therefore, not entitled to relief.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

341-37-BZ.

APPLICANT—Fred B. McDuffee, Engineer, Department of Sanitation, for Department of Sanitation, City of New York, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7-a of the building zone resolution, to permit in a residence use district the erection and maintenance of a garage for more than five (5) motor vehicles in conjunction with a section station for use by the Department of Sanitation.

PREMISES AFFECTED—5520-5606 19th avenue, west side, 155 ft. 7⅜ in. south of 55th street (Block No. 5494, part of Lot No. 8), Borough of Brooklyn.

APPEARANCES—

For Applicant: E. B. Sullivan and Fred B. McDuffee.

For Opposition: Milton Fischer, Max Weichselbaum and M. L. Cramer.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(341-37-BZ)

WHEREAS, Fred B. McDuffee, Engineer, Dept. of Sanitation, for Department of Sanitation, City of New York, owner, filed July 2, 1937 an application under the building zone resolution to permit in a residence use district the erection and maintenance of a garage for more than five (5) motor vehicles in conjunction with a section station for use by the Department of Sanitation; Premises: 5520-5606 19th avenue, west side, 155 ft. 7⅜ in. south of 55th street (Block No. 5494, part of Lot No. 8), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, January 25, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 19th avenue is a residence use district; 18th avenue is a residence and business use distrct; 55th street is residence use and 58th street is a residence use district; and

WHEREAS, the decision of the commissioner of buildings, rendered November 24, 1937—re N.B. applic. No. 5587-1937, reads:

"Proposed public garage for more than five cars in a residential district is contrary to B. Z. Resolution, Art. II, Sect. 3 and is hereby denied."

and

WHEREAS, the proposed building is to be of fireproof construction two stories in height, with a frontage of 139 ft. and a depth of 199 ft., to be occupied as a garage for more than five motor vehicles and section station for the department of sanitation; and

WHEREAS, at the hearing, applicant amended his application to include section 7a of the building zone resolution; and

WHEREAS, it was stated that the department of sanitation proposes to relinquish the rear portion of the plot now occupied by the department so that such space may be added to the park area; and

WHEREAS, the board deemed that applicant had substantiated his basis of appeal under section 7a of the building zone resolution, and was, therefore, entitled to relief.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the use district regulations of the buildng zone resolution, and that the application be and it hereby is *granted* under section 7a, to permit the construction of a one and two-story fireproof garage, substantially as indicated on plans filed with this application, *on condition* that such garage shall be used solely for the housing and maintenance of the equipment of the department of sanitation and that no additional use other than as proposed herein shall be maintained; that there shall be erected along the side lot line to the north a masonry wall not less than 7 ft. in height, continuously from 19th avenue to the dividing line between the portion of the property occupied by the department of sanitation and Gravesend park; that there shall be constructed either by the department of Sanitation or the Park Department, a substantial

woven wire fence on such dividing line; that a brick wall shall also be constructed on the street building line of 19th Avenue between the proposed garage wall and the side lot line; that this wall shall be constructed of face brick similar to the face brick to be used on the front of the proposed garage, this wall to be not less than 7 ft. in height and may have double-swing gates; that a similar wall and gates shall be constructed between the wall of the existing garage and the interior lot line to the south as well as between the existing garage and the proposed garage, with a single gate approximately 4 ft. in width; that no motor vehicles or horse drawn vehicles shall be stored on any part of the premises other than in the garage buildings; that all permits shall be obtained and all work completed within one year from the date of this action.

Adjourned, 1:25 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, JANUARY 25, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

217-33-BZ.

APPLICANT—Benjamin N. Brody, for Helen Schrage Lehman, owner.

SUBJECT—Application for consideration—reopening and amendment—(re decision of acting borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a business use district the extension in area of a gasoline service station, (previously granted by the board on certain conditions in accordance with the order of the court).

PREMISES AFFECTED—110-38 Springfield boulevard and 217-20 110th road, southwest corner (Block No. 2038, Lot No. 28), Queens Village, Borough of Queens.

APPEARANCES—

For Applicant: Benjamin N. Brody.

ACTION OF BOARD—Application reopened subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

184-29-BZ.

APPLICANT—Murray Klein, for Low Cost Housing Corp., lessee, for Maccalco Inc., owner.

SUBJECT—Application for consideration—reopening and amendment under new proposal—(re decision of the commissioner of buildings) under sections 7h and 21 of the building zone resolution, to permit in a business use district the parking and storage of more than five (5) motor vehicles and accessory gasoline tanks and pumps for sale of gasoline (previously granted by the board for a garage for more than five (5) motor vehicles—garage not built).

PREMISES AFFECTED—42-46 West 66th street, south side, 375 ft. west of Central Park West (Block No. 1118, Lot Nos. 48, 49 and 50), Borough of Manhattan.

APPEARANCES—

For Applicant: Murray Klein and H. E. Witteman.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

409-37-BZ.

APPLICANT—G. Richard Davis, for Benjamin Mordecai owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the extension of an existing business use.

PREMISES AFFECTED—204 East 72nd street, south side, 90 ft. east of Third avenue (Block No. 1426, Lot No. 45½), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application withdrawn on written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

235-31-BZ.

APPLICANT—Edward L. Kelly, for Robert Gladstone, owner.

SUBJECT—Application for consideration—reopening under new facts—re application (decision of the superintendent of buildings) under section 21 of the building zone resolution, to permit in a business district, the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—701-705 Utica avenue, east side, 100 ft. south of Clarkson avenue (Block No. 4637, Lot No. 41), Borough of Brooklyn.

APPEARANCES—

For Applicant: Edward L. Kelly.

ACTION OF BOARD—Request to reopen denied.

THE VOTE TO REOPEN—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(235-31-BZ)

WHEREAS, this application to permit in a business use district the erection and maintenance of a gasoline service

station, affecting premises 701-705 Utica avenue, east side, 100 ft. south of Clarkson avenue (Block No. 4637, Lot No. 41), Borough of Brooklyn, was denied by the Board September 15, 1931; and

WHEREAS, Edward L. Kelly, attorney for the present owner, requested a reopening of this application on the basis of new facts; and

WHEREAS, the board deemed that no substantial new facts had been shown to justify a rehearing of the application and that the gasoline station given as a new fact was too far removed to be so considered.

Resolved, that request to reopen this application be and it hereby is *denied*.

926-28-BZ.

APPLICANT—Joseph B. Lynch, for The Texas Company, owner.

SUBJECT—Application for consideration—reopening — re application (decision of the superintendent of buildings) originally denied by the board under section 21 of the building zone resolution and granted by the Court, permitting in a residence use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—Southeast corner of Ocean avenue and Avenue V (Block No. 7381, Lot Nos. 1 and 16), Borough of Brooklyn.

APPEARANCES—

For Applicant: Joseph B. Lynch.

ACTION OF BOARD—Application reopened and granted on condition (by order of the Court).

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO GRANT ON CONDITION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(926-28-BZ)

WHEREAS, this application to permit in a residence use district the erection and maintenance of a gasoline service station affecting premises southeast corner of Ocean avenue and Avenue V (Block No. 7381, Lot No. 1 and 16), Borough of Brooklyn, was denied by the board May 7, 1929; and

WHEREAS, on a writ of certiorari the action of the board on the deniel of the application was reversed by an order of the Court; and

WHEREAS, the board deemed that in view of the order of the Court the decision of the board of May 7, 1929 should be reconsidered and the application granted on certain conditions.

Resolved, that the resolution adopted by the board on May 7, 1929, be and it hereby is reconsidered, and that the application be and it hereby is *granted* in accordance with the order of the Court (N. Y. L. J. January 14, 1930), so as to permit a portion of the premises to be used for a gasoline service station with a frontage of 100 ft. on Ocean avenue and a depth along Avenue V of 74 ft. *on condition* that such portion of the plot shall be leveled substantially to the grade of the surrounding streets; that the accessory building shall be located toward the easterly portion of the premises and shall consist of a one-story building for office and greasing lift; that this accessory building shall be constructed of fireproof materials except that the door frames and doors, window frames and sash, roof beams and roof boarding may be of wood, provided the ceilings of the greasing room and heater room shall be fire-retarded in accordance with the rules of the Board of Standards and Appeals and the roof surfaced with weather surfacing of non-inflammable material; that the heater room shall be enclosed in fireproof material consisting of not less than 4 in. gypsum block and plastered on both sides, with opening only from the exterior of the building; that there shall be erected on the interior lot lines to the east and south a substantial wood picket fence set on a concrete curb at least 8 in. high; that the balance of this portion of the plot, where not occupied by the accessory building shall be cement paved; that there shall be constructed a new curb and concrete sidewalk along Avenue V for the depth of the plot; that entrances to the premises shall not exceed three, one from Avenue V not over 34 ft. in width and two from Ocean avenue, not over 35 ft. in width each; that all pumps erected on the premises shall be not nearer than 10 ft. to any street building line; that advertising shall be restricted to the illuminated globes on the premises with a permanent sign attached to the accessory building and to not over one post standard erected near the building line near the intersection of the two streets, supporting a sign which may be illuminated to advertise only the brand of gasoline on sale and permitting such sign to extend over the building line for not more than five feet, but excluding all roof signs and signs of a temporary nature; that lights for general illumination shall be on pipe standards with metal reflectors so arranged as to reflect toward the center of the premises; that no automobile repairing shall be permitted on the premises and no parking or storing of cars other than those being serviced; that no portable gasoline pumps shall be used on or from the premises; and that all permits shall be obtained and all work completed within six months from the date of this action.

238-37-BZ.

APPLICANT—Henry Nordheim, for V. T. O. Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a residence use district the alteration and change of occupancy of an existing Class A multiple dwelling with three (3) stores so as to provide two (2) additional stores.

PREMISES AFFECTED—2351-2353 Southern boulevard and 787 East 185th street, northwest corner (Block No. 3114, Lot No. 73), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry Nordheim.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(238-37-BZ)

WHEREAS, Henry Nordheim, for V. T. O. Realty Corp., owner, filed May 25, 1937 an application under the building zone resolution to permit in a residence use district the alteration and change of occupancy of an existing Class A Multiple Dwelling with three (3) stores so as to provide two (2) additional stores; Premises: 2351-2353 Southern boulevard and 787 East 185th street, northwest corner (Block No. 3114, Lot No. 73), Borough of The Bronx; and

WHEREAS, this application was granted by the board at its meeting December 7, 1937 on certain conditions and applicant requested an amendment of the resolution as to distance that the show window shall be from the main entrance.

Resolved, that the resolution adopted by the board on December 7, 1937, be and it hereby is *amended*, only so far as it has reference to the distance that the show window shall be from the main entrance door to the building, so that as amended the resolution shall read:

"Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulations of the building zone resolution and that the application be and it hereby is granted, under section 21, to permit the extension of the business use on the street floor only into the area as shown on plans filed with this application, on condition, that this space shall be used as an addition to the existing stores facing Southern boulevard or as one store facing East 185th street, provided that no show windows shall be erected on East 185th street nearer than four (4) feet from the main entrance door of the building; that no openings shall be constructed between this space and any other part of the building other than the existing stores; that the ceiling of this space shall be fire-retarded; that no signs shall be erected on any portion of the street wall of this space other than signs painted on the plate glass show windows and that all permits shall be obtained and all work completed within one year from the date of this resolution."

APPEALS FROM ADMINISTRATIVE ORDERS

7-38-A.

APPLICANT—Martin Bechtel, Inc., for Citizens Savings Bank, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—49-51 Elizabeth street, west side, 175 ft. north of Canal street (6th floor); (Block No. 204, Lot No. 22), Borough of Manhattan.

APPEARANCES—

For Applicant: Alexander Jacobs.

ACTION OF BOARD—Laid over to February 8, 1938, at 2 P. M., on request of applicants representative.

610-37-A-WF.

APPLICANT—Austin W. Magee, for Bert Ryan, owner.

SUBJECT—Appeal from decisions of the commissioner of buildings.

PREMISES AFFECTED—125-27 Queens boulevard and 125-03 83rd avenue, northeast corner (Block No. 9653, Lot No. 1), Kew Gardens, Borough of Queens.

APPEARANCES—

For Applicant: Austin W. Magee.

ACTION OF BOARD—Laid over to February 1, 1938, at 2 P. M., applicant to amend appeal.

22-38-A.

APPLICANT—Robert Teichman, for 657 Lexington Avenue Corporation, owner.

SUBJECT—Appeal from a decision of the commissioner of buildings.

PREMISES AFFECTED—146-148 East 56th street, south side, 145 ft. east of Lexington avenue (Block No. 1310, Lot No. 47), Borough of Manhattan.

APPEARANCES—

For Applicant: R. Teichman.

ACTION OF BOARD—Laid over to February 15, 1938, at 2 P. M., for inspection by committee of the board.

27-38-A.

APPLICANT—Croker Fire Prevention Corporation, for Maryland Baking Co., Inc., owner.

SUBJECT—Appeal from orders and a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sidney L. Strauss.

For Administration: Inspector Meagher, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to March 15, 1938, at 2 P. M., applicant to file plans in Department of Housing and Buildings.

19-38-A.

APPLICANT—Lama and Proskauer, for J. W. & W. H. Reid, Inc., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—383-393 Pearl street and 19-23 Willoughby street, northeast corner (Block No. 146, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

ACTION OF BOARD—Appeal withdrawn on request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

548-37-A.

APPLICANT—Croker Fire Prevention Corporation, for Doehler Die Casting Co., Inc., owner.

SUBJECT—Appeal from orders and a decision of the commissioner of buildings.

PREMISES AFFECTED—499-505 Court street, 185-197 West Ninth street and 182-202 Huntington street (Block No. 476, Lot No. 6), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sidney Strauss.

For Administration: Inspector Meagher, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(548-37-A)

WHEREAS, Croker Fire Prevention Corporation, for Doehler Die Casting Co., Inc., owner, filed on November 17, 1937 an appeal from orders and a decision of the commisisoner of buildings, affecting Premises 499-505 Court street, and 185-197 West 9th street and 182-202 Huntington street (Block No. 476, Lot No. 6), Borough of Brooklyn; and

WHEREAS, the order of the commisisoner of buildings, dated April 19, 1937, No. 16062-LF, reads as follows:

"1. Install an approved standpipe system in 7 story building, 195 West 9th street, in accordance with the rules of the Board of Standards and Appeals. Sec. 580-1 Chap. 5, Code of Ordinances."

and Order No. 16060-LF dated April 19, 1937 reads:

"1. Provide approved fireproof windows or iron shutters at all openings in the exterior wall above the 1st story in building No. 189 West 9th street, which are distant in direct line less than 30 ft. from any opening in any other building."

and

MINUTES

WHEREAS, the decision of the commissioner of buildings, dated October 15, 1937, reads as follows:

"In reply to your letter of October 5th, 1937, advising that you have been retained by the owners to appeal from requirements of Order Nos. 16058-LF, 16060-LF, 16062-LF and 16066-LD, and that you are unable to do so due to the fact that the Board of Standards and Appeals will not accept an appeal for the reason that the time limit thirty (30) days had elapsed, and request dismissal and re-issuance of the above orders. You are advised that the orders cannot be dismissed or re-issued. Therefore your request is denied."

and

WHEREAS, the building is 7 stories (85 ft. 5½ in.) in height, 95 ft. by 200 ft. in area, of fireproof construction, equipped with a sprinkler system; located in an unrestricted district; erected in 1918, and occupied as follows: Cellar—storage and engine room, no persons; 1st floor—manufacturing of cold water paint, 10 persons; 2nd floor—packing, stock room and oil burner assembly, 26 persons; 3rd floor—paper and cardboard storage, 1 person; 4th floor—printing, 65 persons; 5th floor—manufacturing ladies' underwear and housecoats, 55 persons; 6th floor—manufacturing slide fasteners, 75 persons; 7th floor—manufacturing picture frames and tea bags, 20 persons; for which no certificate of occupancy has been issued; and

WHEREAS, applicant contends that the premises under appeal is one of a group of manufacturing buildings erected and originally occupied by one tenant; the entire group is still under the same ownership, but there are various leaseholds now in effect; that all the buildings are inter connected on the various floors, that is, buildings Nos. 2, 3, 4, 5 and 8 are connected on the first floor, and the various openings are protected by fire doors; buildings Nos. 2, 4 and 5 are connected on the second floor, and the openings are protected by fire doors, etc.; that the entire group constitutes a Factory Mutual Risk and is two-source sprinklered throughout; the group contains a central office connected automatic fire alarm system; that buildings Nos. 1, 2 and 4 are of fireproof construction, and the other buildings throughout the group are of non-fireproof construction; that Order No. 16062-LF calls for the installation of a standpipe system in premises 195 West 9th street, which is indicated on the plans as building No. 2; this building is 85 ft. 5½ in. in height, that is 5½ in. over the allowable height; this height is measured on the West 9th street front, whereas the Huntington street front measures only 81 ft. 4 in.; it is respectfully requested that a modification of section 580-581 of the code of ordinances be granted eliminating the requirement of a standpipe system in view of the fact that the building only exceeds the allowable height by 5½ in. and further that the buildings are 100% sprinklered throughout, and have an automatic fire alarm system throughout.

Resolved, that the order of the commissioner of buildings, No. 16062-LF, dated April 19, 1937, be and it hereby is *modified*, and the appeal be and it hereby is *granted*, waiving the requirements of the standpipe system, in view of the installation of the sprinkler system throughout the building, which has been approved by the acting borough superintendent of the department of housing and buildings; and that the order of the commisisoner of buildings, No. 16060-LF, dated April 19, 1937, be and it hereby is *modified*, and the appeal be and it hereby is *granted*, waiving requirements for fireproof windows, covered by this order, in view of the installation of the two-source sprinkler system and in view of the openings forming the exposure being in buildings owned by this owner; and that all other laws, rules and regulations applying to this building shall be complied with including all other orders pending against the premises not covered by this modification.

596-37-A.

APPLICANT—Edward and John Burke, Ltd., owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—47-24 27th street, west side, 100 ft. south of 47th avenue (Block No. 97, Lot No. 3), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: H. F. Lasele.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Absent 0

THE RESOLUTION—

(596-37-A)

WHEREAS, Edward and John Burke, Ltd., owners, filed on December 16, 1937, an appeal from an order of the fire commissioner, affecting premises 47-24 27th street, west side, 100 ft. south of 47th avenue (Block No. 97, Lot No. 3), Long Island City, Borough of Queens; and

WHEREAS, the order of the fire commissioner, No. 73112-LC, dated November 17, 1937, reads as follows:

"1. You are hereby notified that fire department permit No. 183389, expiring September 3, 1938, authorizing the maintenance of a bon fire for burning rubbish in a vacant lot at 47-24 27th street, Long Island City, is herewith revoked for the reason that we have received a letter from the Department of Health (October 18, 1937) stating that said fire is a nuisance. The Board of Health also states that the material being burned is acceptable to Department of Sanitation.

2. You are, therefore, ordered to discontinue the maintenance of a bon fire for burning rubbish at 47-24 27th street, Long Island City."

and

WHEREAS, the building in question is two stories in height, 200 ft. by 300 ft. in area, of nonfireproof construction, equipped with a standpipe system; erected in 1923, located in an unrestricted use district and occupied as a bottling plant and office, 75 persons throughout, a certificate of occupancy No. 2656 was issued July 16, 1923, permitting the use of the building as a factory and garage; and

WHEREAS, it appears that the material burned is classified as trade waste and that the Sanitation Department is not responsible for the removal of such material; and

WHEREAS, the applicant contends that the premises are located in an industrial neighborhood without residences nearer than one-half mile; that the main yards of the L. I. Railroad parallel Skillman avenue on the north and spur tracks to the Degnon Terminal section run along 47th avenue, feeding to the various plants; that on the easterly side of 27th street is the Hunters Point Lumber Supply Co. serviced both by the spur track and Dutch Kills Canal; that diagonally across 47th avenue and 27th street is the block of Burke Brewery, Inc., of which the applicant occupies the near portion of the warehouse; that the bonfire for which a fire department permit has been issued for years is only an occasional one and it is properly supervised and does not constitute a fire hazard; that the materials burned are discarded corrugate paper cartons and broken boxes; that the occasional bonfire saves the expense of having the materials carted away for disposal elsewhere; and

WHEREAS, the board deemed that due to the hazards involved the appeal should not be granted.

Resolved, that the order of the fire commissioner No. 73112-LC be and it hereby is *affirmed*, and that the appeal be and it hereby is *denied*.

607-37-A.

APPLICANT—Storch Trucking Co., Inc., lessee.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—601-649 West 26th street, 200-214 13th avenue, 600-652 West 27th street and 245-259 11th avenue (Block No. 672, Lot No. 1), Borough of Manhattan.
APPEARANCES—
For Applicant: John F. Kressa.
For Administration: Inspector Meyer, Fire Dept.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(607-37-A)

WHEREAS, Storch Trucking Co., Inc., lessee, filed on December 21, 1937, an appeal from an order and a decision of the fire commissioner, affecting Premises: 601-649 West 26th street, 200-214 13th avenue, 600-652 West 27th street, 245-259 11th avenue (Block No. 672, Lot No. 1), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, dated May 5, 1937, No. 7036-LC, reads as follows:

"Before a supplemental permit for additional storage of gasoline and use of oxygen with a combustible gas may be issued, the following must be done:

Discontinue use of hose attached to gasoline pumps and replace by hose that does not exceed 16 ft. in length.

Failure to comply with the foregoing will result in the revocation of present permit No. 100243, expiring January 6, 1938."

and

WHEREAS, the decision of the fire commissioner, dated December 17, 1937, reads as follows:

"In response to your request made to an inspector attached to this division, we are forwarding this communication, which we would suggest that you take to the Board of Standards and Appeals in reference to Order No. 7036-LC, as the fire department does not re-issue orders so that they may be taken to the board when the applicant has exceeded his time limit in which to make his appeal. We have been given to understand that the board will accept a letter, and for that purpose this communication is forwarded and will certify that Order No. 7036-LC was issued against your premises on May 5, 1937, and read as follows:

Discontinue use of hose attached to gasoline pumps and replace by hose that does not exceed 16 ft. in length.

Please notify this department promptly when this order has been complied with.

We regret exceedingly that your communication of October 27, 1937, was mis-filed."

and

WHEREAS, the building is 19 stories (261 ft. 4 in.) in height, 652 ft. 3 in. by 202 ft. 7⅜ in. in area; of fireproof construction, equipped with a standpipe and a sprinkler system; located in an unrestricted use district and occupied since 1935 as follows: Cellar—boilerroom, 4 persons; 1st flooor—railroad freight yard and driveway, 9 persons; 2nd floor—garage 254 persons; 3rd to 19th stories, inclusive—factory and warehouse; for which certificate of occupancy No. 17871 was issued October 1, 1931; and

WHEREAS, the applicant contends that it is impossible to operate with the 16 ft. hose, which is the maximum permitted by the fire department; that it is necessary to use the 24 ft. hose in order to pump gas into the applicant's trucks across the 24 ft. sidewalk; that the present tanks and hose have been in use since 1925, when they were installed under Permit No. M-100243, issued by the fire department; and

WHEREAS, the board deemed that in granting this appeal it would not be establishing a precedent for any other case as 13th avenue has practically no pedestrian traffic at this point.

Resolved, that the order of the fire commissioner, No. 7036-LC, dated May 5, 1937, be and it hereby is *modified*, and the appeal be and it hereby is *granted*, permitting one length of hose, not exceeding 24 ft., of approved type and size satisfactory to the fire commission, attached to each of the two (2) private gasoline pumps located adjacent to the ramp used by the Storch Trucking Co., Inc., near the intersection of 13th avenue and West 26th street, on condition that the gasoline servicing shall be solely for the trucks of the Storch Trucking Co., Inc.; that when the hose is not in use it shall be properly looped upon suitable fixtures at the gasoline pumps; that when the hose is in operation across the sidewalk there shall be suitable portable signs placed on the sidewalk to warn pedestrians; and that this permit shall continue only so long as the premises are occupied by the Storch Trucking Co., Inc.

611-37-A-WF.
APPLICANT—Austin W. Magee, for Harry Lieb, owner and George Gullotta, lessee.
SUBJECT—Appeal from a decision of the commissioner of buildings.
PREMISES AFFECTED—40-06 to 40-06A 104th street, west side, 53 ft. south of Roosevelt avenue (Block No. 1975, Lot No. 18), Corona, Borough of Queens.
APPEARANCES—
For Applicant: Austin W. Magee.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(611-37-A-WF)

WHEREAS, Austin W. Magee, for Harry Lieb, owner, filed on December 22, 1937, an application pursuant to the resolution adopted by the board of estimate and apportionment on September 27, 1937, regulating the World's Fair district, for the approval of the erection of a sign, as described in a decision of the commissioner of buildings, affecting premises Nos. 40-06 to 40-06A 104th street, west side, 53 ft. south of Roosevelt avenue (Block No. 1975, Lot No. 18), Corona, Borough of Queens; and

WHEREAS, the decision of the commissioner of buildings, on Applic. No. 9365-1937, dated December 7, 1937, reads as follows:

"The erection of a sign exceeding 30 sq. ft. in area in the World's Fair area is contrary to section 4 of the World's Fair Resolution. Appeal may be made to the Bd. of S & A."

and

WHEREAS, the building in question is one story 14 ft. in height, 26 ft. 7 in. by 45 ft. in area, of non-fireproof construction, erected in 1937, located in a business use district, and occupied as a barber shop; and

WHEREAS, it is proposed to erect a sign 26 ft. by 4 ft. in area on the face of the building, flat against the wall and facing east 10 ft. 9 in. above grade, the sign will not extend above the parapet and will consist of black letters on a white background. Illumination will be by means of concealed bulbs behind the letters which will be offset. There will be two blue Neon tubes on the lower facade of sign as an underlining border; and

WHEREAS, applicant contends that the sign being located in the center of the street frontage and approximately 53 ft. north or south of the nearest intersecting street, with the height of the sign, less than 14 ft. above the sidewalk level, make a purely local advertising medium that it can only be seen, if at all, on Roosevelt avenue, for a distance of less than 100 ft. east of 104th street, and cannot be said to be an encroachment upon the Worlds Fair; that the

sign actually advertises the business carried on and conductcd on the premises, and will read as follows:

"Linden Park
BARBER SHOP BEAUTY SALON"

WHEREAS, the board is empowered to act upon this application under the resolution adopted by the board of estimate and apportionment on September 27, 1937, regulating the World's Fair District; and

WHEREAS, the board deemed that the application should be granted, subject to proper conditions.

Resolved, that the dccision of the commissioner of buildings on Applic. No. 9365-37, dated December 7, 1937, be and it hereby is *modified,* and the appeal be and it hereby is *granted,* permitting the erection of signs as indicated on plans filed with this appeal and marked "Received December 22, 1937," bclow the parapet of the easterly elevation of the building, as shown on plans, signs to be constructed and operated in accordance with statement filed with this appeal.

8-38-A-WF.

APPLICANT—Latham C. Squire, for New York World's Fair 1939, Inc.

OWNER—Mrs. Max Goldstein.

SUBJECT—Appeal from a decision of the commissioner of buildings—re revocation of permit issued by the commissioner of buildings for the erection of a roof sign. Sign maintained by General Outdoor Advertising Co., Inc.

PREMISES AFFECTED — 127-28 Northern boulevard, southeast corner of 127th place (Block No. 780 (1829), Lot No. 19), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Latham C. Squire.

For Owner: L. A. Brown.

ACTION OF BOARD—Appeal granted, revoking permit, without prejudice to future application.

THE VOTE TO GRANT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(8-38-A-WF)

WHEREAS, Latham C. Squire, for New York World's Fair, 1939, Inc., filed January 5, 1938, for the revocation of a permit issued by the commissioner of buildings, Queens, affccting premises 127-28 Northern boulevard, southeast corner of 127th place (Block No. 780 (1829), Lot 19), Flushing, Borough of Queens; and

WHEREAS, the decision of the commissioner of buildings, dated December 6, 1937, No. 4913, reads as follows:

"In answer to your letter of the 10th ult., relative to permit No. 5846 issued by this department on August 5, 1937 for the erection of a sign at the southeast corner of 127th place and Northern boulevard, please be adviscd that such permit was approved in absolutely good faith.

The law affecting the erection of signs did not become a law until September 27, 1937, and although the law is retroactive, making it necessary that all permits be granted prior to July 1, 1937, I fail to see where I have the power to cancel such permit.

It is suggested that you make application to the Board of Standards and Appeals, which board has the power to revoke permits. I believe this is the only way and the proper way to proceed."

and

WHEREAS, permit No. 5846-37 was issued by the commissioner of buildings, August 5, 1937, for the erection of a closed metal covered roof sign, 31 ft. by 100 ft. in area; on the roof of a non-fireproof building 40 ft. by 120 ft. in area, occupied as a warehouse, located in a business use district and erected in 1927, a certificate of occupancy No. 31332 was issued on July 21, 1937 for thc building to be occupied as a two-story factory; and

WHEREAS, applicant contends that this permit was obtained on August 5, 1937 and work thereunder has not yet commenced; that the sign in question as proposed would be more than thirty feet above the ground; that the issuance of this permit is directly contrary to section 4 of the "Resolution adopted September 27, 1937, regulating the World's Fair District" and, therefore, respectfully request that this permit be revoked; and

WHEREAS, a representative of the owner stated that no authorization to apply for the sign permit issued had been given and that the owner had no knowledge that such a permit had been issued and desired no sign at this time and accordingly consented to the revocation of the permit.

Resolved, that the decision of the commissioner of buildings, dated December 6, 1937, No. 4913, be and it hereby is *reversed,* and that the appeal be and it hereby is *granted,* revoking Permit No. 5846-37, without prejudice to any future applications.

12-38-A-WF.

APPLICANT—Aaron G. Alexander, architect for The National City Bank, of New York, lessee and for Simon A. Herman and Robert Herman, owners.

SUBJECT—Appeal from a decision of the commissioner of buildings.

PREMISES AFFECTED—39-11 to 39-17 104th street, northeast corner of Roosevelt avenue (Block No. 809, Lot No. 69), Corona, Borough of Queens.

APPEARANCES—

For Applicant: Aaron G. Alexander.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(12-38-A-WF)

WHEREAS, Aaron H. Alexander for the National City Bank of New York, lessee, filed on January 10, 1938, an application pursuant to the resolution adopted by the Board of Estimate and Apportionment on September 27, 1937, regulating the World's Fair District, for the approval of the erection of a sign, as described in decisions of the Acting Borough Superintendent, Department of Housing and Buildings, affecting premises 39-11 to 39-17 104th street, northeast corner of Roosevelt avenue (Block No. 809, Lot No. 69), Corona, Borough of Queens; and

WHEREAS, the decision of the Acting Borough Superintendent on Applic. No. 9707/37, dated January 17, 1938, reads as follows:

"The erection of a sign exceeding 30 sq. ft. in area within the World's Fair Area is contrary to section 4 of the World's Fair Resolution. Appeal may be taken to the Board of Standards and Appeals."

and

WHEREAS, the decision of the Acting Borough Superintendent, on Applic. No. 9708/37, dated January 17, 1938, reads:

"The erection of a sign exceeding 30 sq. ft. within the World's Fair Area is contrary to section 4, of the World's Fair Resolution. Appeal may be taken to the Board of Standards and Appeals."

and

WHEREAS, the building in question is 2 stories (25 ft.) in height, 51.43 ft. by 93 ft. in area, of non-fireproof construction, erected in 1928, located in a business use district, and occupied as follows: Cellar—Safe Deposit Dept., 2 persons; 1st story—banking, 5 persons; 2nd story—clerical, 5 persons; and

WHEREAS, it is proposed to erect a sign, 3 ft. 4 in. by 29 ft. 6½ in. in area, on the Roosevelt avenue front, and

a sign, 2 ft. 9¼ in. by 27 ft. 6¾ in., on the 104th street front of the building, 12 ft. above grade; and

WHEREAS, applicant contends that the sign is flat against the east wall of the building and will face east; that the position of the sign located in the center of the street front and approximately 53 ft. north or south of the nearest intersecting street and the fact that the height of the sign, less than 14 ft. above the sidewalk level, makes the sign a purely local advertising medium, that in anticipation of the World's Fair in 1939, the bank has just expended $15,000 in alterations to modernize the old premises; that the work involved new exterior treatment as well as modern banking facilities inside, including additional floor area; that with the increase of the space, it was necessary that the signs be increased accordingly; that the existing wood signs were too small and had been in use for years; that standard metal signs with illuminating hoods, (not Neon), are proposed and are to be constructed of "Galvaneel" throughout; the letters to be metal raised type with the faces gold-leafed; the sides of the letters and the background to be painted black; that the sign's illumination will be concealed lights located in a continuous hood at the top; each of the two signs to read as follows: "THE NATIONAL CITY BANK OF NEW YORK, CORONA BRANCH"; the upper line of lettering to be 10 in. high and the lower 4 in.; the sign on the Roosevelt avenue side to be 2 ft. 2½ in. high by 29 ft. 6½ in. long, while the one on the 104th street side is to be 27 ft. 6¾ in. long by the same height.

WHEREAS, the board is empowered to act upon this application under the resolution adopted by the Board of Estimate and Apportionment on September 27, 1937, regulating the World's Fair District; and

WHEREAS, the board deemed that the application should be granted, subject to proper conditions; and

WHEREAS, the applicant stated that this application affected the portion of the building under its lease.

Resolved, that the decisions of the Acting Borough Superintendent, Department of Housing and Buildings, on App. No. 9707-37, and No. 9708-37, dated January 17, 1938, be and they hereby are *modified*, and the appeal be and it hereby is *granted*, permitting the erection of signs as indicated on plans filed with this appeal marked "Received January 10, 1938," *on condition* that no sign other than those indicated on these drawings shall be attached to the building, and that the sign shall be of such wording and shall be maintained as shown on plans and described in the statement attached to this appeal.

21-38-A.

APPLICANT—Sidney L. Strauss, for Minna L. Geiger, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—North side of Northern boulevard, between 49th street and 50th street, the northwest corner of 50th street and Northern boulevard (Block No. 735, Lot Nos. 1, 4 and 10), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Sidney L. Strauss.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(21-38-A)

WHEREAS, Sidney L. Strauss for Minna L. Geiger, owner, filed on January 14, 1938, an appeal from a decision of the acting borough superintendent, department of housing and buildings (Queens), affecting premises N. W. Cor. Northern boulevard and 50th street (Block No. 735, Lot No. 1, 4 and 10), Borough of Queens; and

WHEREAS, the decision of acting borough superintendent on App. No. 6677-37, dated January 10, 1938, reads as follows:

> "Your request for the omission of the 2½ in. fire line on the ground that the new building code, Art. 16.1.1 does not require a standpipe in a new building of this type is denied for the reason that Plan No. 6677/37 was approved under the old code and work has commenced. Appeal may be taken to the Board of Standards and Appeals."

and

WHEREAS, the building is one story mezzanine and cellar, 16 ft. 6 in. in height, 100 ft. by 97 ft. 1¾ in., irregular in area; of ordinary brick construction; located in an unrestricted use district; erected in 1923 and occupied as follows: Cellar—garage, boiler room and storage, no persons; 1st floor—showroom, garage, service station and automobile repairs, 45 persons; for which a certificate of occupancy has been issued, permitting the occupancy as a two story store and garage; and

WHEREAS, the applicant contends that the alteration application was filed with the department of buildings in Queens on September 1, 1937, at which time the old building code was in effect and required the installation of a standpipe system in these premises, in which the largest undivided area is approximately 15,000 sq. ft., and the other areas are as indicated on the plans filed in connection with this appeal; that the work in connection with this alteration is practically completed in all respects with the exception of the installation of the standpipe system and applicant requests that permission be granted to omit the standpipe system inasmuch as the new building code eliminates the requirement of standpipe systems in buildings that are not more than one story or twenty-five (25) feet in height.

Resolved, that the order of the acting superintendent of buildings, dated January 10, 1938, as to App. No. 6677-37, be and it hereby is *modified* and that the appeal be and it hereby is *granted* in accordance with the provisions of section 16.1.1 of the new building code, *on condition* that the fire wall with fire door shall be maintained between the two sections of the building, as indicated on filed plan; that the building shall not be increased beyond the present height of one story and mezzannine and that a corrected certificate of occupancy be issued stating the size and height of the building.

26-38-A.

APPLICANT—Puritan Compressed Gas Corporation, lessee, (D. S. Walton Estate, owner).

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—132-140 Franklin street and 1-9 Varick street northwest corner, (1st floor), (Block No. 189, Lot No. 1), Borough of Manhattan.

APPEARANCES—

For Applicant: G. W. Larson.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(26-38-A)

WHEREAS, Puritan Compressed Gas Corporation, lessee, filed on January 14, 1938, an appeal from an order of the fire commissioner affecting premises 132-140 Franklin street and 1-9 Varick street, northwest corner (1st floor) (Block No. 189, Lot No. 1), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, dated December 20, 1937, Order No. 10226-LC, reads

"In reference to your application for a supplemental permit to store Ethylene and Cylcopropane gases at the location referred to above, it is regretted that your application for such permit must be disapproved for the reason that building in part is used for storage of paints, also paper.

Your present storage of Oxygen and the added storage of inflammable gases taken into consideration with the combustible nature of the present stock in this building, is, in the opinion of the inspector, a condition against which adequate protection is not provided. Sec. 10, Ch. 10, Code of Ordinances.

YOU ARE THEREFORE HEREBY ADVISED TO:

1. Abandon the contemplated storage inflammable gases on these premises or take advantage of your right to appeal from this determination to the Board of Standards and Appeals, Room 1002, Municipal Building."

and

WHEREAS, the building is 6 stories, 77 ft. in height, 121.9 ft. by 100 ft. in area, of non-fireproof construction, equipped with a sprinkler system located in an unrestricted use district, erected about 1887, and occupied since 1937 as follows: Cellar, storage, no persons—first floor—office; and storage, 20 persons; 2nd floor, office, 20 persons; 3rd floor—storage and factory—30 persons; 4th, 5th, and 6th stories, storage—no persons; and

WHEREAS, the applicant contends that it has been a manufacturer of compressed gases for a quarter of a century and at the present time has complete stocks throughout the country and never has experienced any difficulty whatsoever; that it is proposed to store inflammable medical gases—ethylene and cylcopropane—(compressed in steel cylinders), that a completely enclosed space approximately 8 ft. x 8 ft. and constructed of non-inflammable building material is to be provided in the northeast corner of the 1st story for the storage of these cylinders, with a vent to the atmosphere outside the building, and with sprinkler head within the space; that only a comparatively small number of cylinders (many of which contain as little as 9¼ oz. by weight of gas) are to be stored. It is only essential that a stock for immediate deliveries be maintained on the premises; that these gases are to be supplied on contract to the City of New York Hospitals as well as to other customers; and, since they often are needed in emergency (where many times they are instrumental in saving a human life), that the applicant wishes to cooperate fully by rendering prompt delivery service, that each cylinder is provided with standard valve and fusible safety release, which meet specifications of the U. S. Bureau of Explosives. That adequate warning signs will be posted throughout the premises and in the storage space, telling of the gases and their inflammable nature; that the cylinders meet specifications of the inter-state commerce commission.

Resolved, that the order of the fire commissioner, dated December 20, 1937, No. 10226-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted,* permitting the storage on the first floor of the building in a room 8 ft. x 8 ft. as indicated on plans filed with this appeal marked "Received January 14, 1938" of not over sixty (60) cylinders of ethylene and cylcopropane gases in steel cylinders, as approved for such use by the inter-state commerce commission, that such cylinders shall not exceed a total capacity of 200 lbs., at any time; that such cylinders shall be stored in a room located as proposed, constructed of fire-retarding partitions with fireproof, self-closing door and protected by sprinkler heads with fixed ventilating ducts to the outer air from the bottom and top of this room; that any electric light installed shall have a rigid fixture of the marine type, controlled by a explosion type switch installed on the exterior of the room; that in all other respects the use and occupancy of this floor shall comply with all laws, rules and regulations applicable thereto.

377-37-A.

APPLICANT—J. Kurtz & Sons, Inc., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—773-779 Broadway, southeast corner of Sumner place (Block No. 3131, Lot Nos. 6, 7 and 8), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(377-37-A)

WHEREAS, J. Kurtz and Sons, Inc., lessee, filed July 9, 1937 an appeal with the Board of Standards and Appeals from an order of the fire commissioner affecting premises 773-779 Broadway, southeast corner of Sumner place (Block No. 3131, Lot Nos. 6, 7 and 8), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, No. 71441-LC referred to the removing of refrigerating chemical from refrigerators or the erection of tight partitions; and

WHEREAS, the division of combustibles of the fire department had advised that this order will be rescinded upon the withdrawal of this appeal, inasmuch as it has determined that the premises in question are not classified as a department store, which, for the purpose of section 222 of chapter 10 of the code of ordinances has been defined by the department as "a building occupied by one tenant or more than one tenant under the same management, where more than one hundred (100) persons commonly assemble above the first floor for the purpose of buying personal wearables and other merchandise used in the home."

Resolved, that the appeal be and it hereby is *withdrawn.*

378-37-A.

APPLICANT—J. Kurtz & Sons, Inc., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—162-24 Jamaica avenue, southwest corner of New York boulevard (Block No. 1052, Lot No. 10), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(378-37-A)

WHEREAS, J. Kurtz and Sons, Inc., lessee, filed July 9, 1937, an appeal with the Board of Standards and Appeals from an order of the fire commissioner affecting premises 162-24 Jamaica avenue, southwest corner of New York boulevard (Block No. 1052, Lot No. 10), Jamaica, Borough of Queens; and

WHEREAS, the order of the fire commisisoner, No. 71416-LC referred to the removing of refrigerating chemical from refrigerators or the erection of tight partitions; and

WHEREAS, the division of combustibles of the fire department had advised that this order will be rescinded upon the withdrawal of this appeal, inasmuch as it has determined that the premises in question are not classified as a department store, which, for the purpose of section 222 of chapter 10 of the code of ordinances has been de-

fined by the department as "a building occupied by one tenant or more than one tenant under the same management where more than one hundred (100) persons commonly assemble above the first floor for the purpose of buying personal wearables and other merchandise used in the home."

Resolved, that the appeal be and it hereby is *withdrawn.*

379-37-A.

APPLICANT—J. Kurtz & Sons, Inc., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—169-173 Smith street and 82-88 Wyckoff street, southeast corner (Block No. 391, Lot Nos. 8 and 12), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(379-37-A)

WHEREAS, J. Kurtz and Sons, Inc., lessee, filed July 9, 1937, an appeal with the Board of Standards and Appeals from an order of the fire commissioner affecting premises 169-173 Smith street and 82-88 Wyckoff street, southeast corner (Block No. 391, Lot Nos. 8 and 12), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, No. 71430-LC referred to the removing of refrigerating chemical from refrigerators or the erection of tight partitions; and

WHEREAS, the division of combustibles of the fire department had advised that this order will be rescinded upon the withdrawal of this appeal, inasmuch as it has determined that the premises in question are not classified as a department store, which, for the purpose of section 222 of chapter 10 of the code of ordinances has been defined by the department as "a building occupied by one tenant or more than one tenant under the same management where more than one hundred (100) persons commonly assemble above the first floor for the purpose of buying personal wearables and other merchandise used in the home."

Resolved, that the appeal be and it hereby is *withdrawn.*

380-37-A.

APPLICANT—J. Kurtz & Sons, Inc., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—949-955 Flatbush avenue and 8-12 Snyder avenue, southeast corner (Block No. 5109, Lot No. 8), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(380-37-A)

WHEREAS, J. Kurtz and Sons, Inc., lessee, filed July 9, 1937, an appeal with the Board of Standards and Appeals from an order of the fire commissioner affecting premises 949-955 Flatbush avenue and 8-12 Synder avenue, southeast corner (Block No. 5109, Lot No. 8), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, No. 71249-LC referred to the removing of refrigerating chemical from refrigerators or the erection of tight partitions; and

WHEREAS, the division of combustibles of the fire department had advised that this order will be rescinded upon the withdrawal of this appeal, inasmuch as it has determined that the premises in question are not classified as a department store, which, for the purpose of section 222 of chapter 10 of the code of ordinances has been defined by the department as "a building occupied by one tenant or more than one tenant under the same management where more than one hundred (100) persons commonly assemble above the first floor for the purpose of buying personal wearables and other merchandise used in the home."

Resolved, that the appeal be and it hereby is *withdrawn.*

387-37-A.

APPLICANT—Sears, Roebuck & Company, lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED — 137-61 Northern boulevard north side, 42 ft. west of Leavitt street (Block No. 4960, Lot No. 29), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Arnold Schlossberg.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(387-37-A)

WHEREAS, Sears Roebuck and Company, lessee, filed July 28, 1937, an appeal with the Board of Standards and Appeals from an order of the fire commissioner affecting premises 137-61 Northern boulevard, northside, 42 ft. west of Leavitt street (Block No. 4960, Lot No. 29), Flushing, Borough of Queens; and

WHEREAS, the order of the fire commissioner, No. 71756-LC referred to the removing of refrigerating chemical from refrigerators or the erection of tight partitions; and

WHEREAS, the division of combustibles of the fire department had advised that this order will be rescinded upon the withdrawal of this appeal, inasmuch as it has determined that the premises in question are not classified as a department store, which, for the purpose of section 222 of chapter 10 of the code of ordinances has been defined by the department as "a building occupied by one tenant or more than one tenant under the same management where more than one hundred (100) persons commonly assemble above the first floor for the purpose of buying personal wearables and other merchandise used in the home."

Resolved, that the appeal be and it hereby is *withdrawn.*

405-37-A.

APPLICANT—Moe Rosenberg, for C. Ludwig Baumann and Company, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—164-02 Jamaica avenue, south side, 164 ft. 6 in. west of 165th (Puntine) street (Block No. 1167, Lot No. 19), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4

Negative 0
Absent 0

THE RESOLUTION—

(405-37-A)

WHEREAS, Moe Rosenberg, for C. Ludwig Baumann and Company, owner, filed August 3, 1937, an appeal with the Board of Standards and Appeals from an order of the fire commissioner affecting premises 164-02 Jamaica avenue, southside, 164 ft. 6 in. west of 165th (Puntine) street (Block No. 1167, Lot No. 19), Jamaica, Borough of Queens; and

WHEREAS, the order of the fire commissioner, No. 71435-LC referred to the removing of refrigerating chemical from refrigerators or the erection of tight partitions; and

WHEREAS, the division of combustibles of the fire department had advised that this order will be rescinded upon the withdrawal of this appeal, inasmuch as it has determined that the premises in question are not classified as a department store, which, for the purpose of section 222 of chapter 10 of the code of ordinances has been defined by the department as "a building occupied by one tenant or more than one tenant under the same management where more than one hundred (100) persons commonly assemble above the first floor for the purpose of buying personal wearables and other merchandise used in the home."

Resolved, that the appeal be and it hereby is *withdrawn.*

406-37-A.

APPLICANT—Moe Rosenberg, for C. Ludwig Baumann & Company, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—559 Fulton street, east side, 123 ft. north of Bond street and 14 DeKalb avenue (Block No. 2093, Lot No. 26), Borough of Brooklyn.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(406-37-A)

WHEREAS, Moe Rosenberg, for C. Ludwig Baumann and Company, owner, filed August 16, 1937, an appeal with the Board of Standards and Appeals from an order of the fire commissioner affecting premises 559 Fulton street, eastside, 123 ft. north of Bond street and 14 DeKalb avenue (Block No. 2093, Lot No. 26), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, No. 71427-LC referred to the removing of refrigerating chemical from refrigerators or the erection of tight partitions; and

WHEREAS, the division of combustibles of the fire department had advised that this order will be rescinded upon the withdrawal of this appeal, inasmuch as it has determined that the premises in question are not classified as a department store, which, for the purpose of section 222 of chapter 10 of the code of ordinances has been defined by the department as "a building occupied by one tenant or more than one tenant under the same management where more than one hundred (100) persons commonly assemble above the first floor for the purpose of buying personal wearables and other merchandise used in the home."

Resolved, that the appeal be and it hereby is *withdrawn.*

542-37-A.

APPLICANT—Jamaica Triangle, Inc., lessee.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—180 Flatbush avenue and 22 Fifth avenue, southwest corner (Block No. 928, Lot No. 43), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(542-37-A)

WHEREAS, Jamaica Triangle, Inc., applicant and lessee, filed on November 16, 1937, an appeal with this board relative to an order of the fire commissioner, pertaining to the Code of Ordinances, affecting premises 180 Flatbush avenue and 22 Fifth avenue, southwest corner (Block No. 928, Lot No. 43), Borough of Brooklyn; and

WHEREAS, the applicant failed to complete the papers, although duly notified to do so.

Resolved, that the appeal be and it hereby is *dismissed* for lack of prosecution.

VARIATIONS OF LABOR LAW

352-37-S.

APPLICANT—Alfred C. Kasper for All Purpose Gold Corp., owner.

SUBJECT—Variation of the labor law as cited in orders of the commissioner of buildings.

PREMISES AFFECTED—312-320 Bridge street, west side, 100 ft. north of Myrtle avenue (Block No. 143, Lot No. 30), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(352-37-S)

WHEREAS, Alfred C. Kasper applicant for All Purpose Gold Corporation, owner, filed on July 8, 1937 an application with this board relative to violations of the commissioner of buildings, pertaining to a variation of the labor law affecting premises 312-320 Bridge street, west side, 100 ft. north of Myrtle avenue (Block No. 143, Lot No. 30), Borough of Brooklyn; and

WHEREAS, the applicant failed to complete his papers, although duly notified to do so.

Resolved, that the application be and it hereby is *dismissed* for lack of prosecution.

510-37-S.

APPLICANT—Louis E. Jallade, for Estate of Bradish Johnson, owner.

SUBJECT—Variation of the labor law as cited in orders and decisions of the commissioner of buildings.

PREMISES AFFECTED—150-152 Maiden lane, southwest corner of Front street (Block No. 37, Lot No. 33), Borough of Manhattan.

APPEARANCES—

For Applicant: L. E. Jallade, Harry Forsyth.

For Administration: Inspector Maher, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

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THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(510-37-S)

WHEREAS, Louis E. Jallade, for Estate of Bradish Johnson, owner, filed October 25, 1937, an application for a variation of the labor law as cited in orders and decisions of the commissioner of buildings, affecting premises 150-152 Maiden lane, southwest corner of Front street (Block No. 37, Lot No. 33), Borough of Manhattan; and

WHEREAS, the order (No. 35301-LD) issued by the commissioner of buildings, April 30, 1937, reads as follows:

"An inspection of premises 150-52 Maiden lane, Borough of Manhattan, shows that the following must be done to comply with the provisions of the labor law:

1. Arrange windows on course of fire-escape to be fireproof, self-closing. Rule 3, Board of Standards and Appeals.

2. Provide door on course of fire-escape at least 2x6. Rule 2, Sec. 4, Board of Standards and Appeals.

3. Arrange both entrance doors at street so as to open outwardly, as per Sec. 271 of the labor law.

4. Provide counter-balances stairway from lowest balcony to street. Sec. 274, labor law."

and

WHEREAS, the order (No. 35302-LD), issued by the commissioner of buildings April 30, 1937, reads as follows:

"1. Provide an additional means of exit from the cellar in accordance with the provisions of section 271 of the labor law."

WHEREAS, the order (No. 35303-LD), issued by the commissioner of buildings April 30, 1937, reads as follows:

"1. Provide exit signs, letters to be at least 8 in. in height at all means of egress, with a red light over all such exits for use in time of darkness, as per Sec. 272 of the labor law."

and

WHEREAS, the decision of the commissioner of buildings, dated September 24, 1937, reads as follows:

"You are advised that the records of this department show the following orders pending. These are mandatory requirements of law:

No. 35301-LD, Items 1, 2, 3, 4.
No. 35302-LD, Item 1,
No. 35303-LD, Item 1.

This case is being forwarded for immediate enforcement.

The next inspection will be for the purpose of serving a subpoena unless the work of compliance is found in substantial progress."

and

WHEREAS, the decision of the commissioner of buildings, dated October 15, 1937, reads as follows:

"Re: 150-152 Maiden lane,
Manhattan.
Orders Nos. 35301-2-3-LD.

Replying to your letter of September 28, you are advised that no further extension of time may be granted for compliance with orders affecting the above premises. These items are mandatory under the provisions of the labor law and the commissioner is without authority to grant any extension of time."

and

WHEREAS, subsequent to the filing of this application, the commissioner of buildings, on October 27, 1937, issued the following order:

"In reply to your recent letter in reference to orders 35301-LD, 35302-LD and 35303-LD pending against the above premises, you are advised that in addition to the four items on order 35301-LD, it will also be necessary to replace the cast-iron treads on fire-escape stairways with wrought iron.

Reinspection shows more than 5 persons employed at roasting, grinding and packing coffee and any request for extension of time or modification of the labor law must be denied."

and

WHEREAS, the building is cellar and 5 stories (54 ft.) in height, 58 ft. by 40 ft. in area, of non-fireproof construction, erected prior to 1900, and occupied as follows: Cellar —storage, no persons; 1st floor—shipping, 1 person; 2nd floor—office, 4 persons; 3rd floor—factory, 3 persons; 4th floor—stockroom, 4 persons; 5th floor—stockroom, no persons; for which no certificate of occupancy has been issued; the building is equipped with one interior stairs of wood construction, which extends from street to 5th story and is enclosed in partitions of wood and sheet metal, equipped with wood doors with glass panels; the stair varies in width from 2 ft. 10 in. to 3 ft. 8 in.; there is an open wood stairway, 3 ft. 4 in. wide, extending from the cellar to the 1st story; there is one fire-escape located on the Maiden lane front, which extends to the roof by ladder and to street by ladder; and

WHEREAS, the applicant contends that the number of occupants and the character of the occupancy does not warrant the violations stated in the orders; that the plot is part of an entire block owned by the same owner and is soon to be demolished for the purpose of building a larger edifice, and the owner requests that he be not required to comply with the orders at this time.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* of the requirements of the labor law and that the application be and it hereby is *granted* as to Orders of the commissioner of buildings, No. 35301-LD, 35302-LD, 35303-LD, *on condition* that the building shall be occupied by a single tenant for coffee roasting, grinding and packing; that the number of persons employed at factory work above the second floor shall at no time exceed ten (10) and this variation shall apply for a period of one year from the date of this action.

37-38-S.

APPLICANT—John F. LeBeau, for Mergenthaler Linotype Co., owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—15-45 Ryerson street, east side, 187 ft. 9 in. south of Flushing avenue, 260-266 Flushing avenue, 317-329 Park avenue and 32-52 Grand avenue (Block No. 1877, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: John F. Le Beau.
For Administration: Inspector Meagher, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(37-38-S)

WHEREAS, John F. LeBeau, for Mergenthaler Linotype Co., owner, filed January 20, 1938, an application for a variation from the requirements of the labor law, affecting premises 15-45 Ryerson street, east side, 187 ft. 9 in. south of Flushing avenue, 260-266 Flushing avenue, 317-329 Park avenue and 32-52 Grand avenue (Block No. 1877, Lot No. 1), Borough of Brooklyn; and

WHEREAS, the order of the commissioner of buildings, No. 18459-LD, dated October 20, 1937, reads as follows:

"An inspection of premises 15-45 Ryerson street, 260-266 Flushing avenue, 317-329 Park avenue, 32-52 Grand avenue, Borough of Brooklyn, shows that the following

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must be done to comply with section 279 of the labor law:

1. Institute a fire drill in building P in accordance with section 279 of the labor law and the rules of the Board of Standards and Appeals."

and

WHEREAS, the decision of the Acting Borough Superintendent of Buildings, Brooklyn, dated January 20, 1938, reads as follows:

"In reply to your letter of January 19th, 1938, advising that you have been retained by the owners to appeal from requirements of order No. 18459-L.D. and that you are unable to do so due to the fact that the Board of Standards and Appeals will not accept an appeal for the reason that the time limit, thirty (30) days, had elapsed, and request dismissal and re-issuance of the above order, you are advised that the order cannot be dismissed or re-issued. Therefore, your request is denied."

and

WHEREAS, the building is eight stories and basement, 96 ft. in height, 300 ft. by 67 ft. in area, of fireproof construction, erected in 1920 and occupied as follows: Basement—storage of metals, abandoned boiler and pump rooms, 5 persons; 1st floor—metal, manufacture of matrixes, 81 persons; 2nd floor—storage of metal matrixes in metal bins, 72 persons; 3rd floor—manufacture of matrixes, tool room and office, 91 persons; 4th floor—manufacture of metal matrixes, 112 persons; 5th floor—manufacture of metal matrixes, 90 persons; 6th floor—printing and offices, 102 persons; 7th floor—executive offices, 112 persons; 8th floor—cafeteria and linotype school, 419 persons. The building is equipped with a sprinkler system and an interior fire alarm system, three interior stairs of fireproof construction; and

WHEREAS, applicant contends that this building was erected in 1920 and at that time all floors except the 6th and 7th were sprinklered and approved by the following insurance interests, the New York Fire Insurance Exchange, the Factory Insurance Association of Hartford, Conn. and the Manufacturers Mutual Insurance Association of Boston, Mass.; that the sixth floor has since been sprinklered; that there is a complete sprinkler system on all floors except the seventh and throughout all stair halls and towers; that plans for the sprinkler system were filed under No. 68 of 1920; that there is no record as to whether these plans were approved or not; that the installation of automatic sprinklers on the 7th floor would entail considerable expense and reconstruction as all ceilings are highly ornamental and have been since the original construction; that the 7th floor is occupied as executive offices and executive personnel and there has been no change of any kind since the original construction; that there is no manufacturing above the fifth floor; that there is a complete approved standpipe system in the three stair towers; that there is a complete A.D.T. central alarm system with an approved alarm panel located in boiler room and private police department with all alarms to A.D.T. central station and an approved watchman service with hourly patrol and followup system; that there are always two men on each floor with approved station location and at each station there is a private telephone system wired to owners' central station; that all watchmen, steamfitters and plumbers and elevator operators totaling 39 men are trained in the use of fire hose and appliances in the plant; there is a minimum of six men available 24 hours per day in the building who are competent to handle any emergency of any nature should the occasion occur; that there are three separate exits from building, two of which are fire towers and in addition there are four freight and two passenger elevators; that there is a fire drill every month in order to keep the men who are trained to handle the fire hose and elevators in a state of efficiency in case of emergency and respectfully request a modification of this order omitting the requirement for the fire drill throughout the building.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* of the requirements of the labor law, and that the application be and it hereby is *granted*, modifying the order of the commissioner of buildings, as to order No. 18459-LD, waiving the requirements for fire drill, *on condition* that the building shall be protected thrughout, except for the 7th floor occupied by executive offices, but including all stairway enclosures in accordance with the sprinkler rules of the Board of Standards and Appeals; that sprinkler plans shall be filed with the Acting Superintendent of Building of the Brooklyn Department of Housing and Buildings within two weeks from the date of this action and if, upon examination it is found that the plans do not comply with the rules, a statement of the items not in compliance therewith shall be filed for further consideration of the board.

Adjourned, 4:40 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, January 18, 1938, as they appeared in Bulletin No. 4, Vol. XXIII are hereby corrected to read as follows:

THE RESOLUTION—

(197-33-SA)

WHEREAS, Magna Oil Burner Corp., owner, filed May 29, 1933, an application with the Board of Standards and Appeals for approval of their device known as the Magna Fuel Oil Burner; and

WHEREAS, this device was submitted to the fire department for test and report, and a report of the bureau of combustibles, fire department and the engineer of the board dated July 13, 1933, recommended the approval of this device; and

WHEREAS, the device was approved by the board July 18, 1933, the following resolution having been adopted:

"Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Magna Fuel Oil Burner for use in domestic, commercial and industrial installations when installed in accordance with the fuel oil rules of the Board of Standards and Appeals and the report of the bureau of combustibles, fire department, and the engineer of the board.";

and

WHEREAS, *previous* owner requested a change of name of the burner; and the board permitted the marketing of this burner as the National Barley Rotary Oil Burner and the National Clark Rotary Oil Burner, approving these names under date of June 18, 1935, June 9, 1936, and October 20, 1936; and

WHEREAS, the applicant stated that the MAGNA OIL BURNER, as approved by the board under resolution adopted July 18, 1933, is no longer to be marketed; and requested that all actions of the board permitting this burner to be marketed under other names be rescinded.

Resolved, that the Board of Standards and Appeals does hereby *rescind* the resolutions adopted by the board on on June 18, 1935, June 9, 1936, and October 20, 1936.

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*Correction—Word "present" changed to *"previous"* in line 21 of resolution.

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, January 18, 1938, as they appeared in Bulletin No. 4, Vol. XXIII, are hereby corrected to read as follows:

THE RESOLUTION—

(590-37-A-WF)

WHEREAS, Arthur Hamburger, for Hydor Realty Associates, Inc., owner, and Lincoln Associates, lessee, filed on December 13, 1937, an application for permission to erect and maintain signs on a building in the course of erection on the south side of Northern boulevard, 100 feet east of Willets Point boulevard (Block No. 838, Lot No. 221), Corona, Borough of Queens; and

WHEREAS, the decision of the commissioner of buildings on N.B. Application 5656-36, dated November 16, 1937, reads as follows:

"1. Although the premises are located within an unrestricted district this department cannot at this time issue a permit for an advertising sign upon the roof of the building, without the approval of the Board of Standards and Appeals, by reason of the provisions of sections 1, 2 and 4 of a resolution adopted by the Board of Estimate and Apportionment on Sept. 27. 1937, regulating signs, parking spaces and amusements in the area contiguous to the World's Fair, Borough of Queens. By the terms of section 9 of said resolution, the supports and footings for the sign, erected under approved permit N.B. 5655 of 1936 dated November 25, 1936, can not be considered by this department in view of the above resolution. An appeal from this decision must be made to the Board of Standards and Appeals."

and

WHEREAS, the building, which is in the course of erection, will be of nonfireproof construction one-story (22 ft.) in height, 150 ft. by 340 ft. in area, located on a plot 176 ft. x 402 ft. in area, in an unrestricted use district, equipped with a sprinkler system and occupied for the manufacture, storage and sale of mill work and lumber products and a garage machine shop and office accessory thereto; and

WHEREAS, it is proposed to erect three roof signs on the roof of the proposed building facing west, each sign to be five feet high and to be 50 ft., 50 ft. and 60 ft., respectively, in length, spaced 20 feet apart and to extend 17 feet above the roof and to affix to the parapet on the north side of the building lettering 5 feet high and extending 45 ft. in width on each side of the entrance; and

WHEREAS, this application is made pursuant to the provisions of the resolution adopted by the Board of Estimate and Apportionment September 27, 1937, regulating the World's Fair District; and

WHEREAS, pursuant to section 10 of the said resolution, the applicant has filed a copy of this application with the Police Commissioner, Fire Commissioner, Commissioner of Health, License Commissioner and Commissioner of Buildings, Queens; and

WHEREAS, pursuant to section 11 of the said resolution the Police Commissioner has reported that the Police Department has no recommendation to make in the matter; the Commissioner of Health has reported that the building is 90 per cent completed and no sanitary violations were found; the Commissioner of Buildings, Queens, has reported that an examination of the plans accompanying N.B. App. 5565-36 shows the sign in conformity with the building code and construction requirements; and no reports have been received from the Fire Commissioner or the Commissioner of Licenses; and

WHEREAS, the applicant contends that the owner purchased the property in 1926; that the owner is at present engaged in the lumber and millwork business and has its main building on 112th street and Northern boulevard, Corona, N. Y.; that he has been in the present business for approximately 50 years and has occupied the present location for thirty-one years; that the property in question was purchased in 1926 for the purpose of erecting a permanent building thereon similar to the one now under construction; that shortly after the time of purchase, a large billboard sign was erected on the premises, notifying the public that such premises would be used for the future business home of the owner; that long before the World's Fair was considered, tentative plans for the proposed building were drawn up by various architects and plans for a railroad siding for the premises in question were prepared for the owner; that a railroad siding has since been installed; that the premises in question are within approximately three-quarters of a mile of the present business location of the owner; that his present building has a sign across the front advertising its name and business; that the plans for the construction now under way were filed in November 1936, long before the resolution regulating sign installation and maintenance was passed; that the reason for building the new plant is to eliminate the necessity of shop, office, factory and warehouse being in different buildings in different locations and make possible the running of freight and materials right on the owner's premises by virtue of the railroad siding; the owner contemplates discontinuing all its other plants on the completion of the plant under construction; that the erection of the premises in question was commenced long prior to the passage of the resolution in question; that it was always the intention of the owner and lessee to erect a sign, such as specified in the plans submitted which were rejected; that the supports and footings for the premises under construction were made strong enough to support the contemplated sign; that the cost of the proposed structure to the owner will be more than $250,000; that it is expected that the plant will be completed and ready for occupancy within the next two months. The owner and lessee plan to have a lawn in front of the premises facing the New Whitestone Bridge Approach which will be at least thirty or forty feet deep and will cover the entire frontage of the property, which is approximately one hundred and seventy-five feet; that the sign to be erected is to advertise only the business of the owner and will be simple and dignified; that the value of the plant will greatly be impaired unless there is adequate advertising space on the building itself for the sign which the owner seeks to erect.

Resolved, that the Board of Standards and Appeals does hereby *grant*, pursuant to the power vested in this board by the resolution adopted by the Board of Estimate and Apportionment on September 27, 1937, regulating the World's Fair district, permission to erect signs as indicated on plans filed herewith marked "Received January 18, 1938," *on condition* that no signs other than those indicated on these drawings shall be installed without the permission of this board and that no signs shall be erected above the parapet of any portion of the building, except such signs as are indicated to be painted on the glass of the monitor structures shown on the east elevation, provided that any such sign shall be limited solely to the east side of such monitors.

*Correction—Upper case type in lines 102, 103 and 110 of resolution changed to lower case type.

MULTIPLE DWELLING LAW ON SALE

Copies of the Multiple Dwelling Law are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50c; by mail 54c.

Copies of the Supplemental Rules and Regulations of the Tenement House Department on Fire Retarding, Fire Escapes, Fire Stairs and Fire Towers are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 10c; by mail 12c.

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, November 16, 1937, as they appeared in Bulletin No. 47, Vol. XXII, are hereby corrected to read as follows:

THE RESOLUTION—

(514-37-A)

WHEREAS, Donald Cruse, applicant, for Commercial Solvents Corporation, owner, filed October 29, 1937, an appeal from a decision of the fire commissioner, affecting the storage and sale of AJAX, AJAX PLUS and NORWAY, Anti-Freeze mixtures in sealed cans not of the type required by section 131, subdiv. 3, chapter 10, Code of Ordinances; and

WHEREAS, the decision of the fire commissioner, dated October 13, 1937, reads as follows:

"Please be advised that this department disapproves all cans used for packing and shipping anti-freeze (inflammable mixtures) other than the type as specified and provided for in section 131, subd. 4, chapter 10, Code of Ordinances of the City of New York, for the reason that

'Inflammable mixtures shall be packed and shipped in cans of a capacity not exceeding five (5) gallons each; cans to be fitted with a tight-fitting replaceable top, cap or other device, so made that the can shall be air-tight when closed; or in steel barrels or drums of a capacity not exceeding fifty-five (55) gallons each.'"

and

WHEREAS, the applicant contends that AJAX PLUS Anti-Freeze Mixture is prepared by adding to each 100 gallons of completely denatured alcohol, 4 gallons of kerosene (regular grade), 1 gallon of Stanco Rust Inhibitor and 20 grams of Acid Fuchsin D. The completely denatured alcohol is prepared by adding 100 gallons of ethyl alcohol of not less than 160 degrees proof 3 gallons of denol or a compound similar thereto, 3 gallons of ST-115 or a compound similar thereto, 1 gallon of gasoline and one-half gallon of hydronol 1 or a compound similar thereto; that NORWAY Anti-Freeze mixture is prepared by adding to 100 gallons of 100 per cent methanol 3 gallons of Non Odor Oil, 1 gallon of Stanco Rust Inhibitor and 16 grams of "Luxol" Fast Blue A. R.; that AJAX Anti-Freeze mixture is completely denatured alcohol to which a small quantity of Stanco Rust Inhibitor is added, no coloring matter is added, but due to the rust inhibitor, AJAX Anti-Freeze has a slight amber color; that it is proposed to market the mixtures in question in one-quart and one-gallon sealed cans; the applicant contends further that the proposed non-refillable containers are offered to the public to protect them against substitution or dilution of the product· that the cans are safe containers for the following reasons; that the product is serviced into an automobile with devices by which the flow from the can, can be accurately directed and carefully poured, there is no likelihood that remnants of Anti-Freeze mixture will remain about the premises in containers without a removable top; that all the containers prominently display a caution notice concerning the inflammable nature of the contents; that there is no fire or accident record to justify any restriction of the Anti-Freeze in containers not exceeding one-gallon; and

WHEREAS, it is proposed to market the three anti-freeze mixtures consisting primarily of denatured alcohol and/or methanol with coloring matter and anti-rust compound added, under various trade names.

Resolved, that the decision of the fire commissioner, dated October 13, 1937, be and it hereby is *modified* and that the appeal be and it hereby is *granted,* permitting the transportation, sale, storage and manufacture of anti-freeze (inflammable mixture) as described in this appeal, in one gallon cans and in one quart cans without a tight-fitting replaceable top, *on condition* that there shall appear on each can, a prominent notice reading "UPON OPENING REMOVE ENTIRE CONTENTS AT ONCE"; that such notice shall have white letters on a red background; that for the balance of 1937, such cans as are manufactured without this notice shall bear a similar notice pasted upon each can reading as herein required; that after January 1, 1938, such notice shall be part of the lithographed label on the surface of the can; that this lithographed label shall also contain the words "THIS CONTAINER FOR ANTI-FREEZE APPROVED BY THE BOARD OF STANDARDS AND APPEALS UNDER CAL. NO. 514-37-A"; that this product may be marketed under trade names, as follows: Ajax, Ajax Plus and Norway, together with the name of the manufacturer or agent.

*Correction—Words, "that this lithographed label shall also contain the words, THIS CONTAINER FOR ANTI-FREEZE APPROVED BY THE BOARD OF STANDARDS AND APPEALS UNDER CAL. NO. 514-37-A" added in the resolution.

NOTICE

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication in this BULLETIN of the calendars of the board, each case being set down by Calendar Number and premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the offices of the board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the board is to dispose of all cases promptly, for the reason that the pendancy of an appeal or application ties the hands of the administrative official in enforcing his order; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, January 18, 1938, as they appeared in Bulletin No. 4, Vol. XXIII are hereby corrected to read as follows:

THE RESOLUTION—

(606-37-A)

WHEREAS, Erwin Rebafka, for 40 Exchange Place Corporation, owner, filed December 20, 1937, an appeal from an order and a decision of the commisioner of buildings affecting premises 25-29 William street and 40 Exchange place, southwest corner, (Block No. 25, Lot No. 27), Borough of Manhattan; and

WHEREAS, the order of the commissioner of buildings, dated October 25, 1937, No. 37408-F, reads as follows:

1. Provide 4 approved 2½ gallon liquid fire extinguishers on each story. Sec. 20, Ch. 12, Code of Ordinances.

2. Provide an additional standpipe riser with 100 ft. of 2½ in. hose on each story. Sections 580-81, Ch. 5, Code of Ordinances."

and

WHEREAS, the decision of the commissioner of buildings, dated December 15, 1937 reads as follows:

Your communication of December 10, relative to Order 37408 F noted. Our records show no acceptance of the present standpipe conditions and as this department has no power to grant a modification of the standpipe rules, it is suggested that the matter be taken before the Board of Standards and Appeals."

and

WHEREAS, the building is 20 stories, 277 feet in height, 70 feet by 182 feet in area, of fireproof construction, equipped with a standpipe system and located in a business use district, erected in 1895 and occupied as follows: 1st floor, stores, 30 persons; 2nd floor, vacant; 3rd floor, offices, 7 persons; 4th floor, offices, 70 persons; 5th floor, offices 14 persons; 6th floor, offices, 70 persons; 7th floor, offices, 25 persons; 8th floor, offices, 64 persons; 9th floor, offices, 20 persons; 10th floor, offices, 54 persons; 11th floor, vacant; 12th floor, offices, 53 persons; 13th floor, offices, 41 persons; 14th floor, offices, 35 persons; 15th floor, offices, 55 persons; 16th floor, offices, 32 persons; 17th floor, offices, 36 persons; 18th floor, offices, 33 persons; 19th floor, offices, 54 persons; 20th floor, offices, 21 persons; for which certificate of occupancy No. 4467 was issued March 14, 1922, allowing 50 persons per story; and

WHEREAS, the applicant contends that the existing standpipe system has been approved and accepted by the department having jurisdiction since the building was erected in 1895, that the building is used for office purposes and the occupancy is non-hazardous, that the housekeeping conditions are good; that the employees in the building have been organized to meet emergencies such as may be caused by incipient fires; that in lieu of installing the additional standpipe riser, it is proposed to add 25 feet of approved 2½ in. hose per floor; that the 125 ft. hose length plus the 20 ft. stream allowance will cover 140 ft.; that the total distance from the existing standpipe riser to the extreme west wall of the south wing is 175 ft. which leaves approximately 30 ft. or 800 sq. ft. in area unprotected by the standpipe hose, in this area it is proposed to install one 2½ gallon soda and acid fire extinguisher and one additional 2½ gallon extinguisher at any designated point per floor, making a total of 40 extinguishers in the building, exclusive of pump and motor rooms which are now adequately protected; and

WHEREAS, the standpipe equipment has been tested by the Department of Housing and Buildings and has been made to comply with the requirements.

Resolved, that the order of the commissioner of buildings, No. 37408-F, Items 1 and 2, be and it hereby is *modified* and that the application be and it hereby is *granted on condition* that the existing standpipe system shall be maintained to the satisfaction of the administrative official; that there shall be installed 150 feet of approved 2½ in. hose at the hose outlet on each floor; that there shall be installed on each floor *two* approved 2½ gallon fire extinguishers, located as the administrative official may direct.

*Correction—Word "four" changed to *"two"* in line 71 of resolution.

APPROVED APPLIANCES

APPROVED FIRELINE HOSE VALVES

TYPE A—150 LBS. WATER WORKING PRESSURE

May be installed on all 4-inch and 6-inch systems and on uppermost stories on 8-inch systems

Name	*Calendar No.*
Fairbanks Company	81-20-SA
Walworth Company	899-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Croker National Fire Prev. Eng. Co.	304-28-SA
Jenkins Brothers	779-28-SA
W. D. Allen Mfg. Co.	890-28-SA
John Simmons Co.	651-30-SA
Grinnell	14-31-SA
Elkhart	14-31-SA

TYPE B—250 LBS. WATER WORKING PRESSURE

May be installed on all standpipe systems

Name	*Calendar No.*
New York Brass Foundry Co. (Stillbech)	53-21-SA
Walworth Company	900-27-SA
W. D. Allen Mfg. Company	1151-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Jenkins Brothers	780-28-SA
Croker National Fire Prev. Eng. Co.	970-28-SA
Fairbanks Company	268-29-SA
Pratt & Cady	231-30-SA
Elkhart	15-31-SA

APPROVED FUEL OIL FILL PIPE TERMINALS

Name	*Calendar No.*
Fee and Mason	10-36-SA
Flagg	345-35-SA
J. H. N.	292-35-SA
Newbury	223-35-SA
Preferred	213-35-SA
Rhode Island	204-35-SA
Seal-O-Strain	48-35-SA
Sealtite	231-35-SA
Simplex	214-35-SA

RULES

OIL BURNER RULES

[217-21-SR]

NOTICE—In this publication of these Rules, a new decimal numbering system has been employed, but for convenience, the former designations are also shown in brackets.

RULES COVERING THE INSTALLATION AND USE OF OIL BURNING EQUIPMENT AND THE STORAGE OF OILS USED IN CONNECTION THEREWITH

Adopted by the Board of Standards and Appeals June 15, 1934, Amended July 12, 1935, January 28, 1936, and December 4, 1936.

(Superseding Fuel Oil Rules adopted by the Board of Standards and Appeals, November 6, 1919; amended January 6, 1922; January 18, 1924; October 19, 1926; September 11, 1928; January 11, 1929; March 20, 1931; May 12, 1931; November 24, 1931; May 10, 1932; June 24, 1932, and November 4, 1932).

Authority: Section 718 A of the Charter of the City of New York to carry into effect the provisions of Chapter X, Code of Ordinances.

Rule 1. Scope.

[a] 1.1 No person shall install oil-burning, or oil-storage equipment for use within the City of New York except as provided in these rules.

[b] 1.2 These rules shall not apply to gas companies storing or using oil in the manufacture of illuminating gas for public use.

Rule 2. Definitions.

2.1 For the purpose of these rules the following terms shall be interpreted in accordance with these definitions:

2.2 APPROVED: Shall mean devices hereafter approved by the Board of Standards and Appeals and also, when required by the Board of Standards and Appeals, approved, listed as standard, and/or labeled by any nationally recognized standard testing laboratory not operated for commercial profit, provided all such devices are installed in accordance with these rules. Such approval is subject to suspension or revocation for non-compliance with these rules. All devices approved by the Board of Standards and Appeals prior to the adoption of these rules shall be accepted.

2.3 AUTOMATIC PUMP: Shall mean an automatic transfer pump operating independent of the burner to provide a continuous supply of oil.

2.4 BURNER: A device designed for the purpose of burning oil.

2.5 COMMERCIAL INSTALLATIONS—Oil burner installations in buildings, other than dwellings when used for heating and generation of power for use on premises.

2.6 CONTROLS—Such electrical or mechanical devices as are installed for the purpose of providing safe and continuous operation.

2.7 DISCHARGE LINE: That portion of the line between the discharge outlet of the pump and the burner oil inlet connection.

2.8 DOMESTIC INSTALLATIONS—Oil burner installations installed in dwellings as defined in these rules.

2.9 DWELLINGS: Buildings used exclusively for dwelling purposes and occupied by one or two families, including convents, rectories and monasteries.

2.10 ELECTRICALLY GROUNDED: For protection against lightning shall mean storage tanks set directly in or on the ground and/or with underground piping connections. Where storage tanks **without underground** piping connections are built on bases above the surface of the earth, such storage tanks shall be grounded at two (2) points, 180° (degrees) apart as follows:

2.10.1 The conductor from tank to ground connection shall be of copper not smaller than No. 6 (.162″) A.W.G. wire, or pipe not less than one-half inch (½″) in diameter.

2.10.2 One end of conductor shall be permanently and electrically bonded to tank. The other end shall be bonded to a ground connection consisting of a water pipe or a rod, pipe or plate having a surface area of not less than one hundred and ninety (190) square inches, buried in moist earth not less than two feet (2′) below the surface of the earth.

2.11 FILL PIPE: That portion of the line between the fill pipe terminal and the fill pipe connection in the storage tank.

2.12 FIRE RETARDING MATERIALS:

2.12.1 One-half (½) inch plaster boards, or asbestos boards, or three-eighths (⅜) inch gypsum wall boards weighing not less than 16 pounds per square yard with pointed joints covered with No. 26 U. S. gauge sheet metal with one (1) inch lapped seams nailed to the wood beams when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are spaced more than sixteen (16) inches on centers, or

2.12.2 Two thicknesses of one-quarter (¼) inch asbestos boards laid with tight staggered joints and nailed to the beams, when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are more than sixteen (16) inches on centers, or

2.12.3 Metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) inch thick.

2.12.4 Note—All fire retarding material to be applied as required in rules for fire retarding material of the Board of Standards and Appeals.

2.13 GROUND: An electrical conductor having capacity to absorb current.

2.14 INDUSTRIAL INSTALLATIONS: Oil burner installations for industrial purposes.

2.15 OIL: Any liquid mixture, substance or compound derived from petroleum, including kerosene and fuel oil as defined in the Code of Ordinances, Chapter X, Article 1, Section 1.

2.16 OIL BURNING EQUIPMENT: Any device including burners, oil burning heaters, internal combustion engines used for heating, power or other purposes designed for and/or using oil as defined in these rules.

2.17 OIL LEVEL INDICATING DEVICE: A means by which the level of the oil in a storage tank may be indicated.

2.18 OVERFLOW PIPE: A pipe which conveys, by gravity, the oil from the maximum level of an auxiliary tank to the storage tank or from the pump to the storage tank.

2.19 PERMANENT DEFORMATION: Wherever phrase, "without permanent deformation," is used in these rules it shall mean that the tanks or containers shall, after release of test pressure, resume their original size and shape.

2.20 PERMIT: Shall mean permit for storage of oil.

2.21 PORTLAND CEMENT CONCRETE: Shall mean a mixture of one (1) part cement and not more than two and one-half (2½) parts sand and five (5) parts of coarse aggregate and complying in all other respects with the requirements of the Code of Ordinances, Chapter V, Article 2, Section 28.

2.22 PREHEATER: A device designed for heating oil for the purpose of decreasing the viscosity.

2.23 RELIEF VALVE: A valve held shut by a spring or other means of automatically relieving pressure in excess of its setting.

2.24 RELIEF LINE: That portion of the line between the bypass connection of the relief valve and the supply line or storage tank.

2.25 REMOTE CONTROL: A hand, electric, or mechanically-operated device to shut off the oil supply. A thermostat is not acceptable as a remote control.

2.26 SCAVENGING LINE: A line installed to permit the removal of water or foreign matter from a storage tank.

2.27 SHOP FABRICATED: Shall mean completely built in the shop of the tank manufacturer.

2.28 SHUT-OFF VALVE: A device that can be actuated to prevent the flow of liquid in a line of pipe.

2.29 STORAGE CONTAINER: Any container for oil connected to a burner or oil-burning heater and having a capacity of ten (10) gallons or less.

2.30 STORAGE TANK: Any container for oil having a capacity of two hundred and seventy-five (275) gallons or more, having a fill line and vent line connected thereto.

2.31 STORAGE TANK, AUXILIARY: Any container for oil having a capacity of not over 60 gallons and used as an intermediary tank for gravity feed and equipped with an automatic or manually operated pump.

2.32 SUPPLY LINE: That portion of the line between the storage tank and the pump oil inlet connection. Where a pump is not used, it shall be that portion of the line between storage tank and burner and burner oil inlet connection.

2.33 TEST WELL: An opening in the top of the storage tank or a straight pipe connected to such opening through which a gauge stick may be inserted into the storage tank.

2.34 TRANSFER PUMP: An oil pump that is not an integral part of the burner and which is installed between storage tank and burner.

2.35 VENT PIPE: That portion of the line between vent pipe terminal and vent pipe connection in the storage tank.

Rule 3. Oil Permitted.

[a] 3.1 Oil permitted under these rules shall be any liquid mixture, substance, or compound derived from petroleum, shale oil, coal tar, and the liquid products thereof, and shall have a flash point not lower than 100 degrees Fahrenheit when tested in a Pensky-Martens closed cup tester (American Society for Testing Materials Method D93-22) and marketed under the following commercial grades:

Range Oil	SP.	Gr.	(A. P. I.)	40–44°
No. 1 Fuel Oil	"	"	"	36–40°
No. 2 " "	"	"	"	32–36°
No. 3 " "	"	"	"	28–32°
No. 4 " "	"	"	"	24°+
No. 5 " "	"	"	"	18°+
No. 6 " "	"	"	"	10°+

[b] 3.2 The use of crankcase refuse oil as fuel oil is strictly prohibited.

Rule 4. Burners.

[a] 4.1 Burners, including oil-burning heaters, shall be as approved, provided with suitable safeguards to prevent abnormal discharge of oil.

[b] 4.2 Approval of burners or oil-burning heaters designed for installation with storage of not more than six (6) gallons shall include approval of storage containers and limitations of installation. If more than six (6) gallons' storage is desired for such burners or oil-burning heaters, a storage tank shall be installed as provided for in these rules. Portable containers of not more than six (6) gallons' capacity may be filled from such storage tanks by means of an approved hand pump located above the top of the tank.

[c] 4.3 The requirements of these rules shall not apply to the use and installation of portable burners not requiring a connection to a flue where such burners are of the type commonly used for household purposes including oil stoves, oil heaters and oil lamps equipped with a woven wick, nor do the requirements of these rules apply to such portable apparatus such as blow torches, soldering pots, tar heaters, snow melters, etc.

Rule 5. Material and Construction of Tanks.

5.1 Cylindrical Tanks (except vertical tanks located outside of buildings above ground).

[a] 5.1.1 All tanks for the storage of fuel oil shall be built of steel plates made by the open hearth process and known to the trade as "tank steel." Such plates shall be free from physical imperfections, such as laminations, cracks, mill scale, etc. All steel must be new in good condition and free from rust. The thickness of steel required and the size and spacing of rivets shall be as stated in the table given below.

[b] 5.1.2 All tanks must be welded or riveted and caulked, or riveted and welded. Flanges or other pipe connections may be welded. All caulking shall be done with round nose tools and without injury to the plates. Filler of any kind between plates is prohibited.

[c] 5.1.3 Thickness of cylindrical tanks, except tanks of 275 gallons capacity or less:

Tanks 36 in. in diameter and less—¼ in. shell, ¼ in. heads.

Tanks 37 to 72 in. in diameter—¼ in. shell, 5/16 in. heads.

Tanks 73 to 120 in. in diameter—5/16 in. shell, ⅜ in. heads.

Tanks over 120 in. in diameter to be of ⅜ in. steel and to be stiffened by angle rings or equivalent members so as to retain their cylindrical form.

[d] 5.1.4 All cylindrical, oval or abround storage tanks shall have dished heads with a curvature the radius of which is not greater than the diameter of the tank. Dished heads shall be formed with an adequate cylindrical extension rim to provide welding or riveting surface. Should flat heads be used they must be braced in the same manner as described for the bracing of flat sides of rectangular tanks.

[e] 5.1.5 Diameter and spacing of rivets:

Riveting in single lap seams shall not exceed a pitch as follows:

In shell ¼ in. thick, ⅝ in. in diameter rivets 2¼ in. pitch.

In shell 5/16 in. thick, ⅝ in. in diameter rivets 2⅜ in. pitch.

In shell ⅜ in. thick, ¾ in. in diameter rivets 2½ in. pitch.

5.2 Rectangular Tanks.

[a] 5.2.1 All rectangular tanks shall be built of steel plates of the quality required for cylindrical tanks, and of a thickness of not less than 5/16 of an inch.

[b] 5.2.2 Corners may be made up by bending the plates or by use of angles.

[c] 5.2.3 Rivets in seams shall be ⅝ of an inch in diameter and spaced not more than 2¼ inches center to center.

[d] 5.2.4 All flat surfaces of rectangular tanks are to be braced. Bracing shall be done either by using structural steel members which will act as girders and which will safely carry the load with a factor of safety of five (5), or by using bars from side to side, end to end and top to bottom of the tanks as the case may be.

[e] 5.2.5 When structural steel members are used such as angle, channels or beams, etc., the distance from center to center of the rivet lines on these members must not be in excess of twenty-four inches, and the rivet spacing must be such that it will develop the full strength of the members. In no case shall the rivets be in excess of six (6) inches center to center on these members.

[f] 5.2.6 When structural steel reinforcing members are tied together with braces in order to reduce the effective length, the braces shall not be stressed higher than nine thousand (9,000) pounds per square inch taken in the minimum net section.

[g] 5.2.7 If structural steel members are omitted and the sides of the tank are braced by means of rods or bars, these members should not be spaced farther apart than twenty-four (24) inches center to center in all directions. The unit stress permitted in these members shall not be in excess of nine thousand (9,000) pounds per square inch on the minimum net section.

[h] 5.2.8 The connection between these members and the sides of the tank must in all cases be such that it will develop the full net sections of the bars so that the bar will break before the connection will let go.

5.3 All Tanks Except Vertical Above-Ground Storage Tanks.

[a] 5.3.1 All storage tanks for oil of two hundred and seventy-five (275) gallons' capacity or less shall have a minimum thickness of shell and head plates of U. S. Standard 10 gauge (.134"). Auxiliary storage tanks of 60 gallons or less shall be similarly constructed but need not be of a gauge thicker than U. S. Standard No. 14.

[b] 5.3.2 At time of installation all storage tanks shall bear a permanently fixed plate, spot-welded or equivalent, bearing the name of tank manufacturer, the gauge of material and capacity of tank. All shop fabricated storage tanks shall be installed without structural alteration.

[c] 5.3.3 All openings shall be through the top of the storage tank except that 275-gallon storage tanks may be provided with a three-quarter inch (¼") opening for gravity discharge and a one-inch (1") opening in the bottom for cleaning and protection against corrosion.

[d] 5.3.4 All buried storage tanks shall have a thorough coating on the outside of hot tar, asphaltum, or other equivalent rust-resisting material. All such tanks shall be electrically grounded.

[e] 5.3.5 Manholes; where used for oils having a viscosity less than 500 sec. Saybolt Universal at 100° F. shall have manhole covers bolted and air tight; where used for oils having a viscosity greater than 500 sec. Saybolt Universal at 100° F. (No. 5 or No. 6 Commercial Standard grades) shall have manhole covers bolted or otherwise secured to the tanks and kept hydrostatically tight at all times.

5.4 Vertical Storage Tanks Over 1,000 Gallons Capacity Located Outside of Building Above Ground.

[a] 5.4.1 Vertical tanks located outside of building above ground shall be built of steel plates of the quality required for cylindrical tanks.

[b] 5.4.2 The minimum thickness of shell or bottom plates shall be ¼ inch and the minimum thickness of roof plates ⅛ inch.

The thickness of shell plates shall be figured in accordance with the following formula:

$$t = \frac{P \times r \times F}{T \times E}$$

P equals head pressure at bottom of ring under consideration.

R equals radius of shell in inches.

F equals factor of safety (taken as 5).

T equals tensile strength of plate in pounds per square inch (55,000 pounds per square inch).

E equals efficiency of vertical joint in ring under consideration (calculations to be based on formulas as given in Bulletin No. 14 of the New York State Industrial Commission).

[c] 5.4.3 Roof plates shall have single riveted watertight seams and the roof shall be built to shed water. Bottom plates shall have single lap riveted seams. Shell plate seams shall be designed with proper efficiency to meet requirements of above formular for shell plates.

[d] 5.4.4 In all cases, steel tanks for the storage of fuel oil must be built metal to metal. No filler of any kind will be permitted.

5.5 Storage Containers.

[a] 5.5.1 Storage containers for oil of six (6) gallons capacity or less used in connection with burners or oil-burning heaters shall be designed to withstand a hydrostatic pressure test of five (5) pounds per square inch without permanent deformation, rupture or leakage and shall be approved as provided in Rule 4.2. Glass storage containers shall not exceed three gallons capacity, protected with a metal jacket provided with hand grips and designed to be rigidly fastened to stand or wall and shall be approved as provided in Rule 4.2.

Rule 6. Location of Tanks.

6.1 Inside of Buildings.

[a] 6.1.1 Storage tanks having a capacity of two hundred and seventy-five (275) gallons and auxiliary tanks may be installed above ground in or on the lowest story of a building, provided such tanks shall be mounted on substantial incombustible supports, with tank permanently attached thereto, and located not less than seven feet (7′), measured horizontally from any furnace or source of exposed flame unless tank is protected as provided for in Rule 6.1.2. Such storage tanks inside buildings shall be not less than two hundred and seventy-five (275) gallons' capacity and not more than one such tank shall be connected to one burner. Not more than two (2) two-hundred-and-seventy-five (275) gallons storage tanks shall be installed in a building above ground without protection as provided for in Rule 6.1.2.

[b] 6.1.2 Storage tanks having a capacity of more than two hundred and seventy-five (275) gallons, when installed inside of buildings, shall be located in or on the lowest floor level and all portions of such tanks above the floor shall be protected by a continuous jacket of not less than four inches (4″) of Portland cement concrete reinforced with not less than No. 20 steel wire gauge wire cloth 2″ x 2″ mesh, and extending at least four inches (4″) beyond the horizontal outline of tank in all directions, with weep holes along the bottom one inch in diameter not more than 3 ft. apart.
Each storage tank may be placed in an enclosure having masonry walls not less than eight inches (8″) in thickness and of dimension not less than fifteen inches (15″) greater on all sides than the outside dimensions of the storage tank. The walls of the enclosure shall be carried up to a height not less than two feet (2′) above the top of the tank. Fireproof access door or doors shall be installed in the enclosure for every twenty-five feet (25′) along the longest interior wall of such enclosure, and an additional access door shall be installed in every additional ten feet (10′) along such wall above the point where the enclosure has a capacity equal to the tank. The ceiling above the tank enclosure shall be either fireproof or fire-retarded.

[c] 6.1.3 The capacity of individual storage tanks located inside of buildings shall not exceed twenty thousand (20,000) gallons.

[d] 6.1.4 All storage containers used in connection with burners or oil-burning heaters shall be installed in a substantial and workmanlike manner with rigid metal fasteners to wall or floor and protected against mechanical injury.

6.2 Outside of Buildings, Below Ground.

[a] 6.2.1 Storage tanks located outside of buildings, below ground, shall be buried with the top of the tank not less than two feet (2′) below the surface of the ground. Tanks shall be placed on firm soil and shall be surrounded by clean sand or well tamped earth, free from ashes or other corrosive substance, and free from stones (larger than will pass through a one-inch (1″) mesh. When necessary to prevent floating, tanks shall be securely anchored.

[b] 6.2.2 Along the line of subways no tank shall be placed within twenty (20′) feet of any wall, separating a building from the subway, and, if practicable, tanks shall be placed in a lower position than the roadbed of the subway, except as may be modified in specific instances by the Board of Standards and Appeals.

[c] 6.2.3 No tank shall be buried so as to be nearer than 3 feet to any foundation wall.

[d] 6.2.4 All buried storage tanks larger than two hundred and seventy-five gallons, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two (2) coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust resisting material. All tanks shall be electrically grounded.

6.3 Outside of Buildings, Above Ground.

[a] 6.3.1 Storage tanks located outside of buildings above ground shall be not less than one and one-quarter (1¼) tank diameters and in no case less than ten feet (10′) from the line of adjoining property, the nearest building or adjacent tank. Such tanks shall be electrically grounded. The maximum capacity of individual tanks located outside of buildings above ground shall be fixed by the following schedule:

If distant 25 feet from line of adjoining property which may be built upon	16,000	gallons
If distant 30 feet.....	24,000	"
If distant 40 feet.....	36,000	"
If distant 50 feet.....	48,000	"
If distant 60 feet.....	60,000	"
If distant 75 feet.....	96,000	"
If distant 85 feet, or more	100,000	"

[b] 6.3.2 Each such storage tank shall be protected by an embankment or a dyke. Such protection shall have a capacity of not less than one and one-half (1½) times the capacity of the tank so surrounded and shall be at least four feet (4′) high but in no case higher than one-fourth (¼) the height of the tank when the height of the tank exceeds sixteen feet (16′). Embankments or dykes shall be made of earthwork with clay core; or of masonry, or of impervious reinforced concrete. Earthwork embankments shall be firmly and compactly built of good earth, free from stones, vegetable matter, etc., and shall have a flat section at the top of not less than three feet (3′) and a slope of at

least one and one-half (1½) to two (2) on all sides. Concrete or masonry dykes shall be so designed as to safely carry the entire volume of the oil in the tank so surrounded. Embankments or dykes shall be continuous and unpierced. See Chapter 10, Section 111, Code of Ordinances, for required fire extinguishing system.

[c] 6.3.3 All above ground storage tanks larger than two hundred and seventy-five (275) gallons, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two (2) coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust resisting material. All tanks shall be electrically grounded.

Rule 7. Piping.

7.1 Installation of Piping.

[a] 7.1.1 Piping shall be run in a substantial and workmanlike manner. Exposed piping shall be protected against mechanical injury and shall be securely supported with rigid metal fasteners or hangers. All pipes connected to buried tanks except test well piping shall be provided with double swing joints at tank.

[b] 7.1.2 Only new standard full-weight iron, steel or brass pipe, or new extra-heavy copper brass or aluminum alloy tubing, properly marked and duly approved, may be used. Drawn metal tubing when used for conveying oil, shall be adequately protected. Such tubing shall be used only in the same room in which the burner is installed. Drawn tubing when used in domestic installations shall be not less than three-eighths inch (⅜") inside diameter. Soldered connections are prohibited. Tubing shall be submitted for approval.

[c] 7.1.3 Overflow pipes where installed shall not be smaller in size than the supply pipe.

7.2 Relief Valves.

[a] 7.2.1 Where a shut-off valve is installed in the discharge line from an oil pump a relief valve shall be installed in the discharge line between the pump and the first shut-off valve.

[b] 7.2.2 Oil preheaters shall be provided with a relief valve to prevent excessive oil pressure.

[c] 7.2.3 Relief valves shall be set to discharge at not more than one and one-half (1½) times the maximum working pressure of the system. The discharge from relief valves shall be returned to storage tank or to the supply line. There shall be no shut-off valve in the line of relief.

7.3 Vent Pipe.

[a] 7.3.1 An open vent of iron or steel, without trap, and draining to the tank, shall be provided for each storage tank. The lower end of the vent pipe shall not extend through the top of the storage tank more than one inch (1"). Cross connection between vent pipe and fill pipe is prohibited.

[b] 7.3.2 Where a battery of storage tanks, designed to hold the same grade of oil, is installed, vent pipes may be run into a main header.

[c] 7.3.3 Vents shall be not less than one and one-quarter inches (1¼") in diameter for storage tanks up to 1,100 gallons' capacity and not less than two inches (2") in diameter for storage tanks of 1,100 gallons and more. Vents for auxiliary storage tanks shall not be less than ½ inch in diameter and may be run into the storage tank vent.

[d] 7.3.4 Vent pipes shall be provided with weatherproof hoods and shall terminate outside the building not less than two feet (2') from any building opening and not less than five feet (5') nor more than twelve feet (12') above the fill pipe terminal. If the vent pipe terminal is not visible from the fill pipe terminal location, a one-inch (1") line shall be connected to tank and shall parallel the fill pipe and terminate at the fill pipe terminal with unthreaded end. Such line shall be provided with a check valve set to prevent flow of surface water to storage tank.

7.4 Fill Pipes.

[a] 7.4.1 Fill pipe shall terminate outside the buildings with the fill pipe terminal located at or above grade at least five feet (5') from any building opening or subway grating at or below the level of the fill pipe terminal. No fill pipe shall be less than 2 inches in diameter.

[b] 7.4.2 Each storage tank shall be provided with a separate fill pipe except where a battery of tanks is installed, containing the same grade of oil, a common fill and header pipe may be installed provided the area of each branch fill pipe and the header pipe is equal to the area of the fill pipe. Each branch fill pipe shall be provided with a shut-off valve.

[c] 7.4.3 Where the top of the storage tanks is above the fill pipe terminal the fill pipe shall be connected to the top of the tank and be provided with a shut-off valve and a swing check valve which shall be located at the fill pipe terminal.

[d] 7.4.4 All fill pipe terminals shall be of approved type constructed of a suitable material, provided with lugs for imbedding in concrete or in lieu thereof a set screw to fasten terminal to fill pipe. The outer flange of the fill pipe terminal shall be provided with letters reading "Fuel Oil" and the calendar number under which the fill pipe terminal has been approved. The fill pipe terminal shall be separately threaded to receive the seal cap and the fill pipe. The seal cap shall be suitably threaded and slotted for a special opening wrench. An oilproof gasket inserted in a groove in the fill pipe terminal shall be provided so as to render the fill pipe terminal leakproof. A strainer is not required but if used must be of not less than ⅛ inch mesh. Where there is a storage system of volatile inflammable oil and a storage system for fuel oil to be used in the same premises, the terminal of fuel oil fill pipe shall be provided with a left-handed thread, and the fill pipe fitting shall be of a different size than that required for the fill pipes to gasoline tanks.

7.5 Heating Coils in Storage Tanks.

7.5.1 All heating to reduce viscosity of oils in storage tanks shall be only by means of hot water or low pressure (ten (10) pounds per square inch maximum) steam coils.

7.6 Scavenging Line.

7.6.1 When a scavenging line is installed it shall terminate outside of the building and shall be capped oil tight when not in use.

Rule 8. Valves and Control of Oil Flow.

[a] 8.1 Each supply line from storage tanks of two hundred and seventy-five (275) gallons' capacity and from auxiliary storage tanks shall be provided with a shut-off valve at the tank and at the burner and when connected to burners designed for gravity feed, shall be provided with an approved constant level device.

[b] 8.2 Each supply line for storage tanks of more than two hundred and seventy-five (275) gallons' capacity, shall be provided with a shut-off valve at the burner and where the top of the tank is above the oil inlet connection to the burner and/or transfer pump, shall be provided with an approved anti-syphon device located at the highest point in supply line, except that where heavy oil (No. 6 Commercial Standard Grade) having a viscosity of one hundred (100) seconds or more Saybolt Furol at one hundred and twenty-two degrees Fahrenheit (122° F.) is used, the anti-syphon device shall not be required.

[c] 8.3 Except as may be modified in specific instances by the Board of Standards and Appeals, oil from storage tanks of two hundred and seventy-five (275) gallons' capacity or more may be delivered to burners installed above the lowest floor of a business building only under the following provisions:

8.3.1 Plans for such installations shall be submitted for approval to the administrative official having jurisdiction before such installation is made.

8.3.2 Such burners shall not be installed in any story of any building the floor of which is more than fifty feet (50') above the street level. Only one oil delivery line shall be installed for each floor.

8.3.3 Oil delivery lines to burners located above the lowest floor of a building shall not be larger than two inches (2") iron pipe size.

8.3.4 The pressure in oil lines to burners located above the lowest floor of a building shall not be more than is necessary to deliver oil to the burners and such pressure shall not in any case exceed thirty (30) pounds per square inch. With each automatic burner there shall be installed and maintained in good working order a set of suitable safety controls of the electric or mechanical type. The proper control for each burner is to be listed in the resolution under which the burner is approved. The controls are to provide the following functions:

Temperature control
Ignition "
Stack or
Combustion "
Pressure "
Gravity "

[d] 8.4 A remote control shall be provided whereby the flow of oil to any burner can be stopped, and such remote control shall be located outside the entrance to the room in which the burner is located and as close to such entrance as practical, except when outside location is impractical such control may be located immediately inside the room in which the burner is located if such location is accessible at all times. All such controls shall be legibly labeled "Remote Control for Oil Burner." On auxiliary storage tanks used with manually operated burners such remote control may be installed on feed lines between tank and burner.

[e] 8.5 Except as provided by Rule 4.2 of these rules for approved combination burner and storage container devices, pressure in storage tank or container for the purpose of discharging oil is prohibited.

[f] 8.6 In systems where either steam or air is used for atomizing the oil, the oil and the atomizing supply shall be interlocked, so that in case of the interruption of the atomizing supply, the supply of oil will immediately be cut off. Except that this requirement shall not apply to air and oil supply units directly connected to a common driver.

Rule 9. Oil Level Indicating Devices and Test Wells.

[a] 9.1 All tanks located inside of buildings shall be provided with an oil level in indicating device. Test wells shall not be permitted in tanks located inside of buildings. Unused tank openings shall be permanently sealed to prevent removal of plugs or cover.

[b] 9.2 Oil level indicating devices shall be constructed of substantial materials so designed that there can be no leakage of oil or oil vapor.

[c] 9.3 Test well shall be capped oil tight and kept closed when not in use.

Rule 10. Permits, Plans, Inspections and Tests of Storage Tanks and Piping.

10.1 Permits.

[a] 10.1.1 No oil installation of more than ten (10) gallons' capacity shall be operated until after a permit has been issued by the Fire Chief and Commissioner.

[b] 10.1.2 Applications for permit shall be made by the installer on forms furnished by the Fire Chief and Commissioner and shall provide for the location of the building in which the installation is to be made, name and address of owner and/or occupant, name and address of installer, make and approval number of burners, pumps and other devices, capacity number and location of storage tanks, together with approval of such proposed installation by the Commissioner of Buildings when required under Rule 10.2.

[c] 10.1.3 No permit shall be issued by the Fire Chief and Commissioner until the installation has been inspected by his representative.

10.2 Plans to be Filed Where Structural Considerations Are Involved.

10.2.1 Except for installations in dwellings as defined in these rules, the installer shall file with the Commissioner of Buildings plans showing the size and location of all storage tanks having a capacity greater than 275 gallons where such tanks are to be installed either inside of buildings in or below the lowest floor level or out-

side of buildings below ground. Plans, however, shall be filed where 275 gallon tanks are to be buried and for all multiple dwellings and for all places of public assembly. All plans, as in this section required, shall be certified to by the Commissioner of Buildings when approved by him as in compliance with all structural requirements, to the Fire Chief and Commissioner before any work is started and before the permit provided for in Rule 10.1 is issued.

10.3 Inspection and Tests of Installations of Storage Tanks and Piping.

[a] 10.3.1 Storage tanks not exceeding two hundred and seventy-five (275) gallons' capacity and all piping for oil connected thereto shall show no leakage when tank and all piping for oil is completely filled with oil when subjected to a test of 10 pounds per square inch for a period of ten (10) minutes.

[b] 10.3.2 Storage tanks of more than two hundred and seventy-five (275) gallons' capacity and all piping for oil connected thereto shall show no change in shape, rupture or leakage when subjected to a hydrostatic test with water or oil as follows:

10.3.2.1 Oval, obround, rectangular and specially shaped storage tanks and and piping connected thereto, twenty-five (25) pounds per square inch.

10.3.2.2 Cylindrical storage tanks and piping connected thereto, fifty (50) pounds per square inch.

Pressure shall be applied for a period of thirty minutes. When oil is used there shall be no fire or flame in the room or rooms in which the test is being conducted. All tests shall be conducted in the presence of a representative of the Fire Chief and Commissioner. The contractor shall furnish all necessary equipment for conducting tests, except gauges which shall be furnished by the administrative official. Such test may be made with oil in freezing weather for tanks located outside of building.

[c] 10.3.3 Defective tanks, if repaired by welding, shall have all oil removed and shall be purged of all explosive gases or vapors.

[d] 10.3.4 The anti-syphon devices, where used as provided for in these rules, shall be approved devices.

10.4 Fee for Permit and Test of Storage Tanks and Piping.

10.4.1 When application for permit is made, as provided for in Rule 10.1, a fee covering the permit, inspection and test of storage tank and piping shall be paid in accordance with the schedule given in the Code of Ordinances.

Rule 11. Inspection of Installations With Not More Than Six (6) Gallons' Storage Capacity.

11.1 All installations of burners with not more than six (6) gallons' storage capacity except where such installations are made in dwellings shall be reported by installer to the Fire Chief and Commissioner giving location of building in which installation is made, name and address of owner and/or occupant, name and address of installer and the make and approval number of burner. Such reported installations shall be inspected as required by Code of Ordinances.

Rule 12. Ventilation.

[a] 12.1 No burner shall be installed in any boiler, heater, range or stove unless such boiler, heater, range or stove be connected with a legal chimney, complying with Section 392, Article 19, Chapter V, of the Code of Ordinances.

[b] 12.2 Adequate ventilation, at least equivalent to area of the smoke pipe at the point where it enters the flue, shall be provided in all rooms in which burners are installed.

[c] 12.3 Dampers shall be so constructed that they cannot completely cut off the passage of flue gases at any time.

Rule 13. Automatic Pumps.

13.1 Automatic pumps, when not an integral part of the burner shall be of approved type, provided with automatic means for preventing continuous discharge of oil in case of pipe breakage.

Rule 14. Fire Protection.

[a] 14.1 The clear distance between smoke pipe connections, of any boilers, furnaces or other heating apparatus to flues, and combustible material shall not be less than eighteen (18) inches, except that this clearance may be reduced to nine (9) inches where a baffle consisting of not less than No. 29 gauge sheet metal backed by ¼ inch thick asbestos is placed two (2) inches above and extending along the entire length of the smoke pipe connections and twice the width thereof and such baffle is securely fastened from the ceiling with substantial hangers. In lieu of such baffle the combustible material may be covered with fire-retarding material as defined in these rules.

[b] 14.2 The clear distance between any non-insulated heat-producing parts of boilers, furnaces or other heating apparatus and combustible material shall not be less than twenty-four (24″) inches. Where such parts are insulated by two (2″) inches of asbestos, or equivalent, the clear distance shall be not less than twelve (12″) inches, or, in lieu of such insulation the combustible material shall be covered with fire-retarding material as defined in these rules extending 8 ft. in front and 4 ft. side and rear of the apparatus.

[c] 14.3 No combustible material shall be stored or maintained within five feet (5′) of heating apparatus, except where same is protected by fire retarding material.

[d] 14.4 Burners and all accessories, including tanks and piping, shall be maintained oil tight and kept clean at all times.

[e] 14.5 The floor beneath boiler or furnace and within five (5) feet in all directions shall be of fireproof construction.

[f] 14.6 Oil burning devices designed for installation with storage of not more than six (6) gallons shall be firmly anchored to the floor, set level, and the floor beneath the stoves or any such heating devices protected by a shield of ½″ asbestos or equiva-

lent extending at least twelve (12") inches beyond the outline dimension of such device where required within the specific approval of each burner.

[g] 14.7 Near each boiler or furnace of a fuel oil-burning unit there shall be kept ready for use fire extinguishing equipment of not less than two quart capacity approved as suitable for oil fires or not less than two pails of sand, the pails to have rounded bottom.

Rule 15. Instruction Cards and Certificate of Fitness.

[a] 15.1 Cards, giving complete instructions for the care and operation of the system shall be permanently fixed near the apparatus in readable condition. Where burners or oil-burning heaters designed for use with storage of not more than six (6) gallons' capacity are installed, there shall also be posted a copy of the specifications under which it was approved by the Board of Standards and Appeals in addition to the instruction card herein provided for.

[b] 15.2 All heating systems in which the oil is preheated or systems not fully automatic shall, when operating, be under the direct supervision of a person holding a certificate of fitness issued by the Fire Chief and Commissioner, except, that a person holding a certificate of fitness as a licensed engineer or as a licensed fireman under the provisions of Section 409 of the Charter of the City of New York, shall not be required to obtain such certificate.

Rule 16. Modification.

16.1 When, for any reason, it may be impracticable to comply strictly with the foregoing rules, the administrative official having jurisdiction shall have power to accept substitute methods provided the spirit and substance of these rules shall be complied with.

Rule 17. Existing Installations.

17.1 Oil burner systems heretofore installed and duly approved as complying with all laws and rules then applicable thereto shall be deemed acceptable, provided there have been no subsequent alterations to the apparatus, except as to Rule 15.2.

APPROVED APPLIANCES

APPROVED FUEL OIL PUMPS

Name of Pump	*Calendar No.*
American Marsh Duplex	638-25-SA
American Marsh Simplex	639-25-SA
Autopulse Electric Fuel Oil Pump	215-31-SA
Autopulse Electric Oil Pump Outfit, Model No. 1000	9-32-SA
Ballard Duplex Electric Driven Pump Set	1413-22-SA
Beach Russ Co. Rotary	1134-22-SA
Blackmer Rotary	935-24-SA
Blake & Knowles Horizontal Simplex Piston Pattern Pump	372-21-SA
Century Rotary	908-21-SA
Cook Electric Oil Pump	603-25-SA
Davidson	590-21-SA
Dean Bros. Durable Duplex	840-22-SA
DeLaval IMO Oil Pump	628-32-SA
Deming Double Oscillating Force Pump	458-27-SA
Deming Fuel Oil Pump	298-31-SA
Enterprise Oil Pump	11-28-SA
Exeter Rotary	507-22-SA
General Electric Oil Pump	475-32-SA
Goulds Hand Rotary	1133-25-SA
Goulds Rotary Oil Pump	437-31-SA
Goulds Triplex Plunger	257-22-SA
Hardinge Fuel Oil Pump	813-25-SA
Kinney Rotating Plunger Pump	503-24-SA
Koerting Gear Pump	1264-25-SA
Kraissl Fuel Oil Pump	60-28-SA
Leiman Rotary	95-24-SA
Marsh Fuel Oil Pump	1050-23-SA
McGowan Horizontal Duplex Fuel Oil Pump	936-23-SA
M. D. Rotary	52-27-SA
Milwaukee Piston Rotating Port Pump	763-25-SA
Monroe Oil Pump	658-26-SA
National Transit Rotary Pump for Gasoline and Fuel Oil	175-35-SA
Northern Rotary	1396-24-SA
Pascoe Pump Set	1029-26-SA
Petro-Nokol Industrial Oil Pump	570-32-SA
Quiet May Gerotor Pump	267-32-SA
Quimby Screw Pump	1193-21-SA
Range-O-Matic Oil Pump, Model 50 and Suction Model	102-35-SA
Ray Rotary	588-25-SA
Rotary Pressure Pump	1060-25-SA
Rotary Vacuum Pump	513-25-SA
Samson Magnetic Fuel Oil Pump	163-34-SA
S. B. U. Pumps, Models A, B, C and D	410-32-SA
Sundstrand Fuel Unit (Pump), Models 7-OB and 77-OB	199-36-SA
Tate-Jones	492-21-SA
Teesdale Automatic Booster Fuel Oil Pump	1279-25-SA
Tuthill Model B Fuel Oil Pump	60-28-SA
Tuthill Fuel Oil Pump, Models L, LD and 30-LE Fuelstat	568-30-SA
Union Steam Pump for Fuel Oil	705-30-SA
Viking	438-21-SA
Warren Oil Pump	1169-23-SA
Wayne Oil Pump & Fan Set	1155-25-SA
Webster Fuel Oil Pump, Types A, Q and T	23-34-SA
Worthington Duplex Double-Acting Steam Pump	184-22-SA
Worthington Show Model Duplex	194-22-SA

RULES

FIRE RETARDING RULES FOR GARAGES, ETC.

Adopted by the Board of Standards and Appeals Aug. 30, 1917; Amended Nov. 1, 1917, and Feb. 3, 1922.

Rule 1. Fire Retarding Materials for Garages, Motor Vehicle Repair Shops and Oil Selling Stations. In garages, motor vehicle repair shops and oil selling stations any material or form of construction shall be deemed fire-retarding within the meaning of §73, subdivision 3, of the building code, that resists the action of flame and heat when subjected to a continuous fire for one hour at an average temperature of seventeen hundred (1700) degrees Fahrenheit without the passage of flame, and with a maximum temperature rise to four hundred (400) degrees Fahrenheit on the side away from the fire. The point at which the temperature of transmitted heat is measured shall be protected from external air and weather conditions.

When the test specimen is in the form of partition construction, the area under test shall be not less than one hundred (100) square feet and least dimension shall be not less than nine (9) feet. When in the form of floor construction, the area under test shall be not less than two hundred (200) square feet and the least dimension shall be not less than fourteen (14) feet.

During the fire, the floor construction shall support the live load for which it is designed, and after the fire shall safely sustain twice the designed live load with a maximum deflection of not more than one two-hundredth (1/200) part of the span.

Rule 2. Wood Joisted Floor Construction. Wood jointed floor construction shall be accepted as fire-retarding construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations when the beams are protected on the upper and under sides with the fire-retarding materials specified in rules for floor and ceiling coverings.

Rule 3. Floor Covering. Any one of the following forms of construction shall be accepted as fire-retarding for the covering of the upper sides of wood floor beams in joisted floor construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations.

(a) Seven-eighths (⅞) inch wood underflooring protected with a membrane of two-ply waterproofing covered with not less than two and one-half (2½) inches of 1:2½:5 concrete or better, reinforced with not less than one-fourth (¼) of one (1) per cent of steel mesh;

(b) Two and one-half (2½) inches of 1:2:4 concrete applied directly to the top of the joists, with or without temporary support, reinforced with not less than one-fourth of one per cent steel rods, mesh or steel lath, and having the tops of the joists coated with approved waterproof paint or protected by tar paper on the top and on the sides for a distance of three inches from the top.

Rule 4. Ceiling Covering. Any one of the following forms of construction shall be accepted as fire-retarding for the covering of the undersides of wood floor beams in joisted floor construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations:

(a) One-half (½) inch plaster boards, or three-eighths (⅜) inch gypsum wall boards weighing not less than 16 pounds per square yard with pointed joints covered with No. 26 U. S. gauge sheet metal with one (1) inch lapped seams nailed to the wood beams when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are spaced more than sixteen (16) inches on centers;

(b) Two thicknesses of one-quarter (¼) inch asbestos board laid with tight staggered joints and nailed to the beams, when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are more than sixteen (16) inches on centers;

(c) Metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) inch thick.

Rule 5. Attachment to Ceiling. Fire-retarding ceilings in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations shall be attached to wood floor beams and girders in such manner as to maintain an air space between the wood beams and all wood beams shall be seasoned before applying the protective coat.

Rule 6. Openings in Fire-Retarding Floors. Pipes or conduits which pass through floors shall be fitted with metal thimbles and made watertight for a height of three (3) inches above the floor.

Rule 7. Columns. All structural posts and columns in non-fireproof buildings required to be fire-retarded shall be protected with fire-retarding materials specified for ceiling coverings in these rules, or with any of the materials accepted in fireproof construction; except that an air space shall not be required around steel or cast iron columns.

Where necessary for protection against mechanical injury, the fire-retarding protection on columns shall be jacketed to a height of five (5) feet from the ground with No. 4 U. S. gauge metal.

Rule 8. Girders. All girders in non-fireproof buildings required to be fire-retarded shall be protected with the fire-retarding materials specified for ceiling coverings in these rules, or with any of the materials acceptable in fireproof construction; except that an air space need not be provided around steel girders.

Rule 9. Shaft Enclosures. Existing stairways and vertical shafts in non-fireproof business buildings hereafter converted to be used as garages, motor vehicle repair shops or oil selling stations shall be enclosed in fire-retarding partitions continued through the non-fireproof floor construction, and when unfilled wood stud partitions are used, the space between the floor beams shall be fire-stopped with incombustible materials. All openings in such partitions shall be protected with accepted metal-covered fire doors or windows. Wherever necessary for protection against mechanical injury, the partition shall be jacketed to a height of five (5) feet on the garage side with No. 4 U. S. gauge metal. Any one of the following forms of partitions shall be accepted for the enclosure:

(a) Two by four inch wood studs, spaced not more than sixteen (16) inches on centers, covered both sides with metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) of an inch thick;

(b) Two by four inch wood studs placed not more than sixteen (16) inches on centers, covered both sides with seven-eighths (⅞) inch wood sheathing, one-half (½) inch plaster boards with pointed joints and No. 26 U. S. gauge sheet metal with one-inch lapped seams;

(c) Two by four inch wood studs spaced not more than sixteen (16) inches on centers, covered both sides with seven-eighths (⅞) inch wood sheathing, two thicknesses of one-quarter (¼) inch asbestos boards laid with tight staggered joints and jacketed with No. 16 U. S. gauge metal on the garage side to a height of five (5) feet;

(d) Two by four inch wood studs spaced not more than sixteen (16) inches on centers, filled in solidly between the studs with four inches of approved fireproof materials and covered on both sides with No. 26 U. S. gauge metal;

(e) Existing wood stud, lath and plaster partitions covered on the garage side with No. 26 U. S. gauge sheet metal with one inch lapped seams.

APPROVED APPLIANCES

APPROVED RANGE OIL BURNERS AND SPACE HEATERS

Name of Burner	*Calendar No.*
A.B.C. Range Burner Assemblies, Models AS-4, AS-6, AD-6, AS-9 and A-3798 Water Heater Assembly	250-34-SA
Aetna Range Oil Burner	29-35-SA
Aetna Water Heater, Models 6, 7, 9 and 47 W.H.T. and 15 and 16 W.H.T.	148-37-SA
Air-O-Flame Space Heater, Models 108 and 810 (pot type)	190-35-SA
Air-O-Flame Space Heater, Models 71, 91, 1572 and 1582 (sleeve type)	206-35-SA
Air-O-Flame Range Burner	236-34-SA
American Beauty Heater (Pot Types), Models 1P61, 1P62, 1P91 and 1P92	224-36-SA
Ameroil Oil Burner for Stoves and Ranges	592-32-SA
Biltwell Range Oil Burner, Models B-1 and B-2	196-34-SA
Bland Range Oil Burner	234-34-SA
Blue Glow Range Oil Burners, Models Supreme and DeLuxe	308-34-SA
Brigham Range Oil Burner	217-35-SA
Caloroil Range Oil Burner	172-34-SA
Champion Range Oil Burner, Models A and B	291-34-SA
Cole Hot Blast Oil Burning Stove, Model No. 912	207-35-SA
Coleman Oil Burning Circulating and Space Heater, Model 825	308-36-SA
Diamond Range Oil Burner	325-34-SA
Easyway Range Oil Burner, Models D27, DC27, G27 and NG27	157-35-SA
Easyway Space Heater, Models CRL19, CRN17, CSP27 and CSP19	158-35-SA
Easyway Water Heater, Models H.W.1 and H.W.2	159-35-SA
Ellington Range Oil Burner, Square Circulating Heater and Round Circulating Heater	351-34-SA
Ellington Range Oil Water Heater, Models M and J	40-35-SA
Evur-Ready Range Oil Burner, Models Leader, Standard and DeLuxe	311-34-SA
Fairfax Range Burner	302-34-SA
Florence Oil Heater, Models KC-9, GC-6, GC-7, GS-27, CH-9, CH-27, CH-28, CH-29, RH-7 and RH-9	62-33-SA
Florence Oil Space Heater, Models PH-28, PH-8, PC-8, PC-28, PR-10, PR-81 and PR-82	172-35-SA
Florence Range Burners	219-34-SA
Fox Range Oil Burner	200-34-SA
Hi-Heat Range Burner, Models A and DeLux	323-34-SA
Hupp Range Oil Burner, Models S.D. and C.D.	309-34-SA
Ker-Oil Automatic Water Heater	263-35-SA
Kerogas Bowl Type Space Heater, Models 300-300-A, 303-303-A, 310-310-A, 315-315-A and 320-320A	266-35-A
Kerogas Hot Blast Oil Heater, Models 210, 135, 110, 207 and 115	339-34-SA
Kolrid Range Burner	48-34-SA
Kres-Kno Range Oil Burner, Model MD. Sizes KR, KRF, KRF-1 and 1R	355-34-SA
Lochinvar Automatic Oil Burning Water Heater	143-36-SA
Lonergan Automatic Hot Water Heater	179-35-SA
Lonergan Oil Burning Heater, Models F-2, F-3, C-4, R-1 and R-2	263-34-SA
Loyalty Range Burner	302-34-SA
Lynn-Range Burner, Models Junior, Lypre and DeLuxe	238-33-SA
M.W. Bake Oven Range Burner, Model 448 and M.W. Core Oven Range Burner, Model 450	367-34-SA
M.W. Circulating and Radiant Heaters, Models 501, 601, 701 and 801	366-34-SA
M.W. Oil Burning Range, Commercial Models 152 and 251 and Domestic Models 101-G and 126-B	364-34-SA
Majestic Range Oil Burner, Models 27B and 27T	180-35-SA
Majestic Space Heater, Models 247T and 248.	181-35-SA
Majestic Water Heater, Models 255A and 255B	182-35-SA
Matchless Self-Lighting Range Oil Burner	410-37-SA
Moderne Range Oil Burner, Models Regular, Junior and Firenew	357-34-SA
National Range Oil Burner	361-34-SA
Nesco Circulating Heater, Models 041, 41, 042 and 42	264-36-SA
No-Wyck-Koaless Range and Stove Oil Burner	251-34-SA
Norge Space Heater, Models 75, 50, 37 and 37-R	366-34-SA
Octo Range Oil Burner	410-37-SA
Odin Beauty (Space Heater), Models 61, 62, 91 and 92	233-35-SA
Odin Beauty Heater (Pot Types), Models 1P61, 1P62, 1P91 and 1P92	224-36-SA
Putnam Range Oil Burner	54-35-SA
Quaker Burnoil Stove	11-31-SA
Quick Meal Range Burner	304-34-SA
Quick Meal Space Heater, Models 5672-0, 5671-13, 5671-33 and 5671-35	306-34-SA
Quick Meal Water Heater, No. 5681-0	305-34-SA
Ray-Dio Sunshine Range Oil Burner, Models A, Daisy and Water Heater	32-31-SA
Sachem Oil Space Heater, Models GB-811, GB-815, GB-1011, GB-1015 and GB-1315.	56-37-SA
Samco Oil Space Heater, Models 1108 and 1110	73-37-SA
Sears Roebuck Oil Burning Water Heater, Hercules Model No. 2544	303-36-SA
Serv-Well Range Oil Burner, Models 27B and 27T	165-35-SA
Serv-Well Space Heater, Models 247T and 248	166-35-SA
Serv-Well Water Heater, Models 255A and 255B	167-35-SA
Silent Glow Range Oil Burner	172-34-SA
Silent Glow Si-Glo-Lo Oil Space Heater, Models 15, 35, 60 and 80	24-37-SA
Silent Heet Oil Burner for Ranges and Stoves	592-32-SA
Smith-Whaley Range Oil Burner, Models SW-1 and SW-2	196-34-SA
Speedy Hot Oil Space Heater, Models GB-811, GB-815, GB-1011, GB-1015 and GB-1315	56-37-SA
Superfex Oil Burning Heater, Models 1031, 1032, 1035, 1036, 1107, 1108, 1109, 1110, 1117, 1118, 1119 and 1120 and Superfex Heat Projector, Models 1051, 1052, 1053 and 1054	491-31-SA
Tower Range Oil Burner	126-33-SA
Vap-R-Oil Oil Burner for Ranges and Stoves	592-32-SA
Victor Range Oil Burner, Models VJ-275, VJ-195 and VO-275	329-34-SA
Viking Pot Type Space Heater, Models 120, 165 and 170	310-35-SA
Viking Range Oil Burner and Range Oil Burning Heater, Models 20, 30, 60, 65, 70 and 80	333-34-SA
Viking Range Water Heater, Models 222, 232 and 242	65-35-SA
Vitro-Heet Range Oil Burner, Model MD, sizes KR, KRF, KRF-1 and 1-R	355-34-SA

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BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

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FEB 10 1938
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Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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DIRECTORY

BOARD OF STANDARDS AND APPEALS
HARRIS H. MURDOCK, Chairman
BERNARD A. SAVAGE
CHARLES M. BLUM
CHIEF JOHN J. MCELLIGOTT
EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.
TELEPHONE—WORTH 2-0184.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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Approved Fireline Hose Valves.

Approved Fuel Oil Fill Pipe Terminals.

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.
Special meetings as published in this Bulletin.
Call of Clerk's Calendar, Mondays, at 2 p. m.
All hearings are held in Room 1013, Municipal Building, Manhattan.

HOURS FOR CONSULTATION
10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

CALL OF CLERK'S CALENDAR

The *Clerk's Calendar* consists of applications under the Building Zone Resolution, and its object is to give interested property owners opportunity to file objections, if any and will be called in Room 1013, *Monday, February* 7, 1938, at 2 o'clock. At this call each case is set for hearing on a definite day.

The next subsequent Call of the Calendar will be on *Monday, February* 14, 1938, at 2 o'clock.

The *Clerk's Calendar* is not to be confused with the calendar of cases that have been definitely set for hearing on fixed days.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*

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DOCKET

New Cases Filed up to February 1, 1938

Cal. No. — *Department* — *Premises Affected*

47-38-BZ.....H.B.M.....27-41 Nagle avenue, south side, 300 ft. west of Elwood street (Block 2171, Lots 12, 16 and 18), Borough of Manhattan, Decision.

48-38-A.....H.B.M.....12-14 Dominick street, south side, 65.29 ft. east of Varick street (Block 491, Lots 11 and 12), Borough of Manhattan, Zone Viol. 159-37.

49-38-SA.....F.D.....Latham Automatic Oil Burner, Appliance.

50-38-SA.....F.D.....Ray Gun Type Oil Burner, Model XP, Appliance.

51-38-BZ.....D.B.M.....44-54 Suffolk street, east side, 100 ft. north of Grand street (Block 346, Lots 3, 7 and 8), Borough of Manhattan, Decision.

52-38-BZ.....H.B.M.... 1187-1201 Third avenue, east side from East 69th street to East 70th street, 203 East 69th street and 204 East 70th street (Block 1424, Lot 1), Borough of Manhattan, Alt. 4567-37.

53-38-BZ.....H.B.Q.....1838-1842 George street and 1002-1004 Forest avenue, southeast corner (Block 3575, Lots 31 and 33), Ridgewood, Borough of Queens, Alt. 300-38.

54-38-BZ.....D.B.M.....90-92 Bennett avenue, west side, 105 ft. south of West 186th street (Block 2180, Lot 172), Borough of Manhattan, Decision.

55-38-BZ.....H.B.M.....115 Central Park West, west side from West 71st street to West 72nd street, 1-15 West 71st street and 2-10 West 72nd street (Block 1124, Lot 27), Borough of Manhattan, Alt. 4669-37.

56-38-SA.....F.D.....Duplex De Luxe Splicing Machine, Appliance.

57-38-A.....H.B.Q.....131-02 to 131-20 97th avenue, south side from 131st street to 132nd street (Block 9477, Lot 1), Jamaica, Borough of Queens, Applic. 4524-37.

58-38-A.....F.D.....722-728 Lexington avenue, west side, 120 ft. 5 in. south of East 59th street and 131-133 East 58th street (Block 1313, Lots 13, 14, 15 and 16), Borough of Manhattan, 9471-L.C. and decision.

59-38-A.....H.B.Bx.....1822-1824 Morris avenue and 140-144 East 176th street, southeast corner (Block 2826, Lots 76, 78 and 81), Borough of The Bronx, N.B. 641-37.

60-38-A.....H.B.M.....160-166 Seventh avenue and 202-206 West 20th street, southwest corner (Block 769, Lots 38-42 and part of Lot 43), Borough of Manhattan, N.B. 251-37.

Restored to Calendar.

60-37-BZ.....D.B.Q.....32-05 Newtown avenue, northwest corner of 33rd street (Block 619, Lots 1, 73, 74 and 75), Astoria, Borough of Queens, Decision.

187-37-A.....F.D.....27-35 Sheriff street, southwest corner of Delancey street (Block 337, Lots 55 and 56), Borough of Manhattan, 4006-L.C.

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H.D.....Health Department
D.B.B.....Department of Buildings, Brooklyn
D.B.M.....Department of Buildings, Manhattan
D.B.Q.....Department of Buildings, Queens
D.B.R.....Department of Buildings, Richmond
D.B.Bx.....Department of Buildings, Bronx
T.H.D.....Tenement House Department
F.D.....Fire Department

DESIGNATIONS: **H.B.**—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

CERTIORARI ORDER SERVED ON THE BOARD OF STANDARDS AND APPEALS

On January 28, 1938, Lewis Goldinger, attorney, served on board order of certiorari for Louis Friedland, lessee, in re decision of board on November 16, 1937, denying permission for parking and storage, under section 7-h, Cal. No. 109-37-BZ, at premises 55-01 to 55-23 Sixth avenue, Borough of Brooklyn.

COURT DECISION

Matter of Rubel Corporation vs. Murdock—March 27, 1934, board denied request to reopen application for gasoline station previously denied, under section 21, in business district, on alleged new facts or accept new case. Cal. No. 272-30-BZ, Premises 923-943 East New York avenue, 440-6 Utica avenue and 872-884 Lefferts avenue, Borough of Brooklyn. Mr. Justice Dodd reversed board on recommendation of Referee. Appellate Division remitted matter to board for rehearing (N.Y.L.J. July 2, 1935). On rehearing, application was again denied by the board. Mr. Justice Cuff remitted matter to board for further hearing (N.Y.L.J. August 1, 1936). Board again denied application. Mr. Justice Conway referred matter to Official Referee (N. Y. L. J. December 9, 1937), and confirmed Referee's Report, granting conditonal permit to be coexistent with the ownership and operation of the ice plant (adjoining) (N.Y.L.J. January 28, 1938).

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Concrete Rules (Hydrated Lime)...Aug.	3, 1937—Vol. 22, No. 31
Elevator rules .....Mar.	3, 1936—Vol 21, No. 9
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Fire Retarding Rules for Garages, etc. .....Feb.	1, 1938—Vol. 23, No. 5
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Frame Garages, Ruling for.....Jan.	21, 1919—Vol. 4, No. 3
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Platform Trucks, Specifications for.Nov.	24, 1936—Vol. 21, No. 47
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Tank Trucks, Fuel Oil, etc.....Nov.	24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc.....Nov.	24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)..Apr.	10, 1923—Vol. 8, No. 15

LIST OF APPROVED APPLIANCES

Anti-Siphon Valves .....Mar.	5, 1935—Vol. 20, No. 10
Fireline Hose Valves.....Feb.	8, 1938—Vol. 23, No. 6
Fuel Oil Burners for Domestic and Commercial Use .....Jan.	4, 1938—Vol. 23, No. 1
Fuel Oil Fill Pipe Terminals.....Feb.	8, 1938—Vol. 23, No. 6
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Paint, Varnish and Lacquer Spraying Equipment .....Jan.	18, 1938—Vol. 23, No. 3
Range Oil Burners and Space Heaters .....Feb.	1, 1938—Vol. 23, No. 5

CALL OF THE CLERK'S CALENDAR
MONDAY, FEBRUARY 7, 1938, AT 2 P. M.

Building Zone Cases.

200-37-BZ.

APPLICANT—Otto J. Sambach, for Howdah Securities Corporation, owner.

PREMISES—103-39 Springfield boulevard, northeast corner of 104th avenue (Block No. 2046, Lot No. 7), Queens Village, Borough of Queens.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

336-37-BZ.

APPLICANT—Francis L. Shea, for American Newspapers, Inc., owner.

PREMISES—322-328 West 57th street, south side, 275 ft. west of 8th avenue (Block No. 1047, Lot Nos. 44 and 46), Borough of Manhattan.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a retail use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

472-37-BZ.

APPLICANT—Lama and Proskauer, for John Castagna and Salvatore Castagna, owners.

PREMISES—2761-2773 Cropsey avenue, north side, 6 ft. 9⅞ in. west of 28th avenue and 196 28th avenue (Block No. 6915, Lot No. 51), Borough of Brooklyn.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

507-37-BZ.

APPLICANT—John J. Beatty, for Tilyou Realty Company, owner.

PREMISES—1621-1627 Surf avenue and 2937-2947 West 17th street, northeast corner (Block No. 7062, Lot No. 34 and part of Lot No. 28), Borough of Brooklyn.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

17-29-BZ.

APPLICANT—Clara K. Eberhart, owner.

PREMISES—1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

APPLICATION, under section 21 of the building zone resolution (reopened November 23, 1937 under new proposal),

TO PERMIT partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles.

FEBRUARY 8, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, February* 8, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 263-37-BZ—Application, June 4, 1937, under section 21 of the building zone resolution, of Bertram J. Barrett, applicant, on behalf of Estate of A. & W. H. Jackson, owner, to permit in a residence use district the parking and storage of more than five (5) motor vehicles; premises 28-11 41st street, east side, 100 ft. south of 28th avenue (Block No. 664, Lot Nos. 15 and 16), Astoria, Borough of Queens.

CAL. NO. 279-37-BZ—Application, June 10, 1937, under section 7h of the building zone resolution, of Bertram J. Barrett, applicant, on behalf of Estate of A. & W. H. Jackson, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 41-10 28th avenue, south side, 75 ft. east of 41st street (Block No. 664, Lot No. 20), Astoria, Borough of Queens.

CAL. NO. 473-37-BZ—Application, September 30, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Carrie Eidel and Estate of James S. Rourke, owners, to permit in a business use district the erection and maintenance of a building to be used as a garage for more than

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five (5) motor vehicles and motor vehicle repair shop and also the establishment of a gasoline service station; premises 230-234 Norman avenue and 229-237 North Henry street, southwest corner (Block No. 2655, Lot Nos. 6 and 8), Borough of Brooklyn.

CAL. NO. 337-37-BZ—Application, July 1, 1937, under sections 7a and 21 of the building zone resolution, of Thomas W. Golding, applicant, on behalf of Intrastate Theatres orporation, owner, to permit in a residence use district the extension in area of a building used as offices and film storage; premises 309-329 West 44th street, north side, 125 ft. west of Eighth avenue and 322-324 West 45th street (Block No. 1035, Lot Nos. 25, 26, 27, 17, 20 and 22), Borough of Manhattan.

CAL. NO. 450-37-BZ—Application, September 17, 1937, under sections 7c and 21 of the building zone resolution, of Samuel Rosenblum, applicant, on behalf of Pasquale Fiero, owner, to permit partly in a business use district and partly in a residence use district the extension of an existing gasoline service station and, also, the erection and maintenance of an accessory building to be used as office, lubritorium, auto laundry and motor vehicle repair shop; premises 1040-1050 East New York avenue, southeast corner of East 94th street (Block No. 4597, Lot Nos. 1, 2 and 4), Borough of Brooklyn.

CAL. NO. 467-37-BZ—Application, September 27, 1937, under section 21 of the building zone resolution, of H. L. Brandt, applicant, on behalf of Owen Realty Co., owner, to permit in a business use district the conversion of the occupancy of the first story of an existing building (now occupied in the cellar as a garage) to a motor vehicle repair shop; premises 5060-5076 Broadway and 501-507 West 215th street, northeast corner, 500 West 216th street and 4036-4050 Tenth avenue (Block No. 2232, Lot No. 18), Borough of Manhattan.

CAL. NO. 127-35-BZ—Application of Casper P. Colla, applicant, on behalf of Joseph Angelone, owner, reopened January 18, 1938, for consideration as to extension of permit —re Application, granted on condition, under section 7h of the building zone resolution, permitting in a business use district the parking and storage of more than five (5) motor vehicles for a temporary period (previously denied for a junk shop); premises 115-117 Truxton street, north side, 220 ft. east of Sackman street (Block No. 1544, Lot No. 45), Borough of Brooklyn.

CAL. NO. 309-35-BZ—Application of Hillside Parking Corp., applicant and lessee, on behalf of Nathan Straus, owner, reopened January 18, 1938, for consideration as to extension of permit—re Application, granted on condition, under section 21 of the building zone resolution, permitting in a residence use district the use of a plot of ground as a parking space for the storage of more than five (5) motor vehicles for a temporary period; premises northwest corner of Wilson avenue and East 214th street (Block No. 4709, Lot No. 1), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 8, 1938, 2 P. M.

Appeals from Administrative Orders.

623-37-A—906-910 Dean street, south side, 250 ft. west of Classon avenue (Block No. 1141, Lot Nos. 33 and 34), Borough of Brooklyn.

7-38-A—49-51 Elizabeth street, west side, 175 ft. north of Canal street (6th floor); (Block No. 204, Lot No. 22), Borough of Manhattan.

57-38-A—131-02 to 131-20 97th avenue, south side, from 131st street to 132nd street (Block No. 9477, Lot No. 1), Jamaica, Borough of Queens.

60-38-A—160-166 Seventh avenue and 202-206 West 20th street, southwest corner (Block No. 769, Lot Nos. 38 to 42 and part of Lot No. 43), Borough of Manhattan.

58-38-A—722-728 Lexington avenue, west side, 120 ft. 5 in. south of East 59th street and 131-133 East 58th street (Block No. 1313, Lot Nos. 13, 14, 15 and 16), Borough of Manhattan.

59-38-A—1822-1824 Morris avenue and 140-144 East 176th street, southeast corner (Block No. 2826, Lot Nos. 76, 78 and 81), Borough of The Bronx.

Variations of Labor Law

627-37-S—862-870 DeKalb avenue, south side, 310 ft. west of Sumner avenue (Block No. 1782, Lot Nos. 19, 22 and 23), Borough of Brooklyn.

45-38-S—316 Fifth avenue, southwest corner of West 32nd street (Block No. 833, Lot No. 46), Borough of Manhattan.

Materials Submitted for Approval.

20-38-SM—Alpha System of Steel and Concrete Construction.

28-38-SM—Cantilite Concrete Plank for Roof and Floor Construction.

33-38-SM—Gritcrete Short Span Floor Construction.

34-38-SM—Barrett Rock Wool.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, February* 8, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 419-37-BZ—Application, August 27, 1937, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Eva Rosenbush, owner, to permit in a business use dis-

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trict the erection and maintenance of a gasoline service station; premises 110-02 to 110-18 Astoria boulevard and 32-03 110th street, southeast corner (Block No. 1704, Lot No. 172), Corona, Borough of Queens.

CAL. NO. 458-37-BZ—Application, September 24, 1937, under sections 7c and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of East Brooklyn Savings Bank, owner, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a building to be used as a garage for more than five (5) motor vehicles and a motor vehicle repair shop and also the establishment of a gasoline service station; premises 374-386 Willoughby avenue and 903-907 Bedford avenue, southeast corner (Block No. 1762, Lot Nos. 32 and 36), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

CALL OF CLERK'S CALENDAR

MONDAY, FEBRUARY 14, 1938, AT 2 P. M.

Building Zone Cases

1-37-BZ.

APPLICANT—Oscar Goldschlag, for Pondrand Amusements Co., Inc., owner.

PREMISES—67-02 62nd street, west side, 125.11 ft. north of 68th avenue (Block No. 3620, Lot No. 7), Ridgewood, Borough of Queens.

APPLICATION, under section 7h of the building zone resolution (reopened and restored to calendar January 11, 1938)

TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution).

404-37-BZ.

APPLICANT—Harold Borgwald, for Marie Catherine Russell, owner.

PREMISES—4825 White Plains road, southwest corner of East 243rd street (Block No. 5109, Lot Nos. 1 and 3), Borough of The Bronx.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use dictrict the erection and maintenance of a gasoline service station.

536-37-BZ.

APPLICANT—Wortmann and Iser, for Station W Postal Building Corporation, owner.

PREMISES—158-162 West 83rd street, south side, 150 ft. east of Amsterdam avenue (Block No. 1213, Lot No. 58), Borough of Manhattan.

APPLICATION, under sections 7e and 21 of the building zone resolution,

TO PERMIT partly in a business use district and partly in a residence use district the conversion of occupancy of an existing building to a storage garage for more than five (5) motor vehicles and, also, the omission of the required rear yard.

545-37-BZ.

APPLICANT—Boris W. Dorfman, for Wayington Corporation, owner.

PREMISES—862-874 Washington avenue and 175-185 Eastern parkway, northwest corner (Block No. 1179, Lot No. 108), Borough of Brooklyn.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use (stores).

535-37-BZ.

APPLICANT—Sidney H. Kitzler, for Nostmont Garage, Inc., owner.

PREMISES—956-978 Nostrand avenue, west side, from Sullivan place to Montgomery street, 291-301 Sullivan place and 412-416 Montgomery street (Block No. 1305, Lot Nos. 40, 46, 47, 48, 50 and 52), Borough of Brooklyn.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT partly in a business use district and partly in a residence use district the extension (a proposed basement story) of a garage for more than five (5) motor vehicles (previously granted by the board but not erected); the inclusion of stores in a garage for more than five (5) motor vehicles (previously granted by the board) and, also, the omission of the division wall between these two (2) garages for more than five (5) motor vehicles so as to create one unit garage.

539-37-BZ.

APPLICANT—Samuel A. Rosenberg, for Vitro Cirillo, owner.

PREMISES—1237-1243 McDonald avenue, east side, 180 ft. south of Avenue J (Block No. 6524, Lot No. 71), Borough of Brooklyn.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the extension and also the conversion of occupancy of an existing building to a refrigeration plant.

FEBRUARY 15, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, February* 15, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 324-37-BZ—Application, June 29, 1937, under section 21 of the building zone resolution, of Joseph M. Lonergan, applicant, on behalf of Mathilda Litchman and Bruno Bernabo, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4727-4729 Third avenue, west side and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

CAL. NO. 431-37-BZ—Application, September 2, 1937, under section 21 of the building zone resolution, of James J. Millman, applicant, on behalf of T. H. Fraser Mortgage Co., owner, to permit in a business use district the conversion of occupancy of an existing wet wash laundry to a garage for more than five (5) motor vehicles and gasoline service

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station; premises 5813-5823 20th avenue and 2001-2011 59th street, northeast corner (Block No. 5507, Lot No. 1), Borough of Brooklyn.

CAL. NO. 54-37-BZ—Application, February 13, 1937, under section 7h of the building zone resolution, of 92-32 Union Hall Street, Inc., applicant and owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises 160-13 to 160-21 Archer avenue, north side, 110 ft. west of Union Hall street (Block No. 1051, Lot No. 150), Jamaica, Borough of Queens.

CAL. NO. 166-37-BZ—Application, April 13, 1937, under section 7h of the building zone resolution, of Mary B. Roberts, applicant and lessee, on behalf of Lawida Corporation, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the use of a plot of ground for the parking and storage of more than five (5) motor vehicles and, also, for used car sales; premises 4485-4519 Broadway, northwest corner of West 192nd street (Block No. 2180, Lot Nos. 633, 635 and part of Lot No. 646), Borough of Manhattan.

CAL. NO. 366-37-BZ—Application, July 15, 1937, under sections 7h and 21 of the building zone resolution, of F. Oscar Larsen, applicant and lessee, on behalf of Queens boro Investing Company and Jackson Avenue Corporation, owners, to permit partly in a business use district and partly in a residence use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 37-05 75th street, 37-04 76th street and 75-10 37th avenue, south side, between 75th street and 76th street (Block No. 465, Lot Nos. 30, 31, 35, 38, 40 and 42), Jackson Heights, Borough of Queens.

CAL. NO. 429-37-BZ—Application, September 2, 1937, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Morris Roth, owner, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station; premises 47-11 108th street and 108-09 48th avenue, northeast corner (Block No. 2003, Lot No. 84), Corona, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 15, 1938, 2 P. M.

Appeal from Administrative Order

22-38-A—146-148 East 56th street, south side, 145 ft. east of Lexington avenue (Block No. 1310, Lot No. 47), Borough of Manhattan.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution *Tuesday afternoon, February* 15, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 164-37-BZ—Application, April 8, 1937, under section 7h of the building zone resolution, of Charles Hoffman, applicant and lessee, on behalf of Bessie Greenwald, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 9716-9718 Church avenue, south side, 72 ft. 6½ in. west of East 98th street (Block No. 4718, Lot Nos. 41 and 42), Borough of Brooklyn.

CAL. NO. 575-32-BZ—Application of Wood and Marshall, applicants, on behalf of Suburban Maintenance Service Corporation, owner, reopened January 11, 1938 for consideration as to extension of permit —re Application, granted on condition, under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station for a temporary period; premises southeast corner of Merrick road and 242nd street (Block No. 3645, Lot No. 19), Rosedale, Borough of Queens.

CAL. NO. 207-37-BZ—Application, May 6, 1937, under sections 7g and 21 of the building zone resolution, of Larsen Baking Company, Inc., applicant and owner, to permit in a business use district the conversion of occupancy of an existing building to a garage for more than five (5) motor vehicles; premises 1490 Clove road, southwest corner of Tioga street (Block No. 661, Lot No. 7), West New Brighton, Borough of Richmond.

HARRIS H. MURDOCK, *Chairman.*

CALL OF CLERK'S CALENDAR

MONDAY, FEBRUARY 21, 1938, AT 2 P. M.

Building Zone Cases.

170-37-BZ.

APPLICANT—William R. McVay, for Hermine Corlis, owner.

PREMISES—79-05 Little Neck road, southeast corner of Union turnpike (Block No. 12, Lot Nos. 4, 5 and 6), Floral Park, Borough of Queens.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

348-37-BZ.

APPLICANT—Adam Schliessman (lessee), for Irving Wilson Voorhees, owner.

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PREMISES—77-09 Roosevelt avenue, north side, 100 ft. west of 78th street (Block No. 1288, Lot No. 39A), Jackson Heights, Borough of Queens.
APPLICATION, under section 7h of the building zone resolution,
TO PERMIT, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles.

334-37-BZ.
APPLICANT—L. C. James, for The New York Central Railroad Co., owner.
PREMISES—412-414 Lexington avenue, west side, opposite East 43rd street (Block No. 1280, Lot No. 54), Borough of Manhattan.
APPLICATION, under sections 7h and 21 of the building zone resolution,
TO PERMIT in a business use district the parking and storage of more than five (5) motor vehicles.

496-37-BZ.
APPLICANT—Samuels and Samuels, for Mary E. Dimmerling, Frederick C. Berger and Elsie M. Boesch, owners.
PREMISES—59-17 to 59-25 108th street and 60-01 to 60-03 Penrod street, northeast corner (Block No. 1965, Lot Nos. 54 to 62 inclusive), Corona, Borough of Queens.
APPLICATION, under section 21 of the building zone resolution,
TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

528-37-BZ.
APPLICANT—Jacob Morgenthaler, for Jacob Morgenthaler's Sons, owner.
PREMISES—164-176 Fourth avenue and 334-344 Douglass street, southwest corner (Block No. 420, Lot No. 34 and part of Lot No. 37), Borough of Brooklyn.
APPLICANT, under sections 7c and 21 of the building zone resolution,
TO PERMIT the alteration of a garage for more than five (5) motor vehicles (granted by the Board) by the removal of a portion thereof and the extension over the plot of an existing gasoline service station with the conversion of a portion of the premises to a brake testing station.

FEBRUARY 23, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Wednesday morning, February* 23, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 314-36-BZ—Application, October 23, 1936, under section 21 of the building zone resolution of Margaret Farrell, applicant and lessee, on behalf of Estate of Margaret Rowan, owner ,to permit partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises 619-623 East 163rd street, north side, 60 ft. west of Cauldwell avenue and 606-608 Teasdale place (Block No. 2621, Lot Nos. 29, 30, 31, 18 and 20), Borough of The Bronx.

CAL. NO. 430-37-BZ—Application, September 2, 1937, under sections 7b, 7c and 21 of the building zone resolution, of Goelet Realty Company, applicant and lessee, on behalf of Robert Walton Goelet, owner, to permit partly in a retail use district and partly in a restricted retail use district the erection and maintenance of a motion picture theatre; premises 384-390 Park avenue and 51-67 East 53rd street, northwest corner (Block No. 1289, Lot No. 36), Borough of Manhattan.

CAL. NO. 119-37-BZ—Application, March 18, 1937, under section 7h of the building zone resolution, of Arthur W. Renander, applicant, on behalf of William J. Jung and Florence V. Jung, owners of Lot Nos. 30 and 32, and Frederick W. Erdtmann, receiver for Nathaniel C. Hendrickson, et al., owners of Lot No. 61, to permit in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises 89-17 to 89-27 162nd street, east side, 190.70 ft. south of 89th (Shelton) avenue and 89-26 to 89-30 163rd street, west side, 242.27 ft. south of 89th (Shelton) avenue (Block No. 836, Lot Nos. 30, 32 and 61), Jamaica, Borough of Queens.

CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent, applicants, on behalf of Maude B. Mowry, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

CAL. NO. 1218-22-BZ—Application of Horace V. Shick, applicant, on behalf of General Cigar Co., Inc., owner, reopened under new proposal July 7, 1937, under sections 7e and 21 of the building zone resolution, to permit in a business use district the conversion of occupancy of a private garage for fifteen (15) motor vehicles — owners only — (previously granted by this Board) to a public garage for more than five (5) motor vehicles and motor vehicle repair shop on a street between two (2) intersecting streets in which portion there exists an entrance to a public school; premises 36-40 Stone avenue and 305-313 MacDougal street, northwest corner (Block No. 1528, Lot No. 44), Borough of Brooklyn.

CAL. NO. 383-37-BZ—Application, July 29, 1937, under sections 7c and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Estate of A. J. Sweeney, owner, to permit in a business use district the alteration and extension of an existing garage for more than five (5) motor vehicles; the

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inclusion of a gasoline station in part of the existing garage and its extension across the entire Clarendon road front of the lot; premises 2178-2188 Clarendon road, south side, 100 ft. east of Flatbush avenue (Block No. 5187, Lot Nos. 14, 16 and 114), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 25, 1938, 2 P. M.

SPECIAL MEETING.

Rules

1-38-SR—Proposed Rules for Fusion Welding.

MARCH 1, 1938, 10 A. M.

Building Zone Application

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, March* 1, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 339-37-BZ—Application, July 1, 1937, under section 21 of the building zone resolution, of Lawrence M. Rothman, applicant, on behalf of Patsy Perro, owner, to permit in a business use district the conversion of occupancy of a building occupied as garage for five (5) motor vehicles, stores, club rooms and offices so as to use the garage portion as a garage for more than five (5) motor vehicles and motor vehicle repair shop; premises 635-637 Morris Park avenue, west side, 35.9 ft. south of Unionport road (Block No. 4011, Lot No. 23), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MARCH 1, 1938, 2 P. M.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, March* 1, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 120-33-BZ—Application of Eadie, Nunley and Eadie, applicants, on behalf of Harry Hugger, owner, reopened and restored to the calendar May 4, 1937, under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a motor vehicle repair shop, and, also, a gasoline service station (previously dismissed for lack of prosecution); premises 2030 Hylan boulevard, southwest corner of Hamden avenue (Block No. 3688, Lot No. 9), Grant City, Borough of Richmond.

HARRIS H. MURDOCK, *Chairman.*

MARCH 15, 1938, 2 P. M.

Appeal from Administration Order

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, FEBRUARY 1, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

164-37-BZ.

APPLICANT—Charles Hoffman (lessee), for Bessie Greenwald, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—9716-9718 Church avenue, south side, 76 ft. 6½ in. west of East 98th street (Block No. 4718, Lot Nos. 41 and 42), Borough of Brooklyn.

APPEARANCES—

For Applicant: Abraham Brodsky and Charles Hoffman.

For Opposition: Jerome N. Wanshel, Hyman Joondeph and Irving Lederman.

ACTION OF BOARD—Laid over to February 15, 1938 at 2 P. M., for report of committee. No further argument.

89-37-BZ.

APPLICANT—Lama and Proskauer, for Sam Kupferman, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—2209 Mott avenue and 1147 Regina boulevard, southwest corner (Block No. 218, Lot No. 45), Far Rockaway, Borough of Queens.

APPEARANCES—

For Applicant: Joseph J. Bernstein.

For Opposition: Sidney S. Hein, John Reilly and Henry S. Manheimer.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Absent 0

MINUTES

THE RESOLUTION—

(89-37-BZ)

WHEREAS, Lama and Proskauer, for Sam Kupferman, owner, filed March 6, 1937 an application under the building zone resolution to permit in a business use district the erection and maintenance of a gasoline service station; Premises: 2209 Mott avenue and 1147 Regina boulevard, southwest corner (Block No. 218, Lot No. 45), Far Rockaway, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Regina boulevard is a business use district; Mott avenue is a business and unrestricted use district; Regina avenue is a business and unrestricted use district and Grassmere Terrace is a business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered February 11, 1937, re App. No. 6292-37, reads:

"The erection of a gasoline service station in a business district is contrary to Art. 2, Sec. 4 of the zoning law."

and

WHEREAS, The premises consist of a plot of ground having a frontage of 98 ft. on Regina boulevard and 97.8 ft. on Mott avenue; it is proposed to remove the two-story frame dwelling now on the site and to erect thereon a one-story building, 72 ft. by 22 ft. 6 in., in area, to be used as office, auto laundry and lubritorium and, also, to install the necessary tanks and pumps for a gasoline service station; and

WHEREAS, the board deemed that the applicant had failed to establish his basis of hardship and practical difficulties under section 21 of the building zone resolution and was therefore not entitled to relief.

Resolved, that the decision of the commissioner of buildings be and it hereby is *amended,* and that the application be and it hereby is *denied.*

134-37-BZ.

APPLICANT—Isidor Herman (lessee), for Annie Chutick, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—1043-1053 Winthrop street, northwest corner of East 93rd street (Block No. 4612, Lot No. 43), Borough of Brooklyn.

APPEARANCES—

For Applicant: Abraham Brodsky and Isidore Herman.

For Opposition: Louis A. Breier, Jerome N. Wanshel, Paul Edelstein and Levi Shapiro.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(134-37-BZ)

WHEREAS, Isidore Herman (lessee), for Annie Chutick, owner, filed March 19, 1937, an application under the building zone resolution to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; Premises: 1043-1053 Winthrop street, northeast corner of East 93rd street (Block No. 4612, Lot No. 43), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Winthrop street is in a business and residence use district; East 93rd street is a residence and business use district and East 94th street is a residence and business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered December 11, 1937, re App. No. 2172-1937, reads:

"Proposed parking and storage of more than five motor vehicles in a business use district is contrary to Art. II, Sect. 4a of the building zone resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 100 ft. on Winthrop street and 100 ft. on East 93rd street, it is proposed to occupy the plot for parking and storage of more than five motor vehicles for a temporary period of not more than two (2) years; and

WHEREAS, the board deemed that its discretion to grant under the provisions of section 7 subdivision H of the building zone resolution should not be exercised in this application.

Resolved, that the decision of the commissioner of buildings be and it hereby is *amended,* and that the application be and it hereby is *denied.*

444-37-BZ.

APPLICANT—T. R. Galloway, for New York and Queens Electric Light and Power Company, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7-H of the building zone resolution, to permit in a business use district the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—136-20 to 136-26 39th avenue (Locust avenue), south side, 184.934 ft. east of Main street and 136-19 to 136-25 Roosevelt avenue, north side, 175 ft. east of Main street (Block No. 4980, Lot No. 11), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: T. R. Galloway, T. R. Eilenberg.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(444-37-BZ)

WHEREAS, T. R. Galloway, for New York and Queens Electric Light & Power Company, owner, filed July 15, 1937 an application under the building zone resolution to permit in a business use district the parking and storage of more than five (5) motor vehicles; Premises: 136-20 to 136-26 39th avenue (Locust) south side, 184.934 feet east of Main street and 136-19 to 136-25 Roosevelt avenue, north side, 175 ft. east of Main street (Block No. 4980, Lot No. 11), Flushing, Borough of Queens, and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 39th avenue is in a business use district; Roosevelt avenue is in a business use district; and Main street is in a business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered August 23, 1937, reads:

"Responding to your application of the 5th inst. for issuance of certificate of occupancy to cover use of premises known as 136-21 Roosevelt avenue, Borough

of Queens, for parking and storage of more than five cars in rear yard of office buildings required to carry on company business, be advised that such application is hereby DENIED, as this location is situated in a Business District, and such use would be contrary to subdivision 15, section 4, of the building zone resolution of the City of New York."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 77.7 feet on Roosevelt avenue, 77.7 feet on 39th avenue, and a depth of 176 feet. Upon the Roosevelt avenue front of the plot there is located a 4-story showroom and office building of the N. Y. and Queens Electric Light & Power Co.; It is proposed to use the vacant portion of the plot 77.7 feet by approximately 60 feet, facing on 39th avenue for parking and storage of more than 5 motor vehicles owned or operated by employees of the Company; and

WHEREAS, the board deemed that this was a proper case for the exercise of its discretion under section 7, subdivision H of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-H thereof for a period of two years from the date of this action, permitting the vacant portion of the premises under appeal to be used for transient parking, only so long as the plot shall remain in the ownership of the New York and Queens Electric Light and Power Company and shall be used solely for the transient parking of automobiles belonging to their employees and tenants in their building without any fee charged for same; that during the time the permit is in effect, the premises shall be used for no other purpose; that substantial wire fences and brick walls, as indicated on plans and photographs filed with this application, shall be maintained on the interior lot lines and on the street line with only one entrance to this plot from 39th avenue, not exceeding 20 feet in width; that the plot shall be surfaced with crushed bluestone, properly rolled and bound so as to provide surface drainage and to prevent dusting; that no signs shall be erected on this parking lot; that all permits required shall be obtained within one month from the date of this action.

483-37-BZ.

APPLICANT—Thomas W. Lamb, Inc., for 167 West 53rd Street Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7e of the building zone resolution, to permit on a plot located partly in a retail use district and partly in a business use district the erection of a building to be occupied as stores and garage for the parking and storage of more than five (5) motor vehicles and a vacant portion at the rear occupied for open air parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—821-825 Seventh avenue, 159-167 West 53rd street, northeast corner and 158 West 54th street (Block No. 1006, Lot Nos. 1, 2, 3, 4, and 5), Borough of Manhattan.

APPEARANCES—

For Applicant: Harry J. Williams and John J. McNamara.

For Opposition: Benjamin Millstein, C. T. McDermott and Walter Tighe.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(483-37-BZ)

WHEREAS, Thomas W. Lamb, Inc., for 167 West 53rd Street Corporation, owner, filed October 13, 1937, an application under the building zone resolution to permit in a plot located partly in a retail use district and partly in a business use district the erection of a building to be occupied as stores and garage for the parking and storage of more than five (5) motor vehicles and a vacant portion at the rear occupied for open air parking and storage of more than five motor vehicles; Premises: 821-825 Seventh avenue, 159-167 West 53rd street, northeast corner and 158 West 54th street (Block No. 1006, Lot Nos. 1, 2, 3, 4 and 5), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Seventh avenue is a retail use district; West 53rd street is a business and retail use district; and West 54th street is a business and retail use district; and

WHEREAS, the decision of the commissioner of buildings, rendered January 7, 1938 N. B. App. No. 180-37, reads:

"2. Garage and storage of parking of more than 5 cars is contrary to Art. 2, Sect. 4a subdiv. 15 of zone resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 100.5 feet on Seventh avenue and 175 feet on West 53rd street. The west portion of the plot for a depth of 100 ft. is located in a retail use district and the east portion of the plot for a distance of 75 feet is located in a business use district. It is proposed to erect upon the plot a one-story and basement fireproof structure, 100 ft. 5 in. by 155 ft. in area. The first story to be used as four stores and storage and parking of more than five (5) motor vehicles; the basement story to be used as storage space for the stores and storage room and also for parking and storage of more than five (5) motor vehicles; the roof to be used for parking and storage of more than five (5) motor vehicles. The easterly 20 ft. of the plot to be used for parking and storage of more than five (5) motor vehicles; and

WHEREAS, the board deemed that this was a proper case in which to exercise its discretion under section 7, subdivision E of the building zone resolution, as the applicant filed documentary proof of the existence of garages for more than five motor vehicles or stables for more than five horses converted to garages and which existed prior to July 25, 1916; and

WHEREAS, the premises and area have been inspected prior to the hearing by a committee of the board; and

WHEREAS, the board deemed that the proposed building will be an improvement over the present illegal parking use and will also help to provide off street parking facilities.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-E thereof, to permit the erection of the proposed store and garage building, substantially as indicated on revised plans filed with this application marked "Received January 10, 1938," *on condition* that no entrance or exit to the garage portion of the building shall be from Seventh avenue; that there shall be no storage of gasoline on the premises other than in the tanks of the cars; that the building shall be of fireproof construction and shall comply in all other respects with all laws, ordinances and rules applying to the use and occupancy thereof; that the roof may be used for the parking of cars; that the building shall not be otherwise increased in height or area; that no signs advertising the garage use shall be exhibited on Seventh avenue except that such sign may be exhibited at the corner of Seventh avenue and West 53d street, directing customers to the entrance; that no other sign advertising the garage use shall be exhibited except at the entrance of the garage and that there shall be no roof signs constructed; that no entrance or exit from this ga-

rage shall be made through the lot owned by the same owner at No. 2 West 54th street, and that all permits shall be obtained and all work completed within one year from the date of this resolution.

106-37-BZ.

APPLICANT—Arthur W. Renander, for Abraham D. Van Siclen, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles.

PREMISES AFFECTED—89-17 to 89-19 165th street, east side and 89-18 to 89-20 166th street, west side, 150 ft. south of 89th avenue (Shelton avenue); (Block No. 866, Lot No. 83), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Arthur W. Renander.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(106-37-BZ)

WHEREAS, Arthur W. Renander, for Abraham D. Van-Siclen, owner, filed March 12, 1937, an application under the building zone resolution to permit in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; Premises: 89-17 to 89-19 165th street, east side, and 89-18 to 89-20 166th street, west side, 150 ft. south of 89th Avenue (Shelton avenue); (Block No. 866, Lot No. 83), Jamaica, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 165th street is in a business and residence use district; 166th street is a business and residence use district; 89th (Shelton) avenue is in a residence use district and 90th avenue is a business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered February 19, 1937, reads:

"Your request for a certificate of occupancy to use premises on the east side of 165th street, 149.81 ft. south of Shelton avenue, Jamaica, for parking cars, is hereby DENIED, as said premises are in a business zone, and, therefore, such use would be in violation of subdivision 15, section 4, of the building zone resolution of the City of New York."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 50 ft. on 166th street, 50 ft. on 165th street and a depth of 217 ft. It is proposed to use the lot for parking of more than five (5) motor vehicles for a temporary period of not more than two years; and

WHEREAS, the board deemed that this was a proper case in which to exercise its discretion under section 7, subdivision H of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-H thereof for a period of two years from the date of this action, permitting the plot under appeal to be used solely for transient parking of more than five (5) cars; *on condition* that the plot shall not be used for the storage of automobiles or any other use during the period of this variance; that the plot shall be levelled generally to the grade of 165th and 166th streets and surfaced with steam cinders or other suitable material, properly rolled and bound to prevent dusting and to provide surface drainage; that there shall be erected on the interior lot lines; a substantial woven wire fence not less than 6 ft. in height; that a similar fence shall be erected on street building lines on both 165th and 166th streets with not over one opening to each street, each such opening not to exceed twenty (20) feet in width with curb cuts opposite of similar width; that no building shall be erected on the premises during the term of this variance, except there may be erected at either end of the plot, a small building for the attendant not exceeding 100 square feet in area and not over one story in height; that no signs shall be erected on the premises other than a neat sign at each entrance, advertising the transient parking use and the rates charged; that any lighting installed for general illumination shall be so arranged as to reflect toward the centre of the plot and away from adjoining occupancies; that such portable fire fighting appliances shall be installed as the commissioner shall direct; that all permits shall be obtained and all work completed within one year from the date of this action.

Adjourned, 1:00 P. M.

EDWARD V. BARTON, Chief Clerk.

NOTICE

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication in this BULLETIN of the calendars of the board, each case being set down by Calendar Number and premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the offices of the board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the board is to dispose of all cases promptly, for the reason that the pendancy of an appeal or application ties the hands of the administrative official in enforcing his order; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, FEBRUARY 1, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the Special Meeting of the board held on Friday morning, January 21, 1938; the minutes of the regular meeting of the board held on Tuesday morning, January 25, 1938 and the minutes of the regular meeting of the board held on Tuesday afternoon, January 25, 1938, were approved as printed in Bulletin No. 5, Volume XXIII.

BUILDING ZONE CASES

120-33-BZ.

APPLICANT—Eadie Nunley and Eadie, for Harry Hugger, owner.

SUBJECT—Application reopened and restored to calendar on May 4, 1937 re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a motor vehicle repair shop, and also, a gasoline service station (previously dismissed for lack of prosecution).

PREMISES AFFECTED—2030 Hylan boulevard, southwest corner of Hamden avenue (Block No. 3688, Lot No. 9), Grant City, Borough of Richmond.

APPEARANCES—

For Applicant: M. L. Rosenholz and Harry Hugger.

For Opposition: None.

ACTION OF BOARD—Laid over to March 1, 1938 at 2 P. M., applicant to submit plans as specified in report of committee of inspection.

575-32-BZ.

APPLICANT—Wood and Marshall, for Suburban Maintenance Service Corporation, owner.

SUBJECT—Application reopened January 11, 1938, for consideration as to extension of permit—re application (decision of the superintendent of buildings) granted on condition, under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station for a temporary period.

PREMISES AFFECTED—Southeast corner of Merrick road and 242nd street (Block No. 3645, Lot No. 19), Rosedale, Borough of Queens.

APPEARANCES—

For Applicant: Clifford B. Marshall.

For Opposition: None.

ACTION OF BOARD—Laid over to February 15, 1938, at 2 P. M., applicant to submit further information to board as to compliance of previous resolution.

207-37-BZ.

APPLICANT—Larsen Baking Company, Inc., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7g and 21 of the building zone resolution, to permit in a business use district the conversion of occupancy of an existing building to a garage for more than five (5) motor vehicles.

PREMISES AFFECTED — 1490 Clove road, southwest corner of Tioga street (Block No. 661, Lot No. 7), West New Brighton, Borough of Richmond.

APPEARANCES—

For Applicant: John J. Kelly.

For Opposition: Frank Kamer.

ACTION OF BOARD—Laid over to February 15, 1938, at 2 P. M., on request of attorney for opposition.

458-37-BZ.

APPLICANT—Lama and Proskauer, for East Brooklyn Savings Bank, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7c and 21 of the building zone resolution, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a building to be used as a garage for more than five (5) motor vehicles and a motor vehicle repair shop and also the establishment of a gasoline service station.

PREMISES AFFECTED—374-386 Willoughby avenue and 903-907 Bedford avenue, southeast corner (Block No. 1762, Lot Nos. 32 and 36), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: Sidney H. Gittelson, and Louis Barnett.

ACTION OF BOARD—Laid over to February 8, 1938, at 2 P. M., for further consideration by board.

60-37-BZ.

APPLICANT—Philip T. Coffey, owner.

SUBJECT—Application for reopening — consideration re restoration to calendar re application (decision of the commissioner of buildings) under sections 7h and 21 of the building zone resolution, to permit partly in a business use and partly in a residence use district the parking of more than five (5) motor vehicles.

PREMISES AFFECTED—32-05 Newtown avenue, northwest corner of 33rd street (Block No. 619, Lot Nos. 1, 73, 74 and 75), Astoria, Borough of Queens.

APPEARANCES—

For Applicant: P. Coffey.

For Opposition: Samuel A. Zour.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

51-30-BZ.

APPLICANT—Austin W. Magee, for Seminole Garage, Inc., lessee (Cord Meyer Development Co., owner).

SUBJECT—Application reopened January 18, 1938 for consideration as to amendment of resolution as to signs—re application (decision of the superintendent of buildings) granted on condition, under sections 7g and 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles and, also, the installation of a gasoline service station.

PREMISES AFFECTED—112-01 to 112-09 Queens boulevard, 75-01 to 75-09 112th street (Seminole avenue), northeast corner and 112-16 to 112-40 75th avenue (Atom street); (Block No. 1363, Lot No. 79), Forest Hills, Borough of Queens.

APPEARANCES—

For Applicant: Austin W. Magee.

For Opposition: None.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

MINUTES

THE RESOLUTION—

(51-30-BZ)

WHEREAS, this application affecting premises 112-01 to 112-09 Queens boulevard, 75-01 to 75-09 112th street (Seminole avenue) and 112-16 to 112-40 75th avenue (Atom street) (Block No. 1363, Lot No. 79), Forest Hills, Borough of Queens, was granted by the board April 8, 1930, on certain conditions, resolution amended April 6, 1937 and May 11, 1937 and owner requested a further amendment of the resolution; and

WHEREAS, this application was reopened by vote of the board January 18, 1938 and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting February 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the resolution adopted by the board on April 8, 1930, be and it hereby is *amended,* only so far as it has reference to openings to the street and as to signs, so that as amended the resolution will read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted on condition* that the building shall not exceed in height four stories above grade and shall be constructed fireproof, substantially in accordance with the plans, as to design, plan and layout, filed in this appeal; that the exterior of the building on all sides shall be finished with light-colored face brick with dark-colored face brick trim, architectural terra cotta or natural stone trim; that there shall be no vehicular opening on the 75th street frontage; that any door openings on the 75th street front shall not exceed a width of 3 ft. 8 in.; that no gasoline pumps shall be installed within 10 ft. of any street building line; that there shall be incorporated on the building line at street frontage a concrete curb not less than 12 in. in width and not less than 5 in. in height with rounded top for a distance of not less than 5 ft. from the southerly interior line and for a length of not less than 8 ft. opposite each of the pump islands, permitting the three entrances to the premises not more than 25 ft. in width from Queens boulevard and one entrance not more than 30 ft. in width from Seminole avenue, with curb cuts opposite each such opening not exceeding 35 ft. in width each; that advertising display shall be restricted to the glass globes of the gasoline pumps and to a flat wall sign attached to *that portion of the building used as a garage and to* one electric sign on the roof over the garage entrance *and signs on the street front of the portion of the building used for restaurant purposes as permitted under Cal. No.* 31-38-A-WF; and *also permitting* one post standard erected within the building line toward the easterly side, near the easterly interior lot line, for supporting a sign that may be illuminated, advertising solely the brand of gasoline for sale.

42-32-BZ.

APPLICANT—Samuel L. Schwartz, owner.

SUBJECT—Application reopened January 11, 1938 for consideration as to extension of permit—re application (decision of the superintendent of buildings) granted on condition, under section 7f of the building zone resolution, permitting in a residence district the erection and maintenance of a gasoline service station for a temporary period.

PREMISES AFFECTED — 2263-2273 Linden boulevard, northwest corner of Elton street (Block No. 4336, Lot No. 21), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel L. Schwartz.

For Opposition: None.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(42-32-BZ)

WHEREAS, this application affecting premises 2263-2273 Linden boulevard, northwest corner of Elton street (Block No. 4336, Lot No. 21), Borough of Brooklyn, was granted by the board May 6, 1932, on certain conditions, period extended January 28, 1936, and owner requested an amendment of the resolution; and

WHEREAS, this application was reopened by vote of the board January 11, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on May 6, 1932, so that as amended the resolution shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted under section 7, subdivision F for a period of two years from May* 6, 1938, *on condition* that any pumps will be set back at least 10 ft. from the building line of Linden boulevard and Elton street; that any entrance to gasoline station shall be confined to Linden boulevard frontage; that there shall be not more than two entrances, each not more than 12 ft. wide, with curb cuts not more than 14 ft. each; that any building erected on the premises shall be confined to one story in height, used as an office or accessory use to gasoline service station conducted on the premises; that no portable gasoline tanks shall be operated or maintained on or from the premises; further, that this shall not be used as a basis for a permanent permit for a gasoline station or for a non-conforming use on these premises; that any advertising signs advertising non-conforming use (gasoline station) shall be confined to the electric globes of the pumps or facade of the buildings erected on the premises, *and to two* (2) *signs which may be illuminated and erected on post standards within the building line excluding any roof signs and temporary signs,* and that all permits shall be obtained within three months and any work involved shall be completed within six months from the date of this action."

415-37-BZ.

APPLICANT—Wallace Gordon (lessee), for Beaver Film Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the conversion of occupancy of an existing building to paper stock and baling or a junk business.

PREMISES AFFECTED—215 Liberty avenue, northwest corner of Magnolia avenue (Block No. 3343, Lot Nos. 56 and 59), Dongan Hills, Borough of Richmond.

APPEARANCES—

For Applicant: Wallace Gordon.

For Opposition: Wm. Imhof.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(415-37-BZ)

WHEREAS, Wallace Gordon (lessee), for Beaver Film Corporation, owner, filed August 23, 1937, an application under the building zone resolution to permit in a business use district the conversion of occupancy of an existing building to paper stock and baling or a junk business; premises: 215 Liberty avenue, northwest corner of Magnolia avenue (Block No. 3343, Lot Nos. 56 and 59), Dongan Hills, Borough of Richmond; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Liberty avenue is in a business use district; Magnolia avenue is in a business use district; Seaview avenue is in a business use district and Husson street is in a business use district; and

WHEREAS, the decision of the commissioner of buildings, dated August 17, 1937, reads:

"Your application Alteration No. 856/1937 filed August 7, 1937, to change the occupancy of premises 215 Liberty avenue, Dongan Hills, Borough of Richmond to paper stock and baling or a junk business is hereby denied, it being contrary to Zoning Resolution Sec. 4(a) (20) to occupy a building in a business use district for 'paper stock and baling or a junk business.'"

and

WHEREAS, the building is of frame construction one story in height, with a frontage of 70 ft. and a depth of 45 ft., to be occupied for paper stock and baling or as a junk business; and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board, report of which inspection was read at this hearing, and which report follows:

REPORT OF COMMITTEE

Cal. No. 415-37-BZ.

Premises: 215 Liberty avenue, northwest corner of Magnolia avenue (Block No. 3343, Lot Nos. 56 and 59), Dongan Hills, Borough of Richmond.

January 28, 1938.

Application under section 21 is for a zoning variance to permit a frame building in a business use district formerly used as a motion picture studio as a junk shop. The building has been untenanted since 1929. The premises have been inspected by a committee of the board. The area is sparsely settled, but what buildings there are in the area, other than this building under appeal, are private dwellings. There is no justification for the present zoning. The area should be zoned for residence use and it is apparent that there will be no business development. The owner's difficulties are financial due to an excessive mortgage and a specialty building not readily adaptable to business uses. It is now a fire menace to adjoining properties and would become more so if the proposed use were permitted. While the committee realizes the difficulties, it is recommended that the application be denied because of the deteriorating influence and menace that the type of business proposed would cause to adjacent properties.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
PATRICK WALSH,
Committee.

and

WHEREAS, the board deemed that the applicant did not substantiate his basis of appeal under section 21 of the building zone resolution, practical difficulties and unnecessary hardship; and was not entitled to relief.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

161-34-BZ.

APPLICANT—Patrick Quilty, Acting Chief Engineer, Department of Water Supply, Gas and Electricity, for City of New York, owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the commissioner of buildings) under sections 7e and 21 of the building zone resolution, permitting in a business use district the change of occupancy of an existing stable for more than five (5) horses to a garage for more than five (5) motor vehicles with a cost of more than fifty per cent (50%) of the value of the building above the foundation.

PREMISES AFFECTED—60-62 West 133rd street, south side, 185 ft. east of Lenox avenue (Block No. 1730, Lot No. 63), Borough of Manhattan.

APPEARANCES—

For Applicant: Samuel Tudenfreund.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(161-34-BZ)

WHEREAS, Patrick Quilty, Acting Chief Engineer of the Department of Water Supply, Gas and Electricity, for The City of New York, owner, filed June 13, 1934, an application under the building zone resolution to permit in a business district the change of occupancy of an existing stable for more than five (5) horses to a garage for more than five (5) motor vehicles with a cost of more than fifty per cent (50%) of the value of the building above the foundation; premises; 60-62 West 133rd street (Block No. 1730, Lot No. 63), Borough of Manhattan; and

WHEREAS, this application was granted by the board July 10, 1934 on certain conditions and applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of July 10, 1934, so that as amended it will read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under sections 7e and 21 of the building zone resolution, permitting the ground floor only to be used as a garage for more than five motor vehicles, solely for automobiles of the New York City Department of Water Supply, Gas and Electricity, *on condition* that this building shall be used for no further non-conforming uses and shall not be increased in height or area; that this variation shall continue only so long as the building is owned by the City of New York and occupied by the Department of Water Supply, Gas and Electricity and the Department of Sanitation: that the portion of the building to be occupied by the garage shall comply with all requirements applicable thereto."

APPEALS FROM ADMINISTRATIVE ORDERS

439-37-A.

APPLICANT—Montgomery Ward & Co., Inc., owner.

MINUTES

SUBJECT—Appeal from an order and a decision of the fire commissioner.
PREMISES AFFECTED—150-18 Jamaica avenue, southwest corner of 151st street (Block No. 1044, Lot No. 6), Jamaica, Borough of Queens.
APPEARANCES—
For Applicant: Arthur L. Kraut.
For Administration: Inspector Meyer, Fire Dept.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(439-37-A)

WHEREAS, Montgomery Ward & Co., Inc., applicant and owner, filed on September 10, 1937, an appeal from an order and a decision of the fire commissioner, dated June 16, 1937, relating to premises 150-18 Jamaica avenue, southwest corner of 151 street (Block No. 1044, Lot No. 6), Jamaica, Borough of Queens; and

WHEREAS, the order of the fire commissioner, No. 71542-LC, dated June 16, 1937, reads as follows:

"An inspection of your refrigerating system located at the above premises shows that the following must be done to conform with fire department regulations:

'1. Either remove the refrigerating chemical from each refrigerating system or provide tight partitions with close-fitting self-closing doors for each room where such system is offered for sale or use or demonstrating purposes.'"

and

WHEREAS, the decision of the fire commissioner, dated August 5, 1937, reads

"In answer to your request please be advised that this department does not rescind an order and reissue it so that it may be taken to the Board of Standards and Appeals when you have exceeded the time limit in which to file your appeal.

However, we have been advised that the Board of Standards and Appeals will accept a letter from this department as the basis for an appeal. For that purpose, this communication is forwarded and will certify that Order No. 71542-LC was issued against Montgomery Ward & Company, Inc., of 151st street and Jamaica avenue, Jamaica, Queens, and reads as follows:

'1. Either remove the refrigerating chemical from each refrigerating system, or provide tight partitions with close fitting self-closing doors for each room wherein such system is offered for sale or use or demonstrating purpose.'"

and

WHEREAS, the building is five stories and basement in height, 125 ft. by 180 ft. in area, of non-fireproof construction, located in a business use district; erected in 1931; occupied as follows: cellar—salesroom, 35 persons; 1st floor—salesroom, 31 persons; 2nd floor—salesroom, 22 persons; 3rd floor—salesroom and office, 35 persons; 4th floor—stockroom and delivery, 38 persons; 5th floor—stockroom, receiving and office, 37 persons, for which Certificate of Occupancy No. 45628 was issued March 30, 1931; and

WHEREAS, the following refrigerators are kept on the premises: basement story—9 refrigerators, 2 of which are in operation; 3 refrigerators contain 25 oz. each of sulphur-dioxide; 4 refrigerators contain 25 oz. each of freone; 2 refrigerators contain 25 oz. each of methol-chloride; on the 4th floor there are 24 refrigerators, each containing 25 oz. of refrigerant. The refrigerant used is either sulphur dioxide, freone or methyl chloride; and

WHEREAS, the applicant contends that in making his order, the commissioner purposes to act under the provisions of section 220, subdivision 1(a) of chapter 10 of the Code of Ordinances, which subdivision provides for vapor-tight self-closing doors for "refrigerating machinery rooms in which an irritant refrigerant is used" and has no application;

"1. This provision shall not apply to a system containing less than six (6) pounds of refrigerant."—

that all the refrigerators on demonstration in appellant's store fall within this exception.

2. Section 220, subdivision 1 (a) refers only to "refrigerating machinery rooms in which an irritant refrigerant is used." The sales floor of a department store in which such refrigerators are on exhibition (only a few of which are even connected for demonstration purposes) cannot in any proper sense be called a refrigerating machinery room. The ordinance clearly refers to a room devoted to refrigeration where one refrigerating machinery is maintained for use.

3. The ordinance has no application to the ordinary domestic refrigerating box, especially where it is merely exhibited for sale. The experience of department stores over many years in which refrigerators have been demonstrated shows that there is no practical danger. To remove the refrigerant from all the machines would be destructive in the case of the hermetically sealed machines and in any event would render it impossible to demonstrate the actual use of the machines and of the various appliances sold in connection with them, thus resulting in a great reduction in sales. The expense of building vapor-tight self-closing doors, separating each floor of the department store, would be prohibitive. Self-closing vapor-tight doors are impracticable. Under these circumstances even if under the strict letter of the law, section 220 could be construed as applicable, the board should allow a modification where ordinary domestic refrigerators are merely exhibited for sale.

Resolved, that the order of the fire commissioner, No. 71542-LC, be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that any storage of parts or of recharging cylinders not exceeding 20 lbs. containing sulphur-dioxide, freone or other refrigerant and repair work shall be limited to the 5th or top floor of the building in the portion now used for storage, separated from the office portion by fireproof walls with self-closing doors; that such storage and repairing shall be in the space between columns 6 to 7 and A to B as indicated on plans filed with this appeal; that the refrigerators displayed shall be of the household type and shall be restricted to the space in the basement away from the elevators and stairways and shall be limited to one type of refrigerator of each size; that the ventilating system of the building shall be maintained in working condition, satisfactory to the administrative official.

31-38-A-WF.
APPLICANT—Austin W. Magee, for Seminole Garage, Inc., lessee and Topsy's Queens Boulevard Corp., sub-lessee; Cord Meyer Development Co., owner.
SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—112-01 to 112-09 Queens boulevard, 75-01 to 75-09 112th street, northeast corner and 112-16 to 112-40 75th avenue (Block No. 1363, Lot No. 79), Forest Hills, Borough of Queens.
APPEARANCES—
For Applicant: Austin W. Magee.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(31-38-A-WF)

WHEREAS, Austin W. Magee, for the Seminole Garage Inc., lessee, and Topsy's Queens Boulevard Corp., sub-les-

see, filed on January 19, 1938, an application pursuant to the resolution adopted by the Board of Estimate and Apportionment on September 27, 1937, regulating the World's Fair District, for the approval of the erection of signs, as described in a decision of the Acting Borough Superintendent, Department of Housing and Buildings, affecting Premises 112-01 to 112-09 Queens boulevard, 75-01 to 75-09 112th street and 112-16 to 112-40 75th avenue (Block No. 1363, Lot No. 79), Forest Hills, Borough of Queens; and

WHEREAS, the decision of the Acting Borough Superintendent, on Application No. 9983-37, dated January 3, 1938, reads as follows:

"The erection of a sign exceeding 30 sq. ft. in area within the World's Fair Area is contrary to section 1 and 4 of the World's Fair Resolution. Appeal may be taken to the Board of Standards and Appeals."

and

WHEREAS, the building in question is one story, 18 ft. in height, 73 ft. by 130 ft. in area, of non-fireproof construction; erected in 1930; located in a business use district and occupied as follows: Cellar—garage; 1st floor—garage and restaurant; and

WHEREAS, the building in question was the subject of a variation of the building zone resolution by this board under Cal. No. 51-30-BZ; and

WHEREAS, it is proposed to erect on the 112th street front of the restaurant portion of the building a sign 30 ft. long by 30 in. and 42 in. high, which will read as follows: "FAMOUS TOPSY'S CHICKEN," which will consist of light-green letters on a dark-green background with yellow and green neon tube illumination; and on the south wall of the restaurant portion of the premises a sign 11 ft. 6 in. by 2 ft. 6 in. in area, of the same type, reading: "TOPSY'S"; and

WHEREAS, the applicant contends that the restaurant business conducted in that portion of the building, on which the signs are proposed to be erected, is a legal occupancy in a business use district; that the sign on the 112th street front will face toward the apartment center of Forest Hills and the east-bound, Queens boulevard traffic, and the smaller sign, which will be located on the south wall, will face toward the apartment center and west-bound, Queens boulevard traffic; that both signs will be distinctive, refined and subdued in character; that inasmuch as the proposed signs are for identification of a restaurant use and will advertise the actual business conducted on the premises, it is contended that the intent of the World's Fair Resolution does not include signs of this type.

Resolved, that the decision of the Acting Borough Superintendent, on Application No. 9983-37, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* permitting the erection of signs as indicated on plans filed with this appeal on that portion of the building to be used as a restaurant and facing on 112th street and also on 75th avenue, *on condition* that in all other respects the signs on the building shall comply with the requirements of the resolution adopted by the board under Cal. No. 51-30-BZ, as amended February, 1938.

610-37-A-WF.

APPLICANT—Austin W. Magee, for Bert Ryan, owner.

SUBJECT—Appeal from decisions of the commissioner of buildings.

PREMISES AFFECTED—125-27 Queens boulevard and 125-03 83rd avenue, northeast corner (Block No. 9653, Lot No. 1), Kew Gardens, Borough of Queens.

APPEARANCES—

For Applicant: Austin W. Magee.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(610-37-A-WF)

WHEREAS, Austin W. Magee, for Bert Ryan, owner, filed on December 22, 1937, an application pursuant to the resolution adopted by the Board of Estimate and Apportionment on September 27, 1937, regulating the World's Fair district, for the approval of the erection of a sign, as described in decisions of the commissioner of buildings, affecting premises No. 125-27 Queens boulevard and 125-03 83rd avenue, northeast corner (Block No. 9653, Lot No. 1), Kew Gardens, Borough of Queens; and

WHEREAS, the decision of the commissioner of buildings, on Application No. 9361-37, dated December 7, 1937, reads as follows:

"The erection of a sign exceeding 30 sq. ft. in area in the World's Fair Area is contrary to sections 1 and 4 of the World's Fair Resolution.

Appeal may be taken to the Board of Standards and Appeals."

and

WHEREAS, the decision of the commissioner of buildings, on Application No. 9362, dated December 15, 1937, reads as follows:

"The erection of a sign exceeding 30 sq. ft. in area in the World's Fair Area is contrary to sections 1 and 4 of the World's Fair Resolution. Appeal may be taken to the Board of Standards and Appeals."

and

WHEREAS, the building in question is 2 stories, 23 ft. in height, 120 ft. 0 in. by 117 ft. 6 in. in area; of non-fireproof construction, erected in 1904, located in a business use district, and occupied as a restaurant and cabaret on the first floor and caretaker's apartment on second floor; and

WHEREAS, it is proposed to erect two (2) signs, 3 ft. by 23 ft. in area, each, one on 83rd avenue and one on Queens boulevard front of the building, 18 ft. 0 in. above grade; the signs will not extend above the parapet; illumination will be by means of red neon tubes in channel letters with a blue neon border; and

WHEREAS, applicant contends that the signs will advertise the name of the business "Ryans"; that due to the location of the signs on the building, one sign facing south, on 83rd avenue, and one facing west, on Queens boulevard facade, these signs will be hidden by the walls of the building in the direction of the World's Fair; that since the signs are to advertise an established business and are not directed to gaining advertising from the World's Fair district, being used to advertise the business conducted upon the premises, they could be allowed without infringing upon the intent of the World's Fair Resolution.

Resolved, that the decision of the commissioner of buildings, on Application No. 9361-37, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* permitting the erection on the facade of the building facing Queens boulevard and 83rd avenue, as indicated on revised plans marked "received February 1, 1938," *on condition* that no additional signs shall be erected other than on the plate glass windows and doors of the restaurant and no roof signs and that signs herein permitted shall be below the parapet of the building.

499-37-A.

APPLICANT—Herman Wolff, for Elco Brush Works, Inc., owner.

SUBJECT—Appeal from an order of the commissioner of buildings.

PREMISES AFFECTED—27-35 Sheriff street and 55 Delancey street, southwest corner (Block No. 337, Lot No. 56), Borough of Manhattan.

APPEARANCES—

For Applicant: Herman Wolff and Benjamin Elfenbein.

For Administration: Inspector Maher, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(499-37-A)

WHEREAS, Herman Wolff, for Elco Brush Works, Inc., owner, filed October 19, 1937, an appeal from an order and a decision of the commissioner of buildings affecting premises 27-35 Sheriff street and 55 Delancey street, southwest corner, (Block No. 337, Lot No. 56), Borough of Manhattan, and

WHEREAS, the order No. 31307-LF, of the commissioner of buildings dated November 27, 1936, reads:

"1. Install an approved automatic sprinkler system throughout the building in accordance with the rules of the Board of Standards and Appeals, section 20, chapter 12, Code of Ordinances."

and

WHEREAS, the decision of the commissioner of buildings, dated October 11, 1937, reads as follows:

"The following is a copy of order requested by you: Order No. 31307-LF, issued November 27, 1936:

'1. Install an approved automatic sprinkler system throughout the building in accordance with the rules of the Board of Standards and Appeals, section 20, chapter 12, Code of Ordinances."

and

WHEREAS, the building in question is 5 stories, 75 feet in height, 87 feet, 6 inches by 100 feet in area of non-fireproof construction, equipped with a sprinkler system, located in an unrestricted use district; erected in 1902 and occupied as—at present since 1932. OCCUPIED as follows: Cellar, boiler room, 1 person; 1st floor, office and paint shipping room, 4 persons; 2nd floor, manufacture of brooms and mops and storage; 2nd floor, manufacturer of underclothing, 15 persons; 3rd floor, manufacturer of white lead and enamel, 2 persons; 4th floor, same, 2 persons; 5th floor, vacant, for which no certificate of occupancy has been issued; and

WHEREAS, the applicant contends the entire building is at present provided with a sprinkler system on all floors and was served until recently with water pressure of the opposite building across the street. This service is now discontinued and in view of proposed condemnation proceedings being contemplated by the City to take over a part or the entire building, it is requested that the owner be temporarily permitted to connect the sprinkler system to the City water main, until the condemnation proceedings are disposed with. To compel the owner to install tanks and pumps would be a hardship and a financial loss to the owner if the property would be partly or wholly condemned; and

WHEREAS, this office was informed by the Commissioner of Public Works, Manhattan, on January 6, 1938, that the plot in question on appeal, included within the proposed lines of the street as shown on the map widening Delancey street, between Suffolk street and Mangin street and laying out a new street south of the Williamsburgh Bridge, between Clinton street and East River Drive, which was submitted to the Board of Estimate and Apportionment for consideration on December 10, 1937, (Cal. No. 155), and until such time as the Board of Estimate approves said map and authorizes proceeding for the acquisition of the property, the commissioner will be unable to advise when the city will vest title.

Resolved, that the order No. 31 of the commissioner of buildings be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that the sprinkler system shall comply with the rules of the Board of Standards and Appeals with a one source street service, provided the pressure at the top outlet is at all times during the day not less than 10 pounds; that the requirements in connection with the resolution adopted by the board under Cal. No. 500-37-S shall be complied with; and that all permits shall be obtained and all work completed within two months from the date of this action.

41-38-A.

APPLICANT—Louis Allen Abramson, for Beth Abraham Home for Incurables, owner.
SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—East side of Barker avenue, 51.69 ft. south of Allerton avenue (Block No. 4428, Lot No. 21), Borough of The Bronx.
APPEARANCES—
For Applicant: L. A. Abramson.
For Administration: M. Harris, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(41-38-A)

WHEREAS, Louis Allen Abramson, for Beth Abraham Home for Incurables, owner, filed January 21, 1938, an appeal from a decision of the acting Borough Superintendent of the Department of Housing and Buildings, affecting premises on the east side of Barker avenue, 51.69 ft. south of Allerton avenue (Block No. 4428, Lot No. 21), Borough of The Bronx; and

WHEREAS, the decision of the Acting Borough Superintendent, dated January 21, 1938, on Application No. 23-1938, reads as follows:

5. Proposed building should be made to conform with all of the provisions of the Multiple Dwelling Law relative to a hereafter erected Class "B" multiple dwelling and be so shown."

and

WHEREAS, the proposed building will be 5 stories, 57 ft. in height, 123 ft. by 31.33 ft. in area, of ordinary brick construction, located in a business use "C" area, 1¼ times height district, to be occupied as follows: Basement—boiler room, storage and recreation, 15 persons; 1st floor—helps' quarters, 16 persons; 2nd to 5th floor inclusive—helps' quarters, 28 persons per story; and

WHEREAS, the applicant contends that the proposed building is not a multiple dwelling; that if the appeal to the superintendent is sustained the building project must of necessity be abandoned as the plot size would not permit yard as required by the Multiple Dwelling Law; that the institution will not rent quarters to the help; the only purpose in erecting this building is to take the help out of the squalid quarters and to house them in a building with the proper air and sanitary facilities; and

WHEREAS, the sole question before the board is whether the proposed building comes within the purview of the Multiple Dwelling Law; and

WHEREAS, the board deemed that the proposed building to be used as dormitory used as a part of the asylum is definitely excluded from the provisions of the Multiple Dwelling Law in section 4, subdivision 3.

Resolved, that the appeal be and it hereby is *granted.*

46-38-A.

APPLICANT—Otto L. Spannhake, for Sabina Teichman, owner.
SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—1921 Davidson avenue, west side, 200 ft. north of West 177th street (Block No. 2862, Lot No. 50), Borough of The Bronx.

MINUTES

APPEARANCES—
For Applicant: Otto L. Spannhake.
For Administration: M. Harris, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—
(46-38-A)

WHEREAS, Otto L. Spannhake, for Sabina Teichman, owner, filed on January 25, 1938, an appeal from a decision of the Acting Borough Superintendent of The Bronx of the department of housing and buildings, affecting premises 1921 Davidson avenue, west side, 200 ft. north of West 177th street (Block No. 2862, Lot No. 50), Borough of The Bronx; and

WHEREAS, the decision of the Acting Borough Superintendent of The Bronx on Alt. App. 460-37, dated January 18, 1938, reads as follows:

"Objection No. 2 not removed:

Installing of fourth apartment in attic is unlawful. See frame enclosing walls of top story. Also see Tenement House Department Item No. 4."

and

WHEREAS, the Tenement House objection No. 4 referred to in the decision of the Acting Borough Superintendent reads as follows:

"The occupancy of the above premises has been increased from three to four apartments by using as a separate apartment, the three rooms on the 4th story formerly used in conjunction with the 3rd story apartment."

and

WHEREAS, the building in question is three stories and attic, 45 feet in height, 20 ft. by 55 ft. in area, of non-fireproof construction, erected in 1908; located in a residence use district and occupied since 1928, as follows: cellar—boiler room, no persons; 1st, 2nd and 3rd stories—one family each story; attic—3 bedrooms occupied by borders; and

WHEREAS, it is proposed to use the attic story as a separate apartment for one family; no certificate of occupancy has been issued; and

WHEREAS, the applicant contends that this appeal is based on the contention that section 56 of the Multiple Dwelling Law is not applicable, in that it only alludes to frame buildings, whereas the structure in question is built of brick. There is no law or ordinance against such change in occupancy; that conditions would be improved, since the three rooms in question were formerly occupied by six or more persons, whereas if the proposed change is granted, the rooms would only have two or three occupants; and

WHEREAS, the board deemed that the provisions of section 56 of the Mutiple Dwelling Law does not apply inasmuch as the portion of the building in question is not part of the enclosure walls but is part of the roof which is permitted to be non-fireproof when the enclosure walls are of brick.

Resolved, that the appeal be and it hereby is *granted* only so far as it relates to the application of section 56 of the Multiple Dwelling Law to this existing heretofore converted dwelling.

365-36-A.
APPLICANT—Moss, Marcus and Wels, for Twin City Shellac Co., Inc., lessee.
SUBJECT—Application for consideration — reopening and amendment—re appeal from an order and a decision of the fire commissioner.
PREMISES AFFECTED—338-340 Flushing avenue, south side, 71 ft. west of Taaffe place (Block No. 1881, Lot No. 33), Borough of Brooklyn.

APPEARANCES—
For Applicant: J. Wels.
For Administration: Inspector Meyer, Fire Dept.
ACTION OF BOARD—Appeal reopened and resolution amended.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—
(365-36-A)

WHEREAS, Twin City Shellac Co., Inc., applicant and lessee, filed on December 2, 1936 an appeal from an order and a decision of the fire commissioner affecting premises 338-340 Flushing avenue, south side 71 ft. west of Taaffe place (Block No. 1881, Lot No. 33), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner (No. 68991-LC), dated September 16, 1936, reads as follows:

"You are hereby notified that an inspection of the above premises, used for the storage of varnish, etc., shows that the following must be done before the permit requested by you can be issued:

FORTHWITH

1. Discontinue the further manufacture of an inflammable mixture "Dan-Dee" Floor Polish in Building No. 340 for the reason that section 201 (e) and 131-2, chapter 10, Code of Ordinances, prohibits the manufacture, storage and sale of dry goods, or other highly inflammable material in the same building where the manufacture, mixing or compounding of paints, varnish, lacquer or shellac is done."

and

WHEREAS, the decision of the fire commissioner dated November 14, 1936, reads as follows:

"In answer to your request, please be advised that this department does not rescind an order and reissue it so that it may be taken to the Board of Standards and Appeals when you have exceeded the time limit in which to file your appeal.

However, we have been advised that the Board of Standards and Appeals will accept a letter from this department as the basis for an appeal. For that purpose, this communication is forwarded and will certify that order No. 68991-LC was issued against Twin City Shellac Co., Inc., and reads as follows:

'1. Discontinue the further manufacture of an inflammable mixture "Dan-Dee" Floor Polish in Building No. 340 for the reason that section 201 (e) and 131-2, chapter 10, Code of Ordinances, prohibits the manufacture, storage and sale of dry goods, or other highly inflammable material in the same building where the manufacture, mixing or compounding of paints, varnish, lacquer or shellac is done.' "

and

WHEREAS, the building in question is of ordinary brick construction, 46 ft. x 60 ft. in area, 2 stories, 24 ft. in height, located in an unrestricted use district and occupied as follows: Cellar, boiler room, no persons; first floor, office and manufacturing of shellac products, 7 persons; second floor, manufacturing of shellac products, 7 persons; and

WHEREAS, it is proposed to continue the use of the premises for the manufacture of shellac products in which the following raw materials will be used:

20 barrels rosin
80 drums denatured alcohol
16,000 pounds spirit soluble gums

10 drums mineral spirits
5,000 pounds wax
5,000 gallons shellac varnish
12,000 gallons imitation shellac varnish
200 gallons varnish remover—FD No. B96757
1 drum commercial castor oil

and

WHEREAS, the applicant contends that applicant has been engaged in the manufacture of shellac for several years and in order to meet competition, has engaged in the manufacture of a so-called floor polish, the principal base of which is shellac diluted with alcohol. The ingredients are similar to those used in the manufacture of shellac, except that the mixture is of a different proportion; the so-called polish does not involve any greater hazard than the manufacture of shellac; that the fire department has no objection to the storage of the floor polish and states that it would be satisfied to restore the permit if the Twin City Shellac Co., would label the cans by another name than "polish." It is stated that the word "lacquer" or "finish" would be satisfactory to it; that section 201 (e) of chapter 10 of the Code of Ordinances relates to the inflammability of the stored merchandise; that the so-called "polish" is no more inflammable or dangerous than the shellac itself; that simply because most floor polishes are usually made of wax and for that reason have been ruled to be inflammable does not bring applicant's shellac polish within the ordinance; that the applicant would ordinarily change the name from polish to finish or to lacquer, but that would not make the product as saleable as it is under the better understood name of polish; and

WHEREAS, it appears that "Dan-Dee Floor Polish" is a diluted shellac and that the entire building is used for cutting shellac and packaging same; and

WHEREAS, this appeal was granted to the board January 5, 1937 on certain conditions and owner requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on January 5, 1937, permitting the manufacture of Dan-Dee floor polish, *on condition* that all packages shall be properly labelled "Inflammable Mixtures" with fire department permit number; that the Dan-Dee floor polish shall consist mainly of shellac gum and alcohol, and permitting the continuation of packaging this product in one-gallon cans and bottles not exceeding 32 oz.; and that in all other respects all laws, rules and requirements shall be complied with.

38-37-A.

APPLICANT—Samuel Rosenblum, for John Hans, lessee of part of sixth floor.

SUBJECT—Application for consideration—reopening and amendment—re appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—6-8 East 39th street, south side, 150 ft. east of Fifth avenue and 5 East 38th street, south part of sixth floor (Block No. 868, Lot No. 8), Borough of Manhattan.

APPEARANCES—

For Applicant: Samuel Rosenblum.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(38-37-A)

WHEREAS, Samuel Rosenblum filed on January 28, 1937, in behalf of John Hans, lessee, an appeal from an order and decision of the fire commissioner, affecting premises 6-8 East 39th street, south side, 150 ft. east of 5th avenue, and 5 East 38th street, south part of sixth floor (Block No. 868, Lot No. 8), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner reads as follows (No. 1940-LC):

"With reference to your application, dated June 10, 1936, for a permit to conduct a titling studio at above location, I regret to inform you that I am without power to grant such a permit for the reason that the building is not equipped with an approved system of automatic sprinklers as per Section 242, Subdivision E, Chapter 10, Code of Ordinances."

and

WHEREAS, the decision of the fire commissioner, dated January 25, 1937, reads as follows:

"Replying to your favor of January 11, 1937, this department no longer will rescind an order to reissue it so that it may be taken before the Board of Standards and Appeals. However, we have been informed that the board will accept a letter from this department when the applicant has exceeded the time limit in which to file the appeal and for that purpose this letter is forwarded and will certify that order numbered 1940-LC was issued against John Hans of 6 East 39th street on June 26, 1936 and read as follows:

'With reference to your application, dated June 10, 1936 (No. 1940-LC) for a permit to conduct a titling studio at above location, I regret to inform you that I am without power to grant such a permit for the reason that the building is not equipped with an approved system of automatic sprinklers as per section 242, subdivision e, chapter 10, Code of Ordinances.'"

and

WHEREAS, the building is fireproof, 12 stories, 149 ft. 11½ in. in height, 37 ft. by 197 ft. 6 in. (7406 sq. ft.) in area, completed September 16, 1913 and occupied as follows: Cellar—boiler room, restaurant and storage, 75 persons; 1st floor—store and restaurant, 250 persons; 2nd floor—office and manufacturing, 16 persons; 4th floor—W.P.A. project, 20 persons; 5th floor—W.P.A. offices, 60 persons; 6th floor—photographer, 7 persons; 7th and 8th floors—W.P.A. offices, 60 persons each; 9th floor—office and storage—10 persons; 10th floor—office and storage, 20 persons; 11th floor—office and manufacturing, 17 persons; 12th floor — W.P.A. project, 30 persons; penthouse — W.P.A. project, 7 persons; and EQUIPPED with a sprinkler system, two 3 ft. 8 in. fire towers, enclosed in 12 in. brick and 6 in. hollow tile, equipped with kalamein doors at openings and one exterior steel stairs; and

WHEREAS, the applicant contends that about one-half of the sixth floor fronting at the 38th street end is used by a commercial photographer, the main business of this tenant is commercial photography, but in the business it is necessary from time to time to photograph titles on some of these pictures, so as to make a small motion picture film for purposes of advertising; by making a small motion picture illustrating this photography in connection with the sale of various objects, the salesmen are informed in a group as to just how to sell their product; it is not actually a full motion picture titling studio; as a matter of fact the maximum quantity of film that would be stored at any time does not exceed 100 ft. and as soon as purchased this 100 ft. is placed in the camera and then the titles are photographed on, using approximately 10 ft. of film for a group of commercial pictures, which are immediately shipped away from the premises, so that even this 100 ft. lasts over a period of 6 weeks; that there is no real hazard of any kind and is not a motion picture studio as generally understood, the main business being just this commercial photography; that the building is equipped with an automatic sprinkler system

throughout and the violation is due to the fact that the sprinkler system is not considered in full compliance simply because there is not a gravity tank as part of the source of supply but so far as practical purposes go, this system is the equivalent of a full compliance and is substantial compliance with the intent of the requirements because it is equipped with two pressure tanks of a capacity of 9,000 gallons each, containing 7,500 gallons of water each, so that, while it may not have a gravity and a pressure tank, it still has two pressure tanks and for practical purposes is substantial compliance with the requirements; that inasmuch as if it would have the gravity tank there would be a far greater amount of film that would be permitted to be stored, and as the actual use of film does not exceed 100 ft. at any time, and there are ample exits, a stand-pipe equipment, and a substantial sprinkler system, we would ask for permission for this commercial photgrapher to be able to continue this small titling studio above referred to; and

WHEREAS, the appeal was granted by the board, February 2, 1937, on certain conditions and applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on February 2, 1937, so that as amended the resolution shall read:

"*Resolved,* that the order of the fire commissioner, No. 1940-LC, be and it hereby is *modified,* and the appeal be and it hereby is *granted,* waiving the requirements of the sprinkler rules as far as occupancy of this building is concerned *and the requirements of the gravity tank as a source of supply, on condition that the film used in the building shall be restricted to the 6th floor and that not more than 100 ft. of nitrocellulose film be stored or developed at any time and that in all other respects, all laws, rules and regulations relative to handling of films shall be complied with.*"

187-37-A.

APPLICANT—Herman Wolff, for Elco Brush Works, Inc., owner.

SUBJECT—Application for reopening—consideration—re appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—27-35 Sheriff street, southwest corner of Delancey street (Block No. 337, Lot Nos. 55 and 56), Borough of Manhattan.

APPEARANCES—

For Applicant: Herman Wolff and Benjamin Elfenbein.

ACTION OF BOARD—Appeal reopened and granted on condition.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO GRANT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(187-37-A)

WHEREAS, Elco Brush Works, Inc., owner, filed April 28, 1937, an appeal from an order and a decision of the fire commissioner, affecting premises 27-35 Sheriff street, southwest corner of Delancey street (Block No. 337, Lot Nos. 55 and 56), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner reads:

"With reference to your application, dated September 24th, 1936, for a permit to store varnish, etc., at above location, I regret to inform you that I am without power to grant such a permit for the reason: Building in part is used as a workshop or factory, and for the further reason, record of Department of Buildings indicates that not more than five persons are permitted at factory work throughout the building.

YOU ARE THEREFORE HEREBY ORDERED TO:

1. Discontinue the manufacture, mixing or compounding of paint on these premises in violation of the provisions of the Code of Ordinances."

and

WHEREAS, the decision of the fire commissioner, dated April 12, 1937, reads:

"In response to your favor of March 30, 1937, be advised that this Department does not reissue orders when the time in which to appeal the orders has expired. We are, however, forwarding this communication to you to be presented to the Board of Standards and Appeals at Room 1002, Municipal Building, which we understand will be accepted when you have exceeded the time limit for an appeal. We therefore certify that order No. 4006-LC, issued against your storage of varnish, etc. on November 10, 1936, read as follows:

'With reference to your application, dated September 24th, 1936, for a permit to store varnish, etc., at above location, I regret to inform you that I am without power to grant such a permit for the reason: Building in part is used as a workshop or factory, and for the further reason, record of Department of Buildings indicates that not more than five persons are permitted at factory work throughout building.

YOU ARE THEREFORE HEREBY ORDERED TO:

1. Discontinue the manufacture, mixing or compounding of paint on these premises in violation of the provisions of the Code of Ordinances.'"

and

WHEREAS, this appeal was withdrawn September 22, 1937 and reopened by vote of the board.

Resolved, that the order of the fire commissioner be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that the requirements of the resolutions adopted by the board under Cal. No. 499-37-A and Cal. No. 500-37-S shall be complied with.

VARIATION OF LABOR LAW

500-37-S.

APPLICANT—Herman Wolff, for Elco Brush Works, Inc., owner.

SUBJECT—Variation of the labor law as cited in an order of the commissioner of buildings.

PREMISES AFFECTED—27-35 Sheriff street and 55 Delancey street, southwest corner (Block No. 337, Lot No. 56), Borough of Manhattan.

APPEARANCES—

For Applicant: Herman Wolff, Benjamin Elfenbein.

For Administration: Inspector Maher, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(500-37-S)

WHEREAS, Herman Wolff, for Elco Brush Works, Inc., owner, filed October 19, 1937, an application for a variation

of the labor law as cited in an order and a decision of the commissioner of buildings affecting premises 27-35 Sheriff street and 55 Delancey street, southwest corner (Block No. 337, Lot No. 56), Borough of Manhattan; and

WHEREAS, the order No. 31305-LD, of the commissioner of buildings, dated November 27, 1936, reads:

"Provide a fire escape on the Delancey street front, north section to comply with section 273 of the labor law.—Note—If the interior stairway in north west is extended throughout the building same will be considered on the filing of plans.

Arrange street entrance doors to open out, as per section 271 of the labor law.

Provide open unobstructed passageways at least 36 inches wide on all stories to the proposed exit on Delancey street front, as per section 271 of the labor law.

Provide 8 in. exit signs and red lights at all means of exit, as per section 272, of the labor law."

and

WHEREAS, the decision of the commissioner of buildings, dated October 11, 1937, reads as follows:

"The following is a copy of the order requested by you, Order No. 31305-LD, issued November 27, 1936,

Provide a fire escape on the Delancey street front, north section to comply with section 273 of the labor law—Note:—If the interior stairway in north west is extended throughout the building, same will be considered on the filing of plans.

Arrange street entrance doors to open out, as per section 271 of the labor law.

Provide open unobstructed passageways at least 36 inches wide on all stories to the proposed exit on Delancey street front, as per section 271 of the labor law.

Provide 8 in. exit signs and red lights at all means of exit, as per section 272, of the labor law."

and

WHEREAS, the building in question is 5 stories, 75 feet in height, 87 feet 6 inches by 100 feet in area of non-fireproof construction, equipped with a sprinkler system, located in an unrestricted use district, erected in 1902 and occupied as at present since 1932; OCCUPIED as follows: Cellar, boiler room, 1 person; 1st floor, office and paint shipping room, 4 persons; 2nd floor, manufacture of brooms and mops and storage of second hand clothing, 15 persons; 3rd floor, manufacture of white lead and enamel, 2 persons; 4th floor same, 2 persons; 5th floor, vacant, for which no certificate has been issued. The building is equipped with two interior stairs, 3 feet 6 inches wide, of iron construction, enclosed in brick with fireproof self-closing doors at the openings, one of the stairs leads to the roof; there is a 4 foot fire escape on the Sheriff street side of the building with a 45 degree connecting stairs and a counterbalanced drop ladder in guides to the street; drop ladder does not connect to the roof; the windows on the course of the fire escape are non-fireproof; and

WHEREAS, the applicant contends that the first and second floors are served by two stairways and in addition the second floor is also connected with the front fire escape. The 3rd to 5th floors are provided with two exits on each floor, namely stair hall and fire escape, the sub-divided loft on each of the said floors are provided with F.P.S.C. doors from a fireproof partition which serves as a horizontal exit leading to stair hall and in addition is connected with the existing fire escape. The building contains a small number of occupants being also partly vacant. In view of the fact that condemnation proceedings are being contemplated by the City to take either a part or the entire building and also that the above mentioned order would become a hardship and a financial loss to the owner of the building, that the existing conditions be permitted to remain; and

WHEREAS, this office was informed by the Commissioner of Public Works, Borough of Manhattan, on January 6, 1938, that the building in question is partly included within the proposed lines of the street as shown on the map widening Delancey street between Suffolk street and Mangin street and laying out a new street south of the Williamsburg Bridge, between Clinton street, and East River Drive, which was submitted to the Board of Estimate and Apportionment for consideration on December 10, 1937, (Cal. No. 155). Until such time as the Board of Estimate approves said map and authorize proceeding for acquisition of the property, the commission will be unable to advise when the city will vest title.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the labor law, and that the application be and it hereby is *granted*, modifying the order of the commissioner of buildings, No. 31305-LD, *on condition* that the existing stairway and fire escape shall be maintained to the satisfaction of the administrative official and that the sprinkler system shall comply with the requirements of the resolution adopted under Cal. No. 499-37-A; that the requirements of the order as to exit signs and maintenance of egress through unobstructed passageway shall be complied with; that the occupancy above the second floor shall at no time exceed four persons and that no work shall be carried on at night; that all permits shall be obtained and all work completed within two months from the date of this resolution.

APPLIANCES SUBMITTED FOR APPROVAL

625-37-SA.

APPLICANT—Superseal Corporation, owner.
SUBJECT—Superseal Gas Connection, approval of.
APPEARANCES—
For Applicant: Gustave A. Barg and C. G. Hyland.
ACTION OF BOARD—Application placed on reserve calendar and referred to engineer of the board.

110-36-SA.

APPLICANT—Mohawk Oil Burner Mfg. Co.
SUBJECT—Application for consideration—reopening and amendment — re marketing of the approved Mohawk Oil Burner as Home-Utility Oil Burner, Model A.
APPEARANCES—
For Applicant: Jack Hart.
ACTION OF BOARD—Application reopened and resolution amended.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(110-36-SA)

WHEREAS, Mohawk Oil Burner Mfg. Co., owner, filed April 23, 1936, an application with the Board of Standards and Appeals, for approval of the device known as the Mohawk Oil Burner, Models A and H; and

WHEREAS, the device was submitted to the engineer of the board and the Division of Combustibles of the Fire Department for test and report; and

WHEREAS, the report of the engineer of the board supplemented by that of the representatives of the Division of Combustibles was substantially as follows:

The one tested was Model A. This burner is of the mechanical draft pressure atomizing gun type; and consists of the following assembly: Century 1/6 H. P. Motor; Torrington fan, 3 in. by 5 in.; Webster Fuel

Unit, consisting of strainer, pump and regulating valve, and a Ballofett nozzle.

Ignition—electric, Webster transformer.

Controls—Minneapolis-Honeywell Protectorelay, R-117-3 and Minneapolis-Honeywell Pressuretrol Model L-404.

With the oil supply shut off and a cold combustion chamber, the burner was put into operation and the controls operated and shut the burner down in 103 seconds. The burner was then put into normal operation for approximately 45 minutes. During the period of test there were no flare backs and the flame was free and clear of smoke. Examination of the combustion chamber showed no undue carbon deposits.

Model H is the same as Model A, with the exception that the fan is 6 in. x 4 in. and the pump delivers 36 gallons of oil per hour, but this model was not inspected and tested.

As a result of this inspection and test it is recommended that the Mohawk Oil Burner Model A be approved for domestic, industrial and commercial use when installed in accordance with the provisions of the Oil Burner Rules adopted by the Board of Standards and Appeals with fuel oil not heaver than No. 3, U. S. Dept. of Commerce Standards.

and

WHEREAS, applicant requested approval of Model H and an inspection and test of this model has been made; and

WHEREAS, this device was approved June 30, 1936, and applicant requested an amendment of the resolution to permit the marketing of the burner under the name "Alpine", and also under the names "Morgan" and "Superior" and "Home-Utility."

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as Mohawk Oil Burner, Models A and H, for domestic, commercial and industrial installation, when installed in acordance with the Oil Burner Rules of the Board of Standards and Appeals, for use with fuel not heavier than No. 3 U. S. Department of Commerce Standards, and that there shall be permanently attached to each burner installed a label reading:

NOTICE

Approved by the

BOARD OF STANDARDS AND APPEALS

For use in New York City

UNDER CAL. No. 110-36-SA.

Resolved further, that this device may also be marketed under the names of Alpine Oil Burner, Models "A" and "H"; Morgan Oil Burner, Models "A" and "H"; Superior Oil Burner, Models "A" and "H", and Home-Utility Oil Burner, Models "A" and "H", provided the requirements herein are complied with.

293-37-SA.

APPLICANT—Conran Standpipe Co., Inc., owner.

SUBJECT—Conran System of Standpipes—approval of.

APPEARANCES—

For Applicant: William F. Conran.

ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(293-37-SA)

WHEREAS, Conran Standpipe Co., Inc., owner, filed June 16, 1937 an application with the Board of Standards and Appeals for approval of their system known as the Conran Standpipe System; and

WHEREAS, this system was referred to the engineer of the Board for test and report; and

WHEREAS, the report of the engineer of the board was substantially as follows:

The system is intended to be installed inside buildings, to be supplied with water from tanks or pumps, from street mains, or by means of fire department hose lines. In different installations, water may be supplied to each standpipe through a connection at the control box or through the hydraulic lift cylinder. The standpipes may be normally empty or may be kept in connection with a source of water supply under pressure. The apparatus is designed primarily for fire department use, but may be operated by the occupants of the building where it is installed.

OPERATION

Water is admitted to the standpipe if it is not already in direct connection with a source of supply. If a stream is desired at any story, the proper control valve at the control box is opened and water enters the operating chamber of the nozzle valve on that story, opening the valve and permitting water to flow from the nozzle. The standpipe is rotated manually by means of the turning bars to point the nozzle in the desired direction. The necessary upward and downward motion of the standpipe and nozzle is produced by the adjustment of the control valve governing the admission of pressure to the hydraulic lift cylinder.

OPERATING TEST

In the operating tests of the standpipe, the standpipe responded positively and promptly, and was raised, lowered and rotated without difficulty. It was repeatedly started, stopped and held in various positions by the adjustments of the control valves. Possible obstructions to the movement of the standpipes, such as warping by heat at the time of fire, piling of stock around the standpipe, corrosion of parts, etc., are not likely to have any serious effect on the positiveness or promptness with which the standpipe can be operated.

The results of the test show that a hose stream from an engine or fire tower is not able to compare with the stream from the Conran System because a stream from this system will cover the entire floor, while the hose stream from engine or fire tower to the angle of elevation will cover less and less area as this angle is raised.

A complete description of the device is filed with this board under underwriter's report, but the following should be noted: The composition of metal used for the nozzle valves is 85% copper, 5% tin, 5% zinc and 5% lead. Brass line for hydraulic lift is ⅛ inch thick, outside pipe for hydraulic lift to comply with section 16-4-1 and fittings should comply with section 16.4.2.

This system has been approved by the Underwriter's Laboratories Guide No. 2390, Lab. file EX 299.

It is recommended that the Conran System of Standpipes hydraulically and manually operated inside, dry or wet, designed to discharge water from 1⅛ in. to 1¼ in. nozzles in any desired story of a building with vertically and rotating motion, with hydraulic lift cylinders, hydraulically operated nozzle valves at each story, control boxes at 1st story and the attachments and connections for water supplies for four and six inch standpipes with horizontal range not exceeding 100 feet properly located, having flat ceilings, free from obstruction, materially affecting discharge of water, be approved.

and

WHEREAS, the board has power under section 666 of the Charter of the City of New York and under section 16.11 of the building code to approve appliances and standpipe systems,

Resolved, that the Board of Standards and Appeals does hereby approve the Conran Standpipe system for use in buildings not exceeding 4 stories in height for the 4 in. standpipe and 15 stories in height for the 6 inch standpipe *on condition* that the standpipe shall be constructed and installed in accordance with the above report and the report of the Underwriters Laboratories Guide No. 2390, Labora-

MINUTES

tories file No. EX 299 and when installed and maintained in compliance with all other provisions of the building code, section 16, applicable, and on condition that prior to any permit being issued a report from the fire commissioner shall be filed with such application to the effect that the facilities of the fire department are adequate to supply water with sufficient pressure at the highest outlet. That for any installations in any building over 15 stories in height, in addition to the above requirements, plans shall be submitted to the board for approval before submission to the superintendent and that any system installed shall have a label permanently affixed at the main control reading:

APPROVED BY THE BOARD OF STANDARDS AND APPEALS FOR USE IN NEW YORK CITY
UNDER CAL. No. 293-37-SA

Resolved, further that devices, valves and fittings used in this system are hereby approved under the provisions of section 16.1.3 of the building code, provided they are in accordance with the report of the underwriter's laboratories above referred to.

Adjourned, 4:00 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, December 21, 1937, as they appeared in Bulletin No. 52, Vol. XXII, are hereby corrected to read as follows:

THE RESOLUTION—

(485-37-S)

WHEREAS, Charles M. Spindler, applicant for Clarileen Fabric Corporation, owner, filed on October 13, 1937, an application for a variation of the labor law, as cited in an order and a decision of the commissioner of buildings, affecting premises 11-17 Lawton street, 484-86 Hart street and 1061 Broadway, north side, 45 ft. west of Lawton street (Block No. 3225, Lot No. 43), Borough of Brooklyn; and

WHEREAS, the order of the commissioner of buildings, No. 13755-LD, dated January 19, 1937, reads as follows:

"1. Extend the interior stairway at 1061 Broadway to the roof, as per Sect. 271 of the labor law."

and

WHEREAS, the decision of the commissioner of buildings, dated September 22, 1937, reads as follows:

"In reply to your letter of September 16, 1937, advising that you have been retained by the owners to appeal from requirements of Order No. 13755-LD, Item 1, and that you are unable to do so due to the fact that the Board of Standards and Appeals will not accept an appeal for the reason that the time limit, thirty (30) days, had elapsed, and request dismissal and re-issuance of the above order.

"You are advised that the order cannot be dismissed or re-issued. Therefore, your request is denied."

and

WHEREAS, the building is four stories (48 ft.) in height, 30 ft. by 117 ft. 7 in. in area at the 1st and 2nd stories and 30 ft. by 71 ft. in area on the 3rd and 4th stories, of non-fireproof construction, erected in 1895 and occupied as follows: Cellar, boilerroom and storage of finished knit goods—2 persons; 1st floor—office, storage and shipping of candy and dyeing of unfinished knit goods, 12 persons; *2nd floor—manufacture of knit goods, 22 persons;* 3rd floor—sewing of knit goods, 8 persons; 4th floor—storage of finished knit goods, 2 persons, for which no certificate of occupancy has been issued. The building is equipped with four interior stairs, one of which extends to the roof and three of which extend to the street. The stairway on Broadway is of wood construction and is not enclosed. The other stairways are enclosed in concrete and equipped with fireproof doors at the openings. There are two fire escapes, one at the rear of 1061 Broadway and one on Lawton street, having fireproof windows on the course thereof; and

WHEREAS, the applicant contends that consideration is requested for modification of above-noted order at these premises, as the 1st floor has direct exit to 2 separate streets, the first and 2nd floors have direct horizontal exit to adjoining building (same owner), the third and fourth floors have secondary egress to roof of adjoining building (same owner) with direct exit to street by outside fire escape with counterbalanced stairs.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* from the requirements of the labor law, and that the application be and it hereby is *granted,* modifying the order of the commissioner of buildings, No. 13755-LD, *on condition* that there shall be maintained a double-rung iron ladder with scuttle leading to the roof 4th floor level, approximately 35 ft. from the Broadway wall; that all other orders applying to this building shall be complied with and the building shall otherwise comply with all laws, rules and regulations applicable thereto.

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*Correction—Words, *"2nd floor—manufacture of knit goods, 22 persons,"* inserted in line 34 of resolution.

FORMS FOR NOTICES TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

MULTIPLE DWELLING LAW ON SALE

Copies of the Multiple Dwelling Law are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50c; by mail 54c.

Copies of the Supplemental Rules and Regulations of the Tenement House Department on Fire Retarding, Fire Escapes, Fire Stairs and Fire Towers are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 10c; by mail 12c.

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, January 4, 1938, as they appeared in Bulletin No. 2, Vol. XXIII are hereby corrected to read as follows

THE RESOLUTION—

(278-33-BZ)

WHEREAS, Lloyd L. Mellor, for S. E. and M. E. Bernheimer Co., owner, filed August 22, 1933, an application, under the building zone resolution, to permit, partly in a business district and partly in a residence district, the alteration and change of occupancy of part of the first story of an existing building from dwelling to business use; premises 2401-2407 Broadway and 251-255 West 88th street, northwest corner (Block No. 1236, Lot No. 10), Borough of Manhattan; and

WHEREAS, this application was granted by the board November 14, 1933, on certain conditions, and owner requested an amendment of the resolution.

Resolved, that the resolution adopted by the board on November 14, 1933, be and it hereby is *amended,* only so far as it has reference to the occupancy of the basement, so that as amended the resolution will read

"Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted,* permitting the partitions forming the apartment in the rear, facing east, as indicated on plans filed with this application, to be removed and the space now occupied by this apartment located in a residential area to be used for business in connection with the existing restaurant and dining room indicated on the plans, *on condition* that there shall be no exit door or other opening from the restaurant and dining room to the main hall of the multiple dwelling; that the windows in the kitchen opening upon the inner court shall be made fireproof and self-closing and glazed with wire glass; that the stair indicated from the kitchen to the basement shall be constructed of fireproof materials, enclosed in fireproof partitions, and with a fireproof self-closing door at the bottom thereof; that the space used by this restaurant in the basement, *as indicated by revised plans marked 'Received December* 23, 1937' *for restaurant or storage or any other purpose connected with the restaurant use,* shall be cut off from the balance of the basement with fireproof walls and *there shall be* no opening from *any portion of this* space to *other parts* of the basement; that the second means of exit from this restaurant and dining room shall be maintained as indicated by means of a door to the passage leading to the rear yard and thence to West 88th street; that all permits required shall be obtained within two months and all work completed within four months from the date of this action."

* Correction—Word *"July"* changed to *"December"* in line 37 of resolution.

APPROVED APPLIANCES

APPROVED FUEL OIL PUMPS

Name of Pump	*Calendar No.*
American Marsh Duplex	638-25-SA
American Marsh Simplex	639-25-SA
Autopulse Electric Fuel Oil Pump	215-31-SA
Autopulse Electric Oil Pump Outfit, Model No. 1000	9-32-SA
Ballard Duplex Electric Driven Pump Set	1413-22-SA
Beach Russ Co. Rotary	1134-22-SA
Blackmer Rotary	935-24-SA
Blake & Knowles Horizontal Simplex Piston Pattern Pump	372-21-SA
Century Rotary	908-21-SA
Cook Electric Oil Pump	603-25-SA
Davidson	590-21-SA
Dean Bros. Durable Duplex	840-22-SA
DeLaval IMO Oil Pump	628-32-SA
Deming Double Oscillating Force Pump	458-27-SA
Deming Fuel Oil Pump	298-31-SA
Enterprise Oil Pump	11-28-SA
Exeter Rotary	507-22-SA
General Electric Oil Pump	475-32-SA
Goulds Hand Rotary	1133-25-SA
Goulds Rotary Oil Pump	437-31-SA
Goulds Triplex Plunger	257-22-SA
Hardinge Fuel Oil Pump	813-25-SA
Kinney Rotating Plunger Pump	503-24-SA
Koerting Gear Pump	1264-25-SA
Kraissl Fuel Oil Pump	60-28-SA
Leiman Rotary	95-24-SA
Marsh Fuel Oil Pump	1050-23-SA
McGowan Horizontal Duplex Fuel Oil Pump	936-23-SA
M. D. Rotary	52-27-SA
Milwaukee Piston Rotating Port Pump	763-25-SA
Monroe Oil Pump	658-26-SA
National Transit Rotary Pump for Gasoline and Fuel Oil	175-35-SA
Northern Rotary	1396-24-SA
Pascoe Pump Set	1029-26-SA
Petro-Nokol Industrial Oil Pump	570-32-SA
Quiet May Gerotor Pump	267-32-SA
Quimby Screw Pump	1193-21-SA
Range-O-Matic Oil Pump, Model 50 and Suction Model	102-35-SA
Ray Rotary	588-25-SA
Rotary Pressure Pump	1060-25-SA
Rotary Vacuum Pump	513-25-SA
Samson Magnetic Fuel Oil Pump	163-34-SA
S. B. U. Pumps, Models A, B, C and D	410-32-SA
Sundstrand Fuel Unit (Pump), Models 7-OB and 77-OB	199-36-SA
Tate-Jones	492-21-SA
Teesdale Automatic Booster Fuel Oil Pump	1279-25-SA
Tuthill Model B Fuel Oil Pump	60-28-SA
Tuthill Fuel Oil Pump, Models L, LD and 30-LE Fuelstat	568-30-SA
Union Steam Pump for Fuel Oil	705-30-SA
Viking	438-21-SA
Warren Oil Pump	1169-23-SA
Wayne Oil Pump & Fan Set	1155-25-SA
Webster Fuel Oil Pump, Types A, Q and T	23-34-SA
Worthington Duplex Double-Acting Steam Pump	184-22-SA
Worthington Show Model Duplex	194-22-SA

PUBLIC HEARING

RULES FOR FUSION WELDING

RULES COVERING THE SPECIFICATIONS FOR DESIGN, FABRICATION AND INSPECTION OF FUSION WELDED STRUCTURES AND THE QUALIFICATIONS OF WELDERS AND SUPERVISORS.

[Cal. No. 1-38-SR]

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Board of Standards and Appeals on Friday, February 25, 1938, at 2 P. M., Room 1013, Municipal Building, on Proposed Rules for Fusion Welding.

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 662, paragraph 2, of the Charter of the City of New York and Section 8.6.2.2. of Chapter 5 of the Code of Ordinances.

SCOPE.

These rules shall apply to fusion welding substituted in any structural work for all riveting and bolting permitted by the building code, and which may be used alone or in combination with riveting or bolting of any structure or part thereof. These rules shall also apply to gas cutting.

Rule 1. Application For Permits.

1.1 No person shall perform gas or electric welding on structures or parts thereof erected or to be erected within the City of New York except as provided in these Rules and in conformity with Section 2.3.2 of the Building Code.

1.2 The commencement of any structural welding work is forbidden unless an application for a permit to perform such work is filed with and approved by the superintendent. The superintendent shall be notified in writing at least 48 hours prior to the date when the structural welding work is to commence. Bldg. Code 2.1.1.12.

Rule 2. Definitions.

2.1 ARC WELDING. A fusion welding process wherein the welding heat is obtained from electric arc formed between the base metal and metal electrode.

2.2 BASE METAL. The metal upon which the weld or cut is made.

2.3 BUTT WELD. A butt weld is a weld whose throat lies in a plane disposed approximately 90 degrees with respect to the surfaces of at least one of the parts joined. The size of a butt weld shall be expressed in terms of its net or unreinforced throat dimension in inches. Bldg. Code 1.149. (See Fig. 20.)

2.4 CONTINUOUS WELD. A weld which is uninterrupted throughout the length of the joint.

2.5 CRATER. An unfilled concave depression in the fusion area of an arc weld resulting from penetration of the welding arc into the metal thereunder.

2.6 FILLER METAL. Metal especially prepared for addition to the weld. This term shall apply to this material only before deposition.

2.7 FILLET WELD. A fillet weld is a weld of approximately triangular cross section, whose throat lies in a plane disposed (inclined) approximately 45 degrees with respect to the surfaces of the parts joined. The size of a fillet weld shall be expressed in terms of the width in inches of its adjacent fused sides. Bldg. Code 1.149. (See Fig. 21.)

2.8 FLAT WELD. A weld made by the fusion welding process on a horizontal plane or one inclined not over 45 degrees to the horizontal, the weld being made from the upper side of the parts joined.

2.9 FUSION WELDING. Fusion welding is the process of joining metal parts in the molten, or molten and vapor states, without the application of mechanical pressure or blows. Under these rules fusion welding is restricted to arc and gas welding processes. Bldg. Code 1.6.7.

2.10 GAS CUTTING. Gas cutting is the process of severing ferrous metals by means of the chemical behavior of oxygen, in the presence of ferrous metals at high temperatures, to produce a kerf, or cut, of uniform width without burning the edges of the kerf or cut.

2.11 GAS WELDING. A fusion welding process in which the heat of welding is supplied by the combustion of oxygen and acetylene or other fuel gas in a suitable torch. Filler metal may be melted from a welding rod. Under these rules, gas welding is restricted to the oxy-acetylene process wherein filler metal is added.

2.12 HORIZONTAL WELD. A weld made by the fusion welding process on a plane vertical or inclined less than 45 degrees with the vertical, the linear direction of the weld being horizontal or inclined not more than 45 degrees to the horizontal.

2.13 LAYER. A stratum of weld metal of a fusion weld and consisting of one or more interwoven beads.

2.14 OVERHEAD WELD. A weld made by the fusion welding process on a horizontal plane or one inclined not over 45 degrees to the horizontal, the weld being made from the underside of the parts joined.

2.15 OVERLAP. A condition of lack of fusion where the deposited metal has overflowed the fused area of metal.

2.16 PENETRATION. The linear distance that the deposited metal penetrates below the original surface of the base metal.

2.17 ROOT. A root is the zone at the bottom of the cross-sectional space provided to contain a fusion weld. Bldg. Code 1.122.

2.18 SLOT WELD. A weld made in an enclosed or partially enclosed opening formed in one of the parts of a lap joint.

2.19 TACK WELD. A weld of random size or shape intended only to fix a member or part thereof of a structure, in correct position preparatory to final welding, and shall not be considered to transmit stress.

2.20 THROAT. The minimum thickness of a weld along a straight line passing through the root. Throat of a fillet weld is the distance along a line from the root to the hypothenuse at right angles thereto, of the largest isosceles triangle which can be constructed in the cross section of the fillet weld. The throat of a butt weld shall be equal to the thickness of the thinner part joined. Bldg. Code 1.144.

2.21 UNDERCUT. A condition wherein the base and weld metal is melted away leaving a depression, the surface of which lies below the designed surface contour of the joint.

2.22 VERTICAL WELD. A weld made by the fusion welding process on a plane vertical or inclined less than 45 degrees with the vertical, the linear direc-

tion of the weld being vertical or inclined not more than 45 degrees to the vertical.

2.23 WELD DIMENSIONS. The dimensions of a weld shall be expressed in terms of its size and length. Bldg. Code 1.149.

2.24 WELD LENGTH. Shall be considered to be the unbroken length of the full cross-section of the weld exclusive of the length of any craters. Bldg. Code 1.149.

Rule 3. Design and Supervision.

3.1 The licensed architect or licensed professional engineer designing or supervising the construction of a welded structure shall be experienced and skilled in such work. (Sect. 8.6.2.3.3, Building Code.)

3.2 PERMISSIBLE UNIT STRESSES.

In the design of welded structures or parts thereof the stress at every connection must be accurately calculated and the required amount and the exact type and location of weld and filler metal with respect to the parts joined be specified.

3.2.1 Welded joints shall be proportioned so that the loads specified in the Building Code shall not cause stresses therein to exceed the following amounts in pounds per square inch.

Shear on section through the throat of a weld	11,300
Tension on section through the throat of a weld	13,000
Compression on section through the throat of a weld	15,000

3.2.2 Maximum fiber stresses due to bending shall not exceed the maximum values allowed above for tension and compression respectively.

3.2.3 Stress on a fillet weld shall be considered as shear for any direction of the applied stress.

3.2.4 Adequate provision shall be made for bending stresses due to eccentricity in the disposition or section of base metal parts.

3.2.5 The allowable compressive strength mentioned in these Rules is not intended to prevent butt welds being used across the entire section to transmit the total compressive stress in compressive flanges of beams, girders, truss plates or compression blocks or other members protected against lateral development even though such stress exceeds 15,000 lbs. per sq. in.

3.3 WORKING STRESSES FOR WINDLOADS. When the stress in any member due to wind is less than 33⅓% of the stress due to live and dead loads, it may be neglected. For combined stresses due to wind and other loads, the permissable working stresses may be increased 33⅓%, provided the section thus found is at least that required by the dead and live loads alone. For stresses due to wind alone, the permissable working stress shall be the same as for live and dead loads.

3.4 WELDED GIRDERS. In welded girders the connection of component parts of flanges to each other and of flanges to webs shall be by welds designed to transmit the stress.

3.5 Girders shall be proportioned either by their moments of inertia or by the flange-area method; in the latter method, when applied to a welded girder having no holes in the web, 1/6 of the web area may be considered a part of the area of each flange. Stiffeners may be either angles or flat plates, welded to the web and flanges by welds designed to transmit the stresses.

3.6 BEAMS. The use of continuous beams and girders, shall be permitted provided their welded connections be designed to transmit the stresses involved in continuous beam construction. At the ends of non-continuous beams, the connections shall be designed to avoid excessive secondary stresses due to bending.

3.7 WELDED COLUMNS. Fillet welds connecting the component parts of a built-up column may be either continuous or intermittent. If intermittent, the length of each weld at the ends of the column shall be equal to the least width of the column. The length of the intervening welds shall be at least one and one-half inches, spaced at most four inches in the clear. The size, length and spacing of the fillet welds shall be such as to provide the same strength, per unit of column length, as the allowable shearing stresses in structural steel for power driven rivets.

3.8 WELDED BUTT JOINTS. The edges of base metal parts, one-quarter inch or more in thickness, transmitting stress by means of butt welds shall be beveled. For single and double "V" joints, the bevel of each part shall be at least 30 degrees. For single and double bevel joints, the bevel shall be at least 45 degrees.

3.8.1 Before welding, the root edge or face of one part shall be separated from the root edge or face of the other part by not less than 1/16 inch nor more than ¼ inch.

3.8.2 Butt welds shall be reinforced by depositing additional metal on the weld to a height extending beyond the surface of the thinnest part joined. The height of such reinforcement shall be at least the following percentages of the thickness of the thinnest part joined: 20 percent for single "V" and single bevel butt welds, and 12½ percent on each side, for double "V" and double bevel butt welds.

3.9 FILLET WELDS. The length of any fillet weld shall be made not less than four times the weld size or else the size of the weld shall be considered not to exceed ¼ of the length for purposes of calculating strength under these rules.

3.10 WELDS IN SLOTS OR HOLES. When welding inside a slot or hole in a plate or other part, in order to join same to an underlying part, fillet welding may be used along the wall or walls of the slot or hole, but the latter shall not be filled with weld metal or partially filled in such manner as to form a direct weld-metal connection between opposite walls, except that fillet welds along opposite walls may overlap each other for a distance of one-fourth of their size. No slot or hole shall be less in width or diameter than 1½ times its depth.

3.11 FIELD RIVETED, BOLTED AND WELDED CONNECTIONS. Bldg. Code 8.6.2.9.

3.11.1 In tier structures less than 125 feet high, in which the height is less than two and one-half times the minimum horizontal dimension, all column splices and field connections may be bolted.

3.11.2 In structures in which the height is over 100 feet and is more than two and one-half times the minimum horizontal dimension, and in structures 100 feet or less in height in which the height is more than four times the minimum horizontal dimension, column splices and connections to columns shall be riveted or welded.

3.11.3 In structures over 125 feet in height and in all structures of a special character, connections of beams and girders to columns, and beams and girders bracing columns shall be

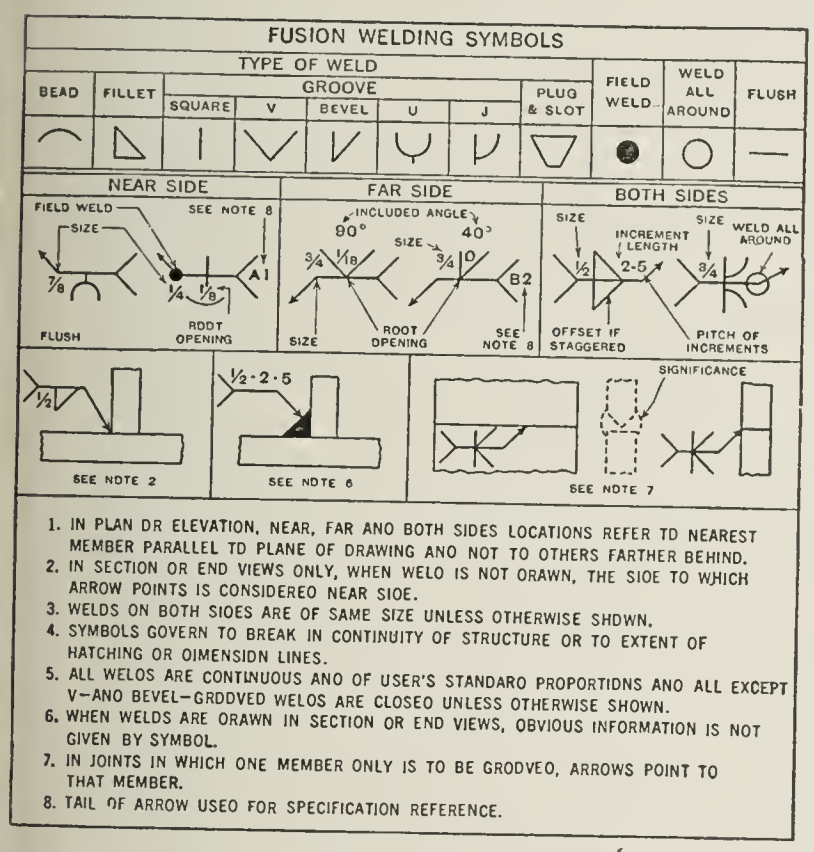
riveted or welded. Column splices in structures 200 feet or more in height shall be riveted or welded. Column splices in tier structures less than 200 feet high (except as provided in the preceding paragraph) may be bolted.

3.11.4 All other field connections may be bolted (except that, in all structures, the connections for supports for running machinery or other moving loads shall be riveted or welded).

3.11.5 Within existing structures steel work for alterations, or additions (except to the main structural framework), which do not affect existing column splices, connections and other riveted or welded work, may be bolted.

3.12 WELD SYMBOLS.

To provide for uniformity when plans are filed with the superintendent symbols for fusion welding and a method of showing them on drawing shall be as shown in figure 1.



NOTE: All dimensions in inches.

FIG. 1

3.13 COMPLETION OF WORK.

Upon the completion of all structural welding operations, the registered architect or licensed professional engineer responsible for the design of the structure shall certify to the Superintendent of Buildings that the fabrication and welding of such structure have been carefully inspected and that the requirements of his design have been fulfilled in every respect by the contractor who has done welding.

Rule 4. Board of Examiners for Welders.

4.1 The Board of Examiners for Welders provided for in Section 2.3, Building Code, shall be appointed by the Commissioner of Housing and Buildings from members of the staff of the Department as recommended by the Superintendent. All certificates of fitness issued shall be uniform for the five Boroughs. There shall be a separate certificate for gas welding and for electric arc welding, which certificates shall not be interchangeable and shall apply specifically to the type of work to be done and shall be issued in accordance with Rule 5.

4.2 WELDERS TO BE QUALIFIED. No person shall perform welding work on any structural member of a structure without having obtained a certificate of qualification from the Board of Examiners for Welders. Bldg. Code 2.3.2.

4.2.1 Before a certificate of qualification may be issued authorizing a person to perform welding work on any structural member of a structure, the person applying for such certificate shall have submitted to and satisfactorily passed an examination to determine his qualifications, conducted by Board of Examiners for Welders to be appointed by the Commissioner. A certificate of qualification shall be issued to each applicant having proved his qualifications and upon the payment of a fee of Two Dollars. Such certificate shall continue in effect for a period of one year unless sooner revoked or suspended and to be effective thereafter shall be renewed annually. The annual renewal fee shall be One Dollar.

4.2.2 No person shall be eligible for a certificate of qualification to perform welding work as provided in this section unless he is a citizen of the United States of America.

4.2.3 The Superintendent may revoke or suspend a certificate of qualification of any person, if workmanship on any structural welding is such as to indicate incompetency or negligence which might endanger a structure or result in injury to humans.

Rule 5. Qualification Test for Welders.

5.1 These qualification tests shall be conducted by the Board of Examiners for Welders or its representative but, in the discretion of the examiners for welders documentary or other evidence, or both, that the applicant has passed the qualification test, conducted by a standard testing laboratory or an inspection by the Superintendent or his representative may be accepted as satisfactory proof of the applicant's fitness to make structural welds. Welders performing work outside New York City may be qualified under this rule. Bldg. Code 8.1.2.

5.2 Qualification for arc welding shall not constitute qualification for gas welding, and vice versa. Qualification for welding with bare electrodes shall not constitute qualification for welding with flux-coated electrodes, and vice versa.

5.3 The foregoing provisions are not intended to bar an applicant from further trial in case of one or more failures, or to require an operator who has passed the tests to qualify anew for every job he may undertake.

5.4 QUALIFICATION REQUIREMENTS.

5.4.1 Before issuance of a certificate of fitness by the Board of Examiners for welders the applicant shall have passed the qualification tests prescribed as follows:

5.4.2 The minimum qualification requirements shall be the welding of test specimens of the type shown in Fig. 2 and specified in Rule 5.4, each specimen to be tested for failure in a reliable tension testing machine and to develop ultimate resistance not less than 80 kips if welded with filler metal of grade 2, 4, 10 or 15; or 67 kips if welded with filler metal of grade 20, 30 or 40.

5.4.3 Two specimens shall be welded in the down-

ward or flat welding position, two in the vertical welding position and if the operator is to perform overhead welding, two in the overhead welding position.

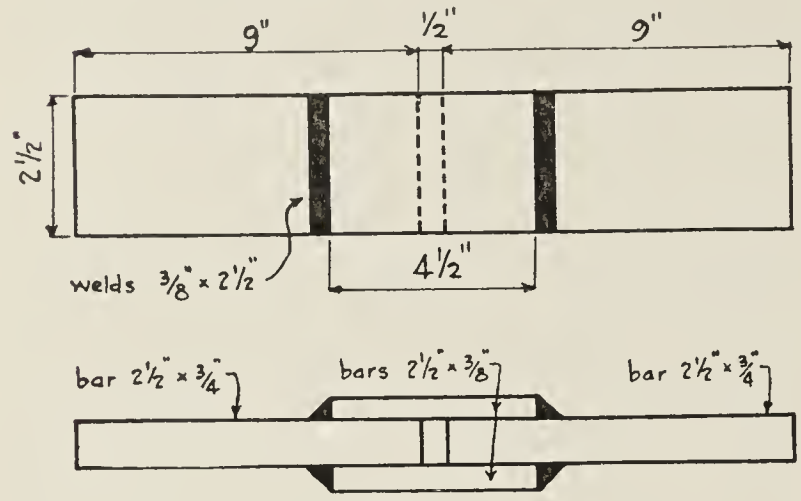


FIG. 2

5.4.4 The form of test specimen shall be as shown in Fig. 2, consisting of four steel bars or plates connected by four approximately equal fillet welds. The bar steel shall conform to Rule 7. The welding edges of the splice bars shall be cut flat and square and any burrs shall be removed. The bars shall be clamped securely together and tack welded in proper position with the splice bars centered on the main bars and the faces of the main bars in true planes, in preparation for the test welding. Welding shall be performed with the same process (arc or gas), the same welding procedure, and the same kind of electrodes or welding rods to be used in the work for which the operator is being tested; the diameter of electrodes or rods shall be the largest to be used in the proposed work. Welds shall be made as nearly as possible to the designed dimensions, and in conformity with the practices set forth in Rule 6; at every cross-section the weld size in each direction shall be within 1/16 in. of the prescribed 3/8 in.

Rule 6. Quality of Welds.

The quality of welds permitted under these rules shall conform to the following requirements:

6.1 The Quality of Test Welds and Construction Welds shall fulfill all requirements with regard to shape and internal quality in accordance with requirements for Arc Welds, Rule 8, and special requirements for Gas Welds, Rule 10.

6.1.1 All lap welds shall indicate good penetration to the root of the weld and good fusion at both sides of the bead.

6.1.2 All fillet welds shall show absence of undercutting, proper shape of the bead, lack of overlaps and proper fusion.

6.1.3 All butt welds shall show good fusion without overlapping or undercutting.

6.2 UNDERSIZE WELDS. Undersize or undercut welds shall be built up by welding to conform to the weld cross-section called for in the drawings and specifications. The surface of previously deposited welds shall be cleaned of oxides or slag before any reinforcing weld metal is applied.

6.3 Shape.

6.3.1 Welds shall conform in shape to those shown on Figs. 3a and 4a and shall not be undersized.

6.3.2 Surfaces of weld shall be reasonably smooth and uniform in contour. Weld metal along the toe of the weld shall not overlap the base metal surface but shall form an intimate contact therewith as shown in Figure 3.

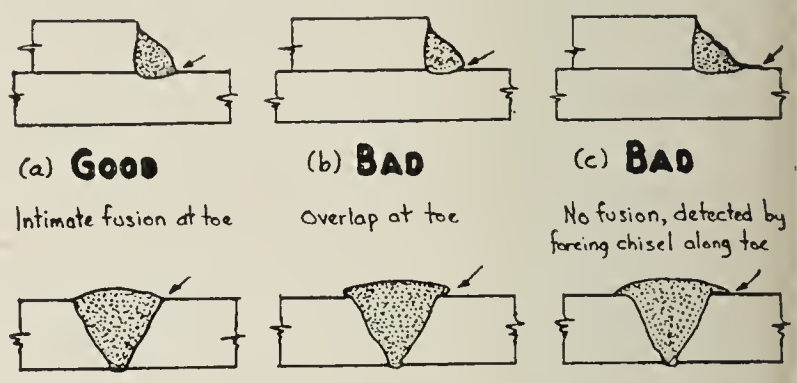


FIG. 3

6.3.3 INTERNAL QUALITY. The weld metal shall be sound throughout and shall be free from excessive oxides, non-metallic inclusions and gas pockets. The weld metal shall be thoroughly fused with the base metal along all surfaces and edges of union, and shall penetrate into the root of the weld, as shown in Fig. 4a.

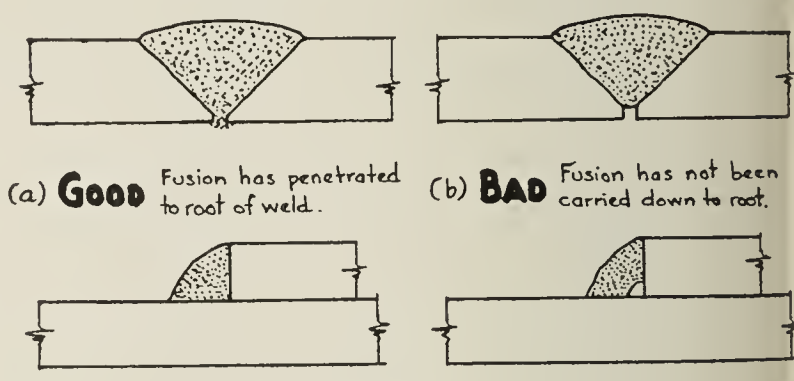


FIG. 4

6.3.4 WELD ENDS. The ends as well as the body of the welds shall conform to all the requirements of Rule 6.

Rule 7. Specifications and Tests of Welding Materials.

7.1 Structural steel shall conform to A.S.T.M. Specifications A-7-36 or A-9-36, or to the rules of the Board of Standards and Appeals for structural steel.

7.2 Filler metal (electrodes or welding rods) shall conform to all general requirements, and to all special requirements for at least one of the classifications of filler metal as provided for in rule 7.3.

7.3 Filler metal shall conform to specifications and tests as follows (but the superintendent may accept certified test results from a reputable manufacturer that tests have been made in conformance with these rules):

7.4 Standard sizes of filler metal are as follows: 1/16, 3/32, 1/8, 5/32, 3/16, 7/32, 1/4, 5/16, and 3/8 in. in diameter. In the case of coated or covered filler metal, the standard sizes refer to the diameter of the core wire.

7.5 Chemical Composition.

The filler metal shall be capable of depositing metal conforming to the following requirements as to chemical composition:

Phosphorus, max., per cent..... 0.04
Sulfur, max., per cent..... 0.04

7.6 Chemical Analysis.

7.6.1 For arc-welding electrodes, the sample for analysis shall be prepared as follows: A specimen of standard base metal (see Table 1 below) of sufficient size, shall be prepared, and a pad of five superimposed layers of arc metal deposited thereon. The fifth or top layer shall be ground or machined away and discarded. The fourth layer shall be carefully milled off and used for the analysis specified.

7.6.2 For gas-welding rods, the sample for analysis may be prepared as described in 7.6.1 except that three layers shall be considered sufficient and the top layer used for the analysis, or analysis may be made of the welding rod. In the latter case, ten rods shall be selected at random from the lot, and milled in such manner as to represent the entire cross-section.

TABLE 1.—TENSILE REQUIREMENTS FOR DEPOSITED METAL.

Grade	Base Metal	Treatment of Welded Specimen *a*	All-Weld Tension Test: Tensile Strength, min., lb. per sq. in.	All-Weld Tension Test: Elongation in 2 in., min., per cent
No. 2..	Firebox quality steel plate, tensile strength 55,000 lb. per sq. in., min.; or Steel for bridges, tensile strength 60,000 lb. per sq. in., min., with carbon not over 0.25 per cent and manganese not over 1.00 per cent., or equivalent steels.	stress-relieved	80 000	20*b*
		non-stress-relieved	80 000	15*b*
No. 4..	same as for Grade No. 2	stress-relieved	75 000	20*b*
		non-stress-relieved	75 000	15*b*
No. 10.	same as for Grade No. 2	stress-relieved	60 000	25
		non-stress-relieved	60 000	20
No. 15.	same as for Grade No. 2	stress-relieved	60 000	20
		non-stress-relieved	60 000	17
No. 20.	same as for Grade No. 2	stress-relieved	52 000	10
		non-stress-relieved	55 000	7
No. 30.	same as for Grade No. 2	stress-relieved	45 000	7
		non-stress-relieved	47 000	5
No. 40.	same as for Grade No. 2	stress-relieved	45 000	5
		non-stress-relieved	47 000	3

a Stress-relieving where called for in these specifications is for the purpose of developing the fundamental properties of the weld metal unaltered by picked-up stress. Values obtained from stress-relieved welded specimens are about 5 per cent lower in tensile strength and 10 to 20 per cent higher in ductility than those of non-stress-relieved specimens. The fact that a filler metal test requires stress-relief signifies only that it must develop the strength required regardless of stress-relief, and not that stress-relief must always be used in actual work. Stress-relieving shall be within the range of 1100 to 1200 F. for 1 hr. per 1 in. of thickness. Gas-welded specimens may be heat-treated at higher temperatures than the temperature specified above for stress-relief.

b It is immaterial how these high physical properties are obtained, that is whether by carbon-steel filler metal with manganese and silicon contents or by the use of some other alloying elements, but the total amount of such other elements shall be less than 4 per cent.

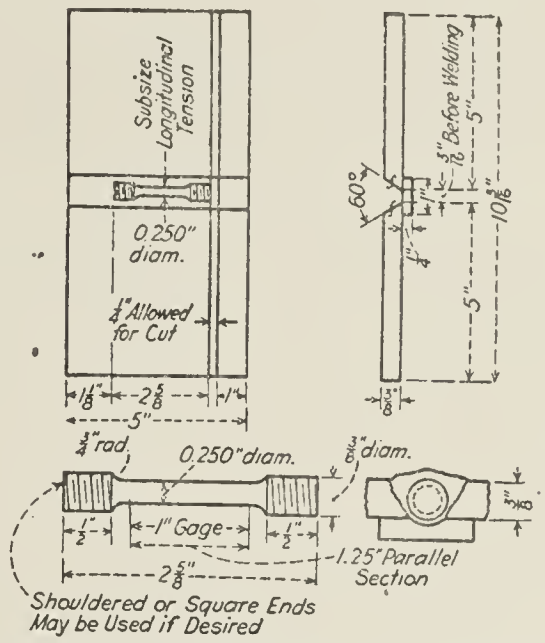
7.7 TEST SPECIMENS.

7.7.1 ALL WELD METAL TENSION TESTS. The deposited metal shall conform to the minimum tensile properties specified in Table 1.

SPECIMENS (Test).

7.7.1.1 From each lot of each size of filler metal, a sufficient number of electrodes or welding rods shall be selected at random and a deposited metal specimen prepared. The specimen shall be prepared in accordance with its proposed use.

7.7.1.2 For 1/16, 3.32 and 1/8 in. filler metal, a plate 3/8 in. in thickness shall be prepared as illustrated in Fig. 5 and the sub-size all-weld tension specimen prepared as shown.



NOTE 1.—The above plate shall be used for ⅛-in. filler metal.
NOTE 2.—Welds shall be deposited in either layers or beads.
NOTE 3.—Welds in vertical position shall be deposited upwards.
NOTE 4.—Electric welds shall cool to at least 100 F. between the deposition of each layer or bead.

Test Plate for ⅛-in. Diameter Filler Metal and Method of Machining Specimen.

FIG. 5

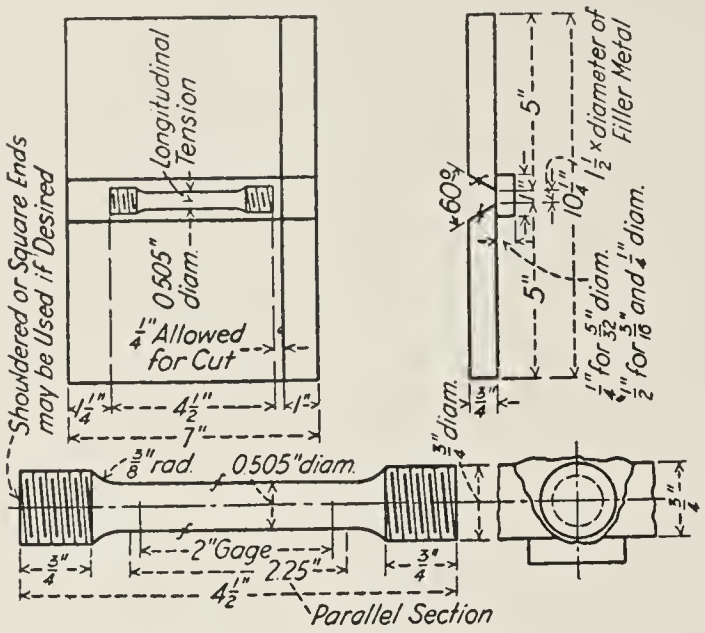
7.7.1.3 For 5/32 in. and larger sizes of filler metal, a plate 3/4 in. in thickness shall be prepared as illustrated in Fig. 6 and the tension specimen prepared as shown.

7.7.1.4 Test plates shall be so supported that warping due to welding shall not throw the finished test plate out of line by an angle of over 5 deg. If plates are warped, they shall be straightened cold before being stress-relieved where required.

7.8 SPECIAL TESTS. The Building Superintendent or his representative may require such additional standard tests as will properly develop the strength of the filler metal.

7.9 RETESTS. If any tension test specimen fails, additional test plates shall be prepared at the direction of the inspector.

7.10 ELECTRODES FOR MANUAL WELDING. In the case of coated or covered electrodes for manual welding, about 1 in. of the electrode shall be bare or free from coating at the one end for making contact with the holder. The arc end shall be sufficiently bare to permit easy striking of the arc, but the length of the bare portion of the arc end, measured from the end to the point where the full cross-section of the coating obtains, shall not exceed one nominal diameter.



NOTE 1.—The above plate shall be used for filler metal 5/32-in. in diameter and larger.
NOTE 2.—Welds shall be deposited in either layers or beads.
NOTE 3.—Welds in vertical position shall be deposited upwards.
NOTE 4.—Electric welds shall cool to at least 100 F. between the deposition of each layer or bead.

Test Plate for Filler Metal 5/32-in. in Diameter and Larger and Method of Machining Specimen.

FIG. 6

7.11 PREPARATION OF FILLER METAL.

7.11.1 Uncoated filler metal and the core of coated or covered filler metal shall be of uniform quality free from injurious segregation, oxides, pipe, seams or other irregularities.

7.11.2 On coated or covered filler metal, the coatings and coverings shall be such that they are not readily damaged by ordinary handling and shall be of commercially uniform thickness and shall present a workmanlike appearance. Coatings and coverings shall be free from injurious scabs, blisters, abnormal pockmarks, bruises or other surface defects.

7.11.3 The surface of gas-welding rods and bare electrodes shall be smooth and free from harmful scale, oil, or grease and shall be plain or copper finished, as specified.

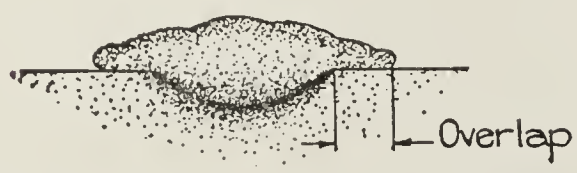
7.11.3.1 Cross-sectional dimensions shall not vary from that specified by more than 3 per cent.

REQUIREMENTS FOR ARC WELDS

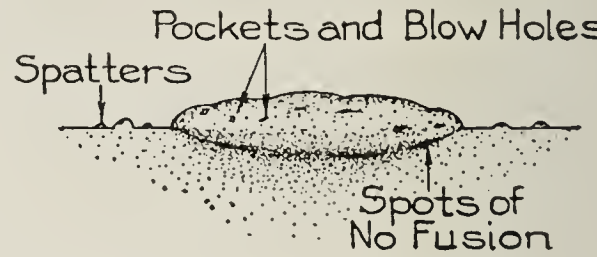
Rule 8. Bare and Lightly Coated Electrodes.

8.1 WELDING ARC. Unsound welds, insufficient penetration and overlap in general, resulting from improper arc length and amount of current and incorrect rate of travel, are prohibited. The characteristics of these different conditions are illustrated in Figs. 7 and 8.

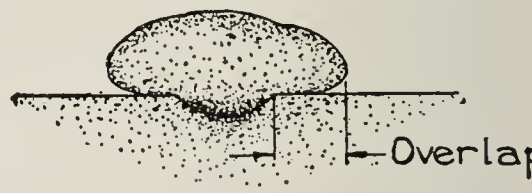
FIG. 7



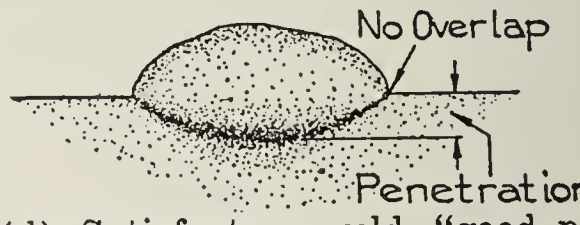
(a) Welding arc has traveled along too slowly



(b) Too long arc used or too rapid travel

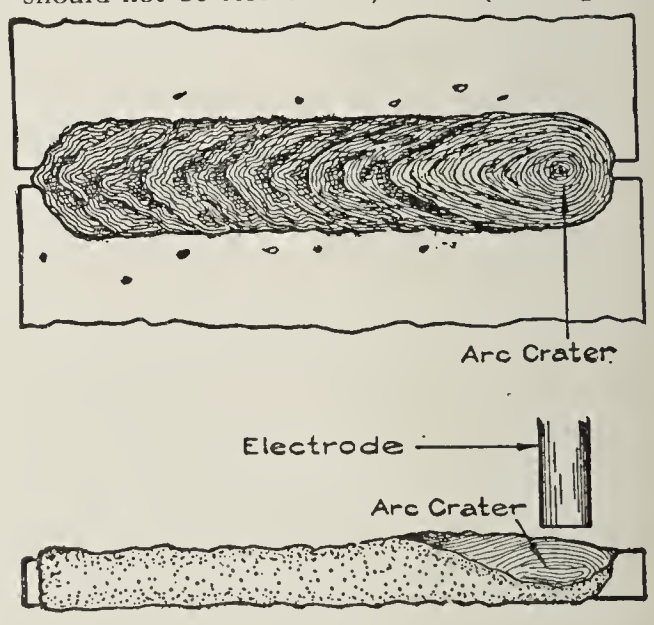


(c) Not enough heat used



(d) Satisfactory weld, "good penetration"

8.2 DEPTH OF CRATER. The depth of arc crater should not be less than 1/16 in. (see Fig. 8).



Longitudinal section of deposited metal showing penetration and arc crater.

FIG. 8

8.3 LENGTH OF ARC. In manual metal arc-welding, proper fusion, penetration and soundness of weld shall be secured by using as short an arc as can be maintained for each form of weld. A typical example of proper arc length for given thickness of base metal and for a 3/8-in. fillet weld is shown in Fig. 9. When properly manipulated, the arc will throw a steady shower of small sparks, and (in the case of bare electrodes) will be accompanied by a regular, crackling, snappy sound with fractional intervals less than one-half second between explosions. With a given current, the length of arc depends upon the arc voltage which should not exceed 20 volts.

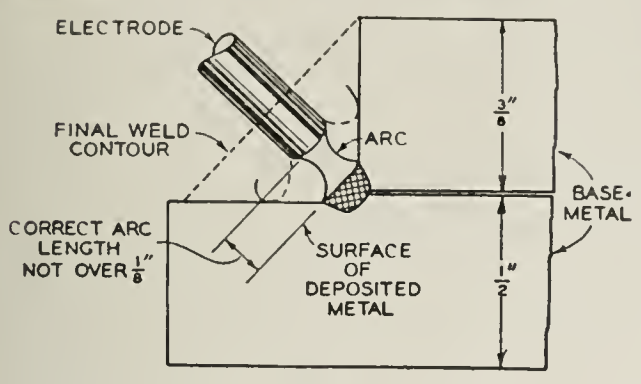


FIG. 9

8.4 CURRENT. The amount of current shall be such as will best suit the arrangement and the thickness of the base metals to be joined. Sizes and current values shall conform to those given in Table 2. In special cases other approved sizes and currents may be specified, when permitted by the Superintendent of Buildings. The current and voltage used shall be measured by suitable meters, either mounted on the arc welding machine panel, or portable, for use at the point of welding. Allowance shall be made for line drop where the meters are not adjacent to the point of welding.

Table 2—Current Values and Sizes of Bare and Lightly Coated Electrodes for Various Sizes of Welds

Size of Weld In.	Minimum Number of Layers	Electrodes and Current Values
¼	1	In all these cases use either 5/32-in. electrodes with 160-180 amps., or 3/16-in. electrodes with 180-225 amps.
⅜	1	
½	2	
⅝	2	
¾	3	

MANUAL OPERATION OF ARC. The arc shall be started by drawing a long arc momentarily to preheat base metal before deposition of filler material to insure thorough fusion at start of weld, or it shall be started moving a short arc rapidly back and forward over a limited area at start.

In case of a long weld where more than one electrode is used, the arc shall be re-started about ¼ in. to ⅜ in. ahead of the crater, going back over the crater to properly fill it and keep a uniform contour, thus insuring proper preheating as in start of weld

On single layer welds the arc shall progress with either a straight forward motion or an oscillatory motion depending on size of joint to be filled to bring it up to proper contour and insure proper fusion in root zone.

In multi-layer welding the first layer shall be deposited by moving the arc in a straight forward motion to secure proper fusion in the root zone, while subsequent layers shall be deposited with an oscillatory motion to build up the weld to the proper contour. The first layer shall be made with an electrode small enough to get thorough penetration at the root zone.

Each layer shall be thoroughly cleaned by brushing or chipping to remove all excess scale and oxides before depositing succeeding layers. The surface of each layer shall be reasonably smooth and uniform in contour.

Rule 9. Heavily Coated Electrodes.

9.1 WELDING PROCEDURE. In making welds with heavily coated electrodes the procedure recommended by the manufacturer of the electrodes being used shall be followed, but if such instructions are not available, the procedures given below shall be followed.

9.2 CURRENT. The amount of current shall be such as will best suit the arrangement and the thickness of the base metal to be joined. The current ranges in Fig. 10 are given as a guide in selecting the best operating conditions for various electrode sizes and plate thicknesses for flat, vertical and overhead welding. In special cases, other approved sizes and amounts of current may be specified. The current and voltage used shall be measured by suitable meters, either mounted on the arc welding panel, or portable, for use at the point of welding. Allowance shall be made for line drop where the meters are not adjacent to the point of welding.

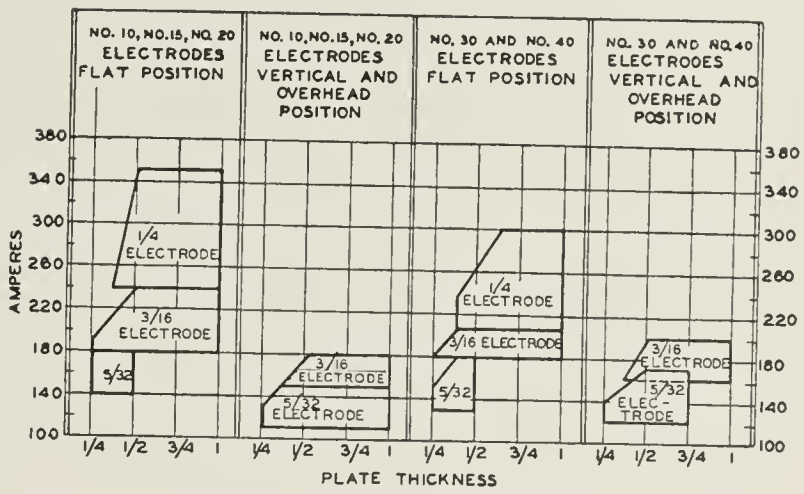


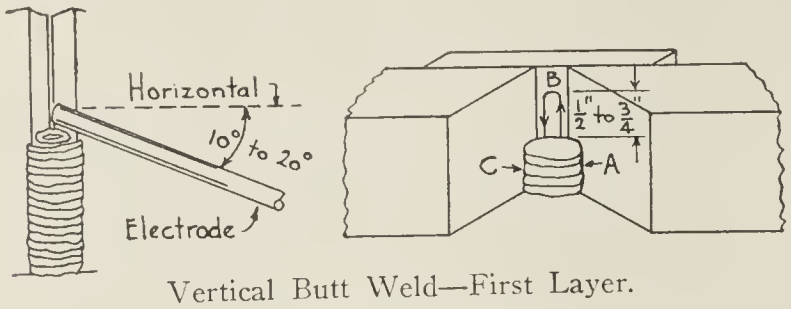
FIG. 10

9.3 WELDING PROCEDURE FOR FLAT BUTT WELDS.—In making butt welds on bevel joints, weave the electrode from one side of the joint to the other. This weaving may not be necessary on the first pass. These oscillations shall be regulated so that the weld metal fuses into the side walls without directing the arc against the walls. This shall be accomplished by pointing the electrode downward and allowing the outer edges of the arc to play lightly on the walls. A stay shall be made long enough on the turns to insure complete fusion into the side walls.

The travel speed shall be regulated to limit the thickness of the layer per pass to not more than ⅛ in.

9.4 WELDING PROCEDURE FOR VERTICAL AND OVERHEAD BUTT WELDS. One-eighth (⅛)-in. and 5/32-in. diameter electrodes should be used in the vertical and overhead welding positions, but the 3/16-in. diameter may be used in vertical welding when necessary.

Vertical welds shall be made by welding upward. The first pass should be started by oscillating or weaving the electrode from side to side (Fig. 11*A*) to produce a weld metal bridge across the "V." Then the arc is to be moved rapidly upward for ½ to ¾ in. along the bottom of the "V" (Fig. 11*B*), drawing a long arc (about 30 volts), and then back down to the crater again (Fig. 11*C*), shortening the arc to its previous length. The movement up and down should require about ⅓ sec. and should be easily accomplished with a bending action of the wrist. Its purpose is to allow the molten metal in the pool to solidify and to preheat the plates ahead of the crater.

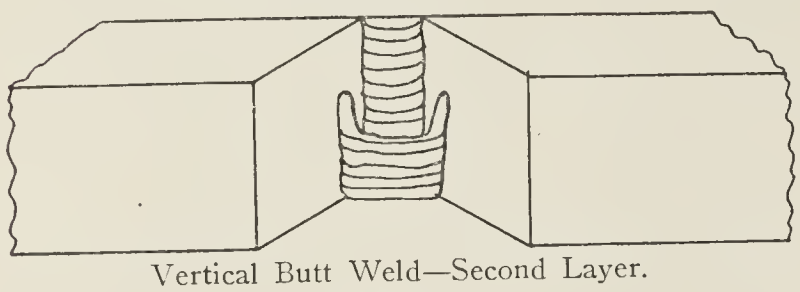


Vertical Butt Weld—First Layer.

FIG. 11

9.5 The above cycle of operation shall be repeated all the way up, each time depositing a thin layer of metal on top of the preceding layer. The travel speed on the first pass shall be regulated to limit the deposit to the equivalent of about a ¼-in. fillet weld. On succeeding passes, the thickness shall not exceed ⅛ or 5/32 in. The successive passes shall be made by this up and down technique or by successive horizontal weaving.

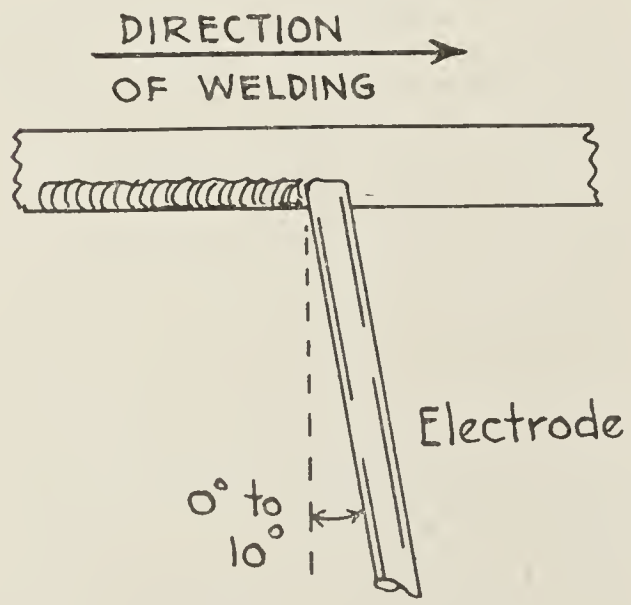
9.6 If, in making the second and succeeding passes, a procedure similar to that of the first pass shall be used, the motion (Fig. 12) to be across the pool or shelf, then upward and back at one side of the "V," then across the shelf to the other side, and up and back to the shelf again. The up and down motions shall be done rapidly, lengthening the arc while doing so. If the procedure of weaving straight across is used, it shall be similar to the above except that the up and down motion at each end of the shelf is eliminated.



Vertical Butt Weld—Second Layer.

FIG. 12

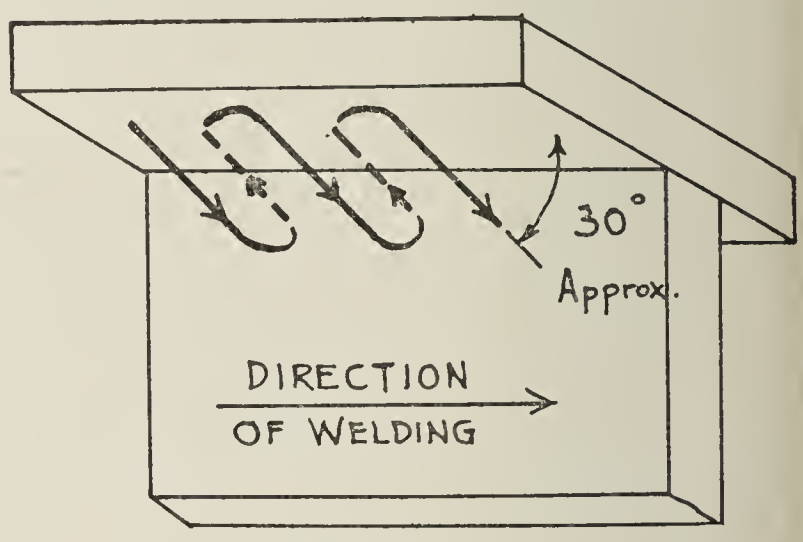
9.7 For overhead butt welds, the procedure shall be the same as that previously described for vertical welds. The electrode shall be pointed upward and sometimes leaning slightly forward, as shown in Fig. 13. A shelf on which to work shall be deposited at the start and the cycles of operation shall be the same as those for vertical welding.



Overhead Butt Weld.

FIG. 13

9.8 WELDING PROCEDURE FOR FLAT AND OVERHEAD FILLET WELDS. For light fillet welds (¼ in. or less) and the first pass of multiple pass welds, the electrode shall be moved only in the direction of travel. The second and successive passes or heavy single-pass welds (⅜ in. for example) shall be made by weaving the electrode in a plane making an angle of about 30 degrees with the underside of the plate, as shown in Fig 14. The solid line represents actual welding. The dotted line represents an upward skip done in about 1/3 sec.



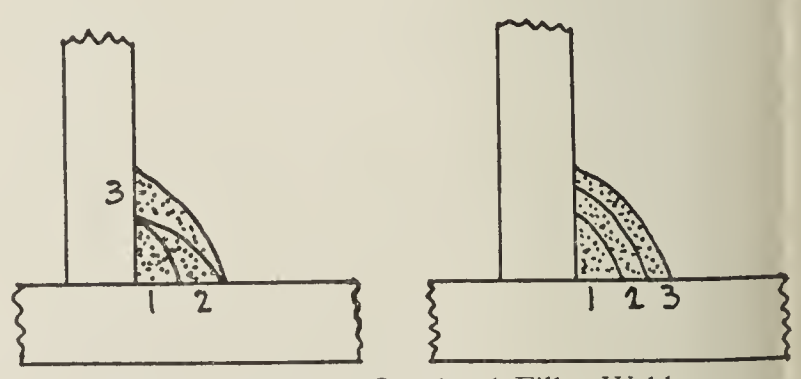
Overhead Fillet Weld.

FIG. 14

9.9 WELDING PROCEDURE FOR VERTICAL FILLET WELDS. Vertical fillet welds shall be made in the same manner as vertical butt welds.

9.10 WELDING PROCEDURE FOR MULTI-LAYER FILLET WELDS IN ANY POSITION. In certain cases fillet welds in sizes up to ⅜ in. may be made in a single pass by holding the electrode at a suitable angle and moving it along at a uniform rate. Where the fillet weld requires more than one layer, the second and subsequent layers shall be deposited as a complete spread over the previously deposited metal or in two or more parts as shown in Fig. 15.

ALTERNATE METHODS OF MAKING MULTI-LAYER WELDS



Flat, Vertical, or Overhead Fillet Weld.

FIG. 15

Rule 10. Requirements for Gas Welds.

10.1 WELDING FLAME. Torches may be either single or multiple flame. The adjustment of the welding flame shall be the same as used in the qualification tests.

10.2 The size of the inner cone or inner cones shall be regulated for varying thicknesses of base metal so that the proper amount of heat and flame condition is obtained to properly perform the welding operation. The criterion for welding flame regulation is that the inner cone or inner cones should be of a size and character which produce sufficient heat to maintain the welding puddle in a quiet molten state, and to cause fusion of the welding puddle with the base metal.

10.3 The orifice of the welding tip shall be kept clean at all times during the welding operation so that the regular and symmetrical inner cone or cones can be maintained.

10.4 WELDING ROD. The size of the welding rod to be used shall be such that the rod shall be of sufficient diameter to maintain the welding puddle in a quiet molten state.

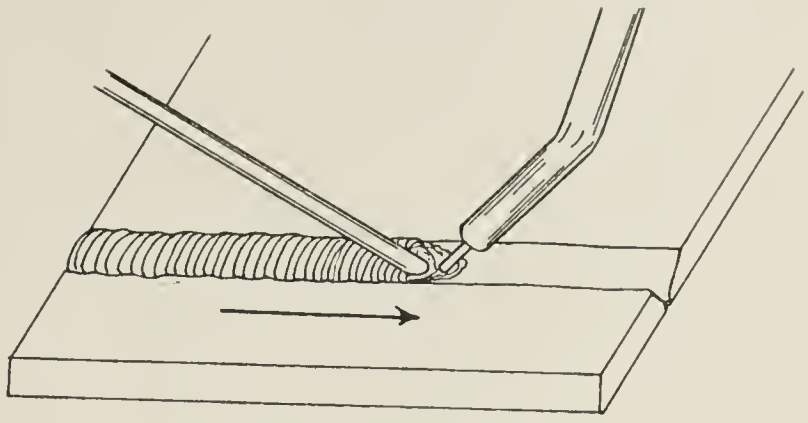
10.5 STARTING WELDS. In starting a weld, the base metal shall be heated to a dull red for a distance of from 1 to 2 in. along the joint so that the point of welding can be brought to the fusion temperature evenly before welding rod is added. If the weld is stopped for any reason, the same precautions should be observed upon restarting.

10.6 TACK-WELDS. In making tack-welds, the same precautions should be observed as when starting welds. Where a designed weld will later be made over the tack-weld, the tack-weld shall be made with the same care as required for designed welds.

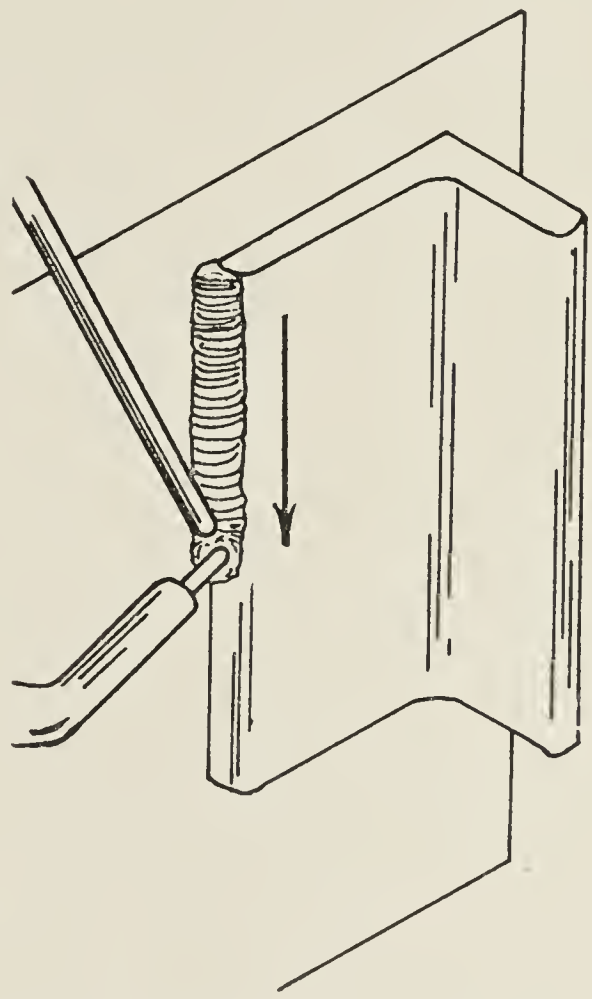
10.7 WELDING TECHNIQUE — GENERAL. The welding torch and welding rod shall be manipulated so as to maintain a definite puddle of molten weld metal without overheating either the base metal or deposited metal. The end of the welding rod shall be kept within the limits of the puddle at all times, particular care being taken not to disturb the rear edge of the puddle which might cause slag on the surface to become entrapped in the weld metal. In manipulating the flame, the tip of the inner cone shall preferably not touch either base metal, puddle or welding rod.

10.8 Either backhand or forehand technique may be employed. The various positions of welding rod and flame with respect to each other in backhand and forehand techniques are illustrated in Figs. 16 and 17.

10.9 In carrying the puddle forward, the base metal surfaces just in advance of the puddle shall be prepared for fusion with the puddle by melting sufficient surface metal to remove oxides and expose sound base metal. In some cases this depth of melting may be 1/32 in. or less. Manipulation of the rod and flame in controlling the puddle shall be



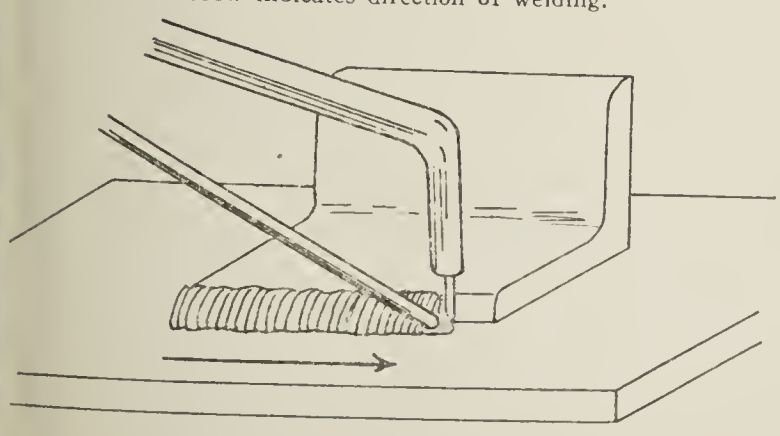
Butt Weld—Flat Position.



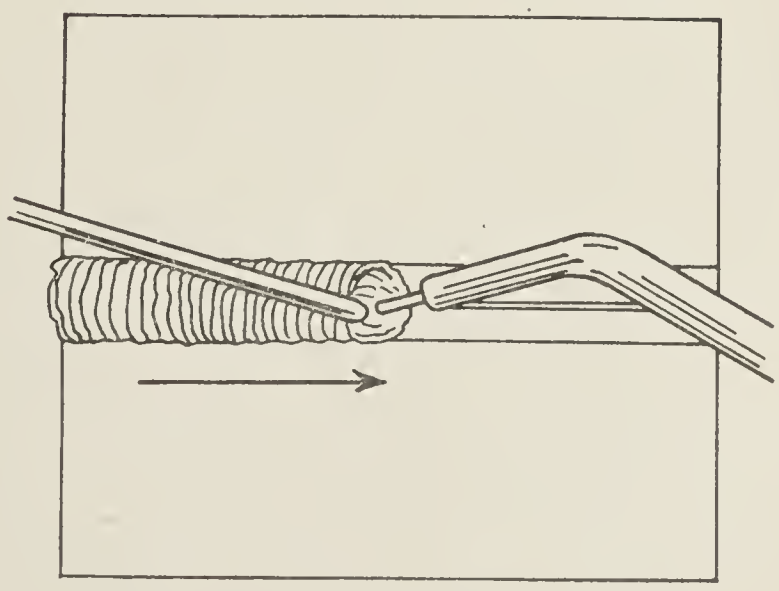
Fillet or Butt Weld—Vertical Position.

FIG. 16

Positions of Rod and Flame in Backhand Technique.
Arrow indicates direction of welding.



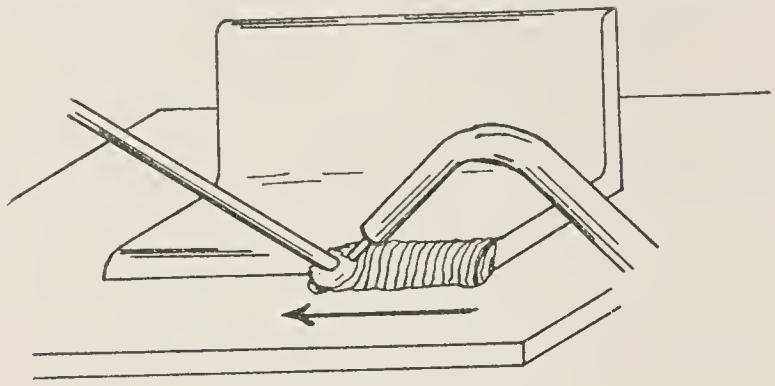
Fillet Weld—Flat Position.



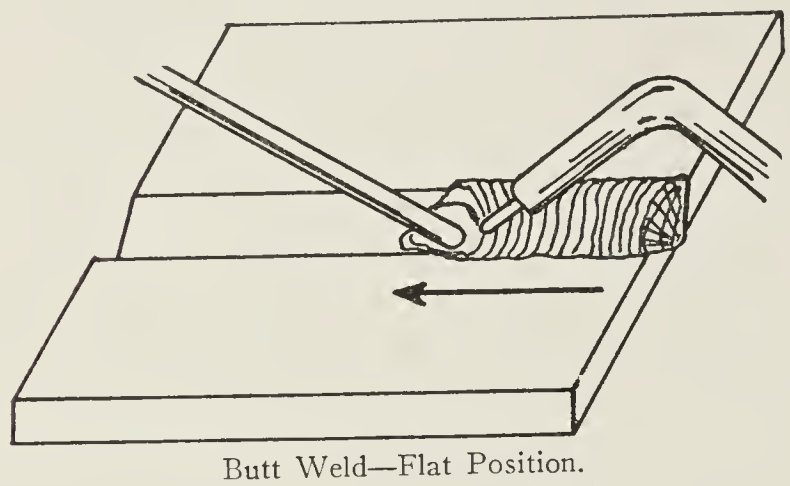
Fillet or Butt Weld—Horizontal Position.

FIG. 17

Positions of Rod and Flame in Forehand Technique.



Fillet Weld—Flat Position.



Butt Weld—Flat Position.

such that at no time is molten metal from the puddle permitted to flow ahead until this melting has occurred.

10.10 For welding in positions other than flat, it shall be permissible to carry a fairly shallow puddle for convenience in controlling it. When using backhand technique, this shall be done by distributing the molten metal in the puddle with the end of the welding rod, providing the puddle is kept sufficiently molten so that surface oxides do not become entrapped in the weld.

10.11 FILLET WELDS. When fillet welding in the flat position, there is a tendency for the top plate to melt before the bottom plate. This shall be avoided by pointing the flame more against the lower plate as shown in Figs. 16 and 17. It is essential that fusion be secured at the inside corner or root of the joint, the welding rod and inner cone shall be manipulated so this result will be secured. If desired, the welding rod may be stirred lightly, well within the bounds of the puddle, to maintain a shallow puddle and distribute the molten metal so as to obtain readily welds of proper size and shape.

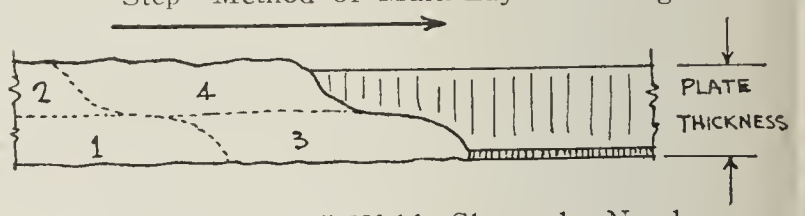
10.12 BUTT WELDS. When butt welding in the flat position, manipulation of rod and inner cone shall be such that the bottom of the vee is fused together at the same time but in advance of the upper walls of the vee so that the weight of the puddle does not cause molten metal to sag inside the joint. Where spacing of the joint exceeds 1/6 in., it is allowable to weld the bottom of the vee together in a separate operation, ½ in. to 1 in. at one time ahead of the principal point of welding.

10.13 MULTI-LAYER WELDING. Multiple layer welding may be used in place of single layer welding for all positions of welding and thicknesses of metal, but especially for welds of larger size. The criterion shall be the size of puddle that can most effectively be carried by the welder for the particular position of welding. If the completion of a weld in one layer requires a puddle larger than indicated by this criterion, two or more layers shall be made.

The layers of the weld may be made continuously for the full length, or the welding may be done by the "step" method illustrated in Fig. 18.

FIG. 18

"Step" Method of Multi-Layer Welding.



Sequence of "Step" Welds Shown by Numbers.

Rule 11. Gas Cutting.

11.1 Gas cut edges shall be smooth and regular in contour and shall not be used to replace milling for bearing surfaces. It may be used in preparing base metal parts for welding, provided that the edges so cut be thoroughly cleaned.

11.2 Gas cutting shall not be performed on a member while under stress. Any field cutting of structural members to provide openings or to remove portions of flanges shall not be done, unless provided for in the design.

11.3 Gas cutting shall be done by one experienced in this work and under the continual and adequate supervision of the inspector.

Rule 12. Supervision and Inspection.

12.1 Any welding to be done on a structure or any part thereof shall be performed under the supervision of a representative of a standard testing agency or inspecting agency responsible to the owner or licensed architect or licensed engineer.

12.2 Such inspector as provided for in 12.1 shall take adequate means to assure that the preparing, gas cutting, assembling and welding of the joints of the structure conform to the design and that the resulting structure is free from deficiencies and injurious defects. He shall keep and submit daily to the licensed architect or licensed professional engineer responsible for the work adequate records of the progress of the work, of difficulties experienced, and of his decision of acceptance and rejection. His records shall allocate a definite and personal responsibility for his acceptance of every weld as to size, location, type of filler metal used and quality of workmanship, and shall evidence that no weld called for in the design has been omitted. He shall require that each welder stamp his identification symbol on his work, and the inspector after inspecting each weld shall do likewise.

12.2.1 He shall inspect for defects and irregularities, plate cracks adjacent to or behind welds crater cracks or cracks in the weld metal.

12.2.2 He shall gauge all welds for deficiency of throat or other critical cross-section.

12.2.3 He shall carefully observe and reject undercutting, overlap or lack of fusion at edges of weld, lack of penetration, or porosity, location of craters, size and shape of bead, and order occasional chipping to determine penetration and all or any irregularities contrary to the design.

12.3 The contractor who is to do welding shall submit to the Superintendent of Buildings a statement that the work will be done in accordance with these rules and the building code and shall include in such statement, the detailed procedure he proposes to follow, which shall include the following:

That each welder or group of welders shall be under the continual supervision of an experienced foreman.

That only welders qualified under these rules be employed.

That each welder shall be provided with proper gauges to check his work.

That the foreman shall be able to read blueprints and shall lay out and allocate the work each welder is to perform and he shall carefully observe the burn-off of the electrode; the fusion, and penetration of crater; the formation of the bead; and the sound of the arc.

That only the base metal and filler metal conforming to the job specifications and these rules be used.

That the welding equipment furnished shall have proper characteristics to allow good work.

That he shall provide such necessary tests as may be required to insure good work, and such other tests as may be ordered by the Superintendent of Buildings.

Rule 13. Workmanship on Welded Structures.

13.1 The arrangement of the joints to be welded shall be such as to enable the operator to have an unobstructed view of the surfaces to be welded at all times during the welding operation.

13.2 Whenever tack-welds are located where a designed weld will later be made, they shall be made according to the foregoing requirements. When encountered in the final welding operation, they shall be thoroughly fused in with the final weld. Tack-welds should be thickest at the center and should taper at both ends for convenience in carrying the regular weld over the tack-weld (see Fig. 19).

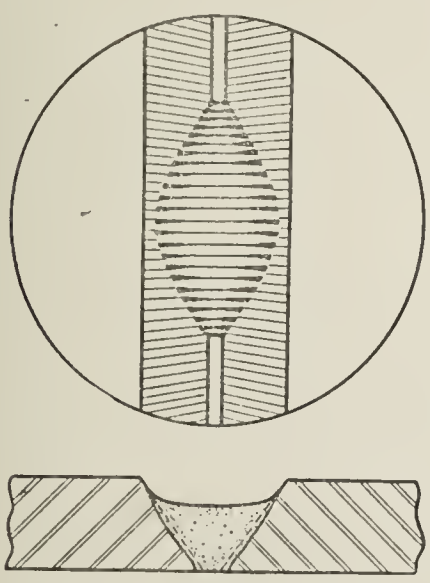


FIG. 19

13.3 Welds found deficient in dimensions, but not in quality may be enlarged by additional welding. Where a deficient weld renders the weld inaccessible or has caused new conditions which would make reinforcement dangerous or ineffectual, the weld shall be removed and original conditions restored or in lieu thereof a revised design, correcting this condition shall be submitted to the superintendent. Any weld found deficient in quality, size, or made contrary to the requirements of these rules shall be removed by chipping or melting and shall be remade. The weld metal shall be removed throughout its depth to clean base metal. A cracked weld shall be removed throughout its entire length.

The cutting or chipping of a weld shall not extend into the base metal. Care shall be taken not to burn or otherwise injure the base metal and after melting the exposed base metal shall be cleaned by chipping and wire brushing.

13.4 Surfaces to be welded shall be free from mill scale, rust, paint or other foreign matter. A thin coat of linseed oil or its equivalent over the surfaces to be welded need not be removed. This provision applies both in the case of new structures and where new steel is to be welded to steel in an existing structure.

13.5 Structural steel shall not be painted on any areas where shop or field welding is to be performed, except that a coat of linseed oil without pigment may be used for temporary protection. However, structural members which have been painted, may be welded, provided that the paint is completely removed from the areas to be welded.

13.6 Where rivets are under load there shall be no welding at the connections between structural members so riveted unless precautions are taken to prevent loss of tension of rivet in a manner approved by the superintendent. In assembling and during welding, the component parts of a built up member shall be held by sufficient clamps, or other adequate means shall be employed for temporarily fastening the members together and bracing the framework until the joints are welded. This shall consist of erection bolts or positive devices imparting sufficient strength and stiffness to resist all temporary weights and lateral forces, including wind.

13.7 For all welded structures over 30 feet in height, erection bolts, or equivalent means shall be employed for temporarily supporting the members, and existing loads, and for insuring proper alignment.

13.8 The temporary support of girders carrying columns or other heavy loads shall be made rigid by such means as shall be determined by the registered architect or licensed professional engineer in charge.

13.9 In tier building erection, members shall not be erected more than two tiers, or more than one-column lengths above any column connections yet unwelded.

Rule 14. Metal Chimneys and Tanks.

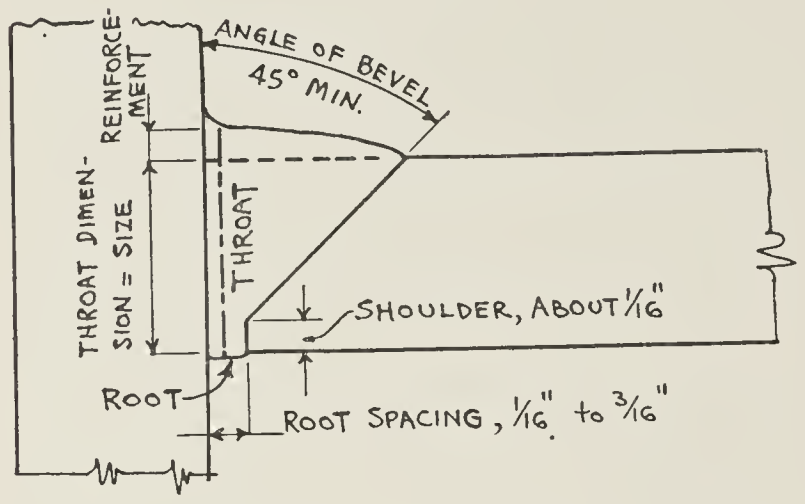
Metal Chimneys and Tanks and all materials entering into their construction, when welded, such welding shall conform to these rules.

NOTICE—See Following Page for Illustrations of Definition of Butt and Fillet Welds.

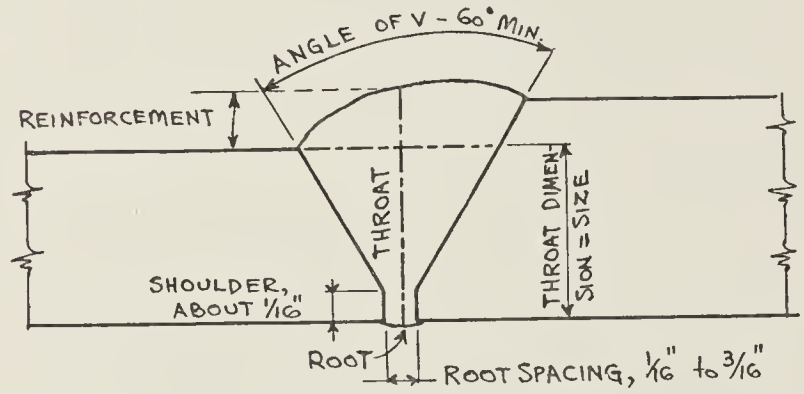
PUBLIC HEARING

Illustrations of definition of butt and fillet welds.

FIG. 20

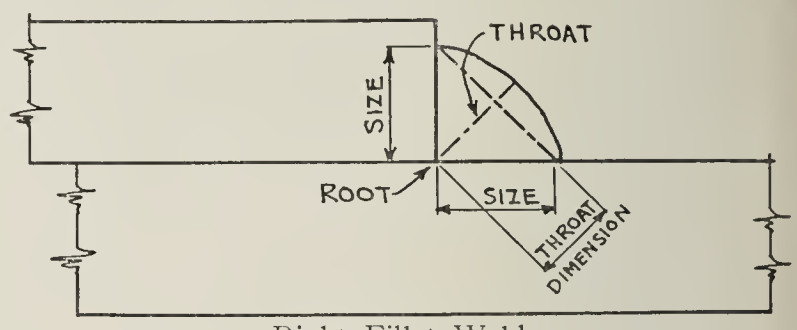


Single Bevel Butt Weld.

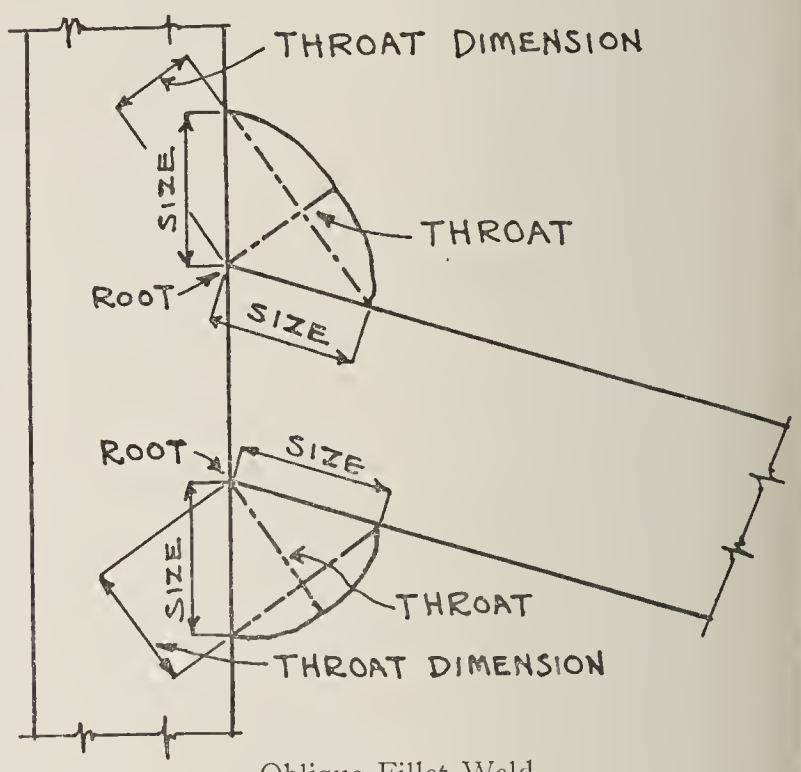


Single-V Butt Weld.

FIG. 21



Right Fillet Weld.



Oblique Fillet Weld.

APPROVED APPLIANCES

APPROVED FIRELINE HOSE VALVES

TYPE A—150 LBS. WATER WORKING PRESSURE

May be installed on all 4-inch and 6-inch systems and on uppermost stories on 8-inch systems

Name	*Calendar No.*
Fairbanks Company	81-20-SA
Walworth Company	899-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Croker National Fire Prev. Eng. Co.	304-28-SA
Jenkins Brothers	779-28-SA
W. D. Allen Mfg. Co.	890-28-SA
John Simmons Co.	209-29-SA
Grinnell	651-30-SA
Elkhart	14-31-SA

TYPE B—250 LBS. WATER WORKING PRESSURE

May be installed on all standpipe systems

Name	*Calendar No.*
New York Brass Foundry Co. (Stillbech)	53-21-SA
Walworth Company	900-27-SA
W. D. Allen Mfg. Company	1151-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Jenkins Brothers	780-28-SA
Croker National Fire Prev. Eng. Co.	970-28-SA
Fairbanks Company	268-29-SA
Pratt & Cady	231-30-SA
Elkhart	15-31-SA

APPROVED FUEL OIL FILL PIPE TERMINALS

Name	*Calendar No.*
Fee and Mason	10-36-SA
Flagg	345-35-SA
J. H. N.	292-35-SA
Newbury	223-35-SA
Preferred	213-35-SA
Rhode Island	204-35-SA
Seal-O-Strain	48-35-SA
Sealtite	231-35-SA
Simplex	214-35-SA

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BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

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TELEPHONE—WORTH 2-0184.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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Minutes of Regular Meeting, February 8, 1938, at 10 A. M., Affecting Calendar Numbers 473-37-BZ, 279-37-BZ, 263-37-BZ, 337-37-BZ, 450-37-BZ, 309-35-BZ, 467-37-BZ and 127-35-BZ.

Minutes of Regular Meeting, February 8, 1938 at 2 P. M., Affecting Calendar Numbers 458-37-BZ, 64-38-BZ, 525-29-BZ, 419-37-BZ, 185-33-BZ, 695-29-BZ, 63-38-A, 623-37-A, 7-38-A, 57-38-A, 60-38-A, 58-38-A, 59-38-A, 65-38-A, 431-25-A, 627-37-S, 45-38-S, 74-38-S, 20-38-SM, 28-38-SM, 33-38-SM, 34-38-SM, 89-27-SR, 266-35-SA, 243-36-SA, 625-37-SA and 463-31-SA.

Correction Affecting Calendar Number 42-32-BZ.

Approved Fireline Hose Valves.

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.
Special meetings as published in this Bulletin.
Call of Clerk's Calendar, Mondays, at 2 p. m.
All hearings are held in Room 1013, Municipal Building, Manhattan.

HOURS FOR CONSULTATION
10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

CALL OF CLERK'S CALENDAR

The *Clerk's Calendar* consists of applications under the Building Zone Resolution, and its object is to give interested property owners opportunity to file objections, if any, and will be called in Room 1013, *Monday, February* 14, 1938, at 2 o'clock. At this call each case is set for hearing on a definite day.

The next subsequent Call of the Calendar will be on *Monday, February* 21, 1938, at 2 o'clock.

The *Clerk's Calendar* is not to be confused with the calendar of cases that have been definitely set for hearing on fixed days.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

DOCKET

New Cases Filed up to February 8, 1938

Cal. No. *Department* *Premises Affected*

61-38-BZ.....H.B.M.....5232-5248 Broadway, northeast corner of West 226th street (Block 2215, Lot 130), Borough of Manhattan. Alt. 42-38.

62-38-BZ.....H.B.Bx.....5672 Riverdale avenue, east side, 218.67 ft. south of West 259th street (Block 3423A, Lot 129), Borough of The Bronx, N.B. 541-37.

63-38-A.....H.B.Bx.....529 East 235th street and 4271 Webster avenue, northwest corner (Block 3397, Lot 32), Borough of The Bronx, N.B. 269-37.

64-38-BZ.....H.B.Bx.....262-264 East 204th street, south side, 103.25 ft. west of Mosholu parkway south (Block 3309, Lots 59 and 106), Borough of The Bronx, Alt. 989-37.

65-38-A.....H.B.Bx.....South side of East Pilot street, 118 ft. east of City Island avenue (Block 5641, Lot 90), Borough of The Bronx, Alt. 965-37.

66-38-BZ.....H.B.M.....340-354 Sixth avenue, east side from West Fourth street to Washington place, 151 West Fourth street and 88-90 Washington place (Block 552, Lot 1), Borough of Manhattan, Decision.

67-38-A.....H.B.Bx.....474 East 138th street, south side, 669.62 ft. east of Willis avenue (Block 2282, Lot 37), Borough of The Bronx, Alt. 17-38.

68-38-SA.....H.B.....Romine Gas Range Connection, Appliance.

69-38-A.....H.B.Bx.....4416 Edson avenue, east side, 122 ft. north of Nereid avenue (Block 5094, Lot 12), Borough of The Bronx, Alt. 943-37.

70-38-A.....H.B.B.....1620 Avenue M, south side, 20 ft. west of East 17th street (Block 6745, Lot 9), Borough of Brooklyn, Applic. 21125-37.

71-38-S.....H.B.M.....28 East 61st street and 666 Madison avenue, southwest corner (Block 1375, Lot 56), Borough of Manhattan, Applic. 4488-37.

72-38-A.....H.B.M.....73-79 Henry street and 75-85 East Broadway, northwest corner (Block 282, part of Lot 3), Borough of Manhattan, Applic. 4536-37

73-38-BZ.....H.B.B.....2420 Bedford avenue and 2301-2323 Beverly road, northwest corner (Block 5133, Lot 14), Borough of Brooklyn, Decision.

74-38-S.....H.B.B.....383-393 Pearl street and 19-23 Willoughby street, northeast corner (Block 146, Lot 1), Borough of Brooklyn, Applic. 1405-38.

75-38-A-WF..H.B.Q.....111-66 Corona avenue, south side, 97.79 ft. west of Colonial avenue (Block 1972, west part of Lots 53 and 56), Corona, Borough of Queens, Decision.

76-38-A-WF..H.B.Q.....126-02 Northern boulevard, northeast corner of 126th street (Block 1820, Lot 1), Corona, Borough of Queens. Alt. 4446-37

CODE

D.B.....Department of Buildings
H.D.....Health Department
D.B.B.....Department of Buildings, Brooklyn
D.B.M.....Department of Buildings, Manhattan
D.B.Q.....Department of Buildings, Queens
D.B.R.....Department of Buildings, Richmond
D.B Bx.....Department of Buildings, Bronx
T.H.D.....Tenement House Department
F.D.....Fire Department

DESIGNATIONS: **H.B.**—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

RULES

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Certificate of Occupancy, approved forms .....Aug.	2, 1932—Vol. 17, No. 31
Concrete Flat Slabs, Rules.....July	13, 1937—Vol. 22, No. 28
Concrete Rules (Hydrated Lime)...Aug.	3, 1937—Vol. 22, No. 31
Elevator rules .....Mar.	3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors).....June	15, 1937—Vol. 22, No. 24
Factory Exit Rules.....Nov.	9, 1937—Vol. 22, No. 45
Fire Alarm Rules (Interior).....Dec.	28, 1937—Vol. 22, No. 52
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Hatchway Protection .....June	5, 1928—Vol. 13, No. 23
Oil Burner Rules.....Feb.	1, 1938—Vol. 23, No. 5
Paint, Varnish and Lacquer Spraying Rules .....Jan.	18, 1938—Vol. 23, No. 3
Platform Trucks, Specifications for.Nov.	24, 1936—Vol. 21, No. 47
Plumbing Rules .....Aug.	3, 1937—Vol. 22, No. 31
Procedure, Rules of.....Sept.	7, 1937—Vol. 22, No. 36
Refrigerating Systems, Extract C.O.Nov.	23, 1937—Vol. 22, No. 47

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Sprinkler Rules	June	29, 1937—Vol. 22,	No. 26
Standpipe Fireline Rules.....	June	8, 1937—Vol. 22,	No. 23
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Tank Trucks, Fuel Oil, etc.....	Nov.	24, 1936—Vol. 21,	No. 47
Tank Trucks, Gasoline, etc.....	Nov.	24, 1936—Vol. 21,	No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)..	Apr.	10, 1923—Vol. 8,	No. 15

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Fireline Hose Valves.....	Feb.	15, 1938—Vol. 23,	No. 7
Fuel Oil Burners for Domestic and Commercial Use	Jan.	4, 1938—Vol. 23,	No. 1
Fuel Oil Fill Pipe Terminals.....	Feb.	8, 1938—Vol. 23,	No. 6
Fuel Oil Burners for Industrial Use.	Jan.	25, 1938—Vol. 23,	No. 4
Fuel Oil Pumps.....	Feb.	8, 1938—Vol. 23,	No. 6
Paint, Varnish and Lacquer Spraying Equipment	Jan.	18, 1938—Vol. 23,	No. 3
Range Oil Burners and Space Heaters	Feb.	1, 1938—Vol. 23,	No. 5

CALL OF CLERK'S CALENDAR

MONDAY, FEBRUARY 14, 1938, AT 2 P. M.

Building Zone Cases

1-37-BZ.

APPLICANT—Oscar Goldschlag, for Pondrand Amusements Co., Inc., owner.

PREMISES—67-02 62nd street, west side, 125.11 ft. north of 68th avenue (Block No. 3620, Lot No. 7), Ridgewood, Borough of Queens.

APPLICATION, under section 7h of the building zone resolution (reopened and restored to calendar January 11, 1938)

TO PERMIT in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution).

404-37-BZ.

APPLICANT—Harold Borgwald, for Marie Catherine Russell, owner.

PREMISES—4825 White Plains road, southwest corner of East 243rd street (Block No. 5109, Lot Nos. 1 and 3), Borough of The Bronx.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use dictrict the erection and maintenance of a gasoline service station.

536-37-BZ.

APPLICANT—Wortmann and Iser, for Station W Postal Building Corporation, owner.

PREMISES—158-162 West 83rd street, south side, 150 ft. east of Amsterdam avenue (Block No. 1213, Lot No. 58), Borough of Manhattan.

APPLICATION, under sections 7e and 21 of the building zone resolution,

TO PERMIT partly in a business use district and partly in a residence use district the conversion of occupancy of an existing building to a storage garage for more than five (5) motor vehicles and, also, the omission of the required rear yard.

545-37-BZ.

APPLICANT—Boris W. Dorfman, for Wayington Corporation, owner.

PREMISES—862-874 Washington avenue and 175-185 Eastern parkway, northwest corner (Block No. 1179, Lot No. 108), Borough of Brooklyn.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use (stores).

535-37-BZ.

APPLICANT—Sidney H. Kitzler, for Nostmont Garage, Inc., owner.

PREMISES—956-978 Nostrand avenue, west side, from Sullivan place to Montgomery street, 291-301 Sullivan place and 412-416 Montgomery street (Block No. 1305, Lot Nos. 40, 46, 47, 48, 50 and 52), Borough of Brooklyn.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT partly in a business use district and partly in a residence use district the extension (a proposed basement story) of a garage for more than five (5) motor vehicles (previously granted by the board but not erected); the inclusion of stores in a garage for more than five (5) motor vehicles (previously granted by the board) and, also, the omission of the division wall between these two (2) garages for more than five (5) motor vehicles so as to create one unit garage.

539-37-BZ.

APPLICANT—Samuel A. Rosenberg, for Vitro Cirillo, owner.

PREMISES—1237-1243 McDonald avenue, east side, 180 ft. south of Avenue J (Block No. 6524, Lot No. 71), Borough of Brooklyn.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the extension and also the conversion of occupancy of an existing building to a refrigeration plant.

FEBRUARY 15, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, February* 15, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 324-37-BZ—Application, June 29, 1937, under section 21 of the building zone resolution, of Joseph M. Lonergan, applicant, on behalf of Mathilda Litchman and Bruno Bernabo, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4727-4729 Third avenue, west side and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

CAL. NO. 431-37-BZ—Application, September 2, 1937, under section 21 of the building zone resolution, of James J. Millman, applicant, on behalf of T. H. Fraser Mortgage Co., owner, to permit in a business use district the conversion of occupancy of an existing wet wash laundry to a garage for more than five (5) motor vehicles and gasoline service station; premises 5813-5823 20th avenue and 2001-2011 59th street, northeast corner (Block No. 5507, Lot No. 1), Borough of Brooklyn.

CAL. NO. 54-37-BZ—Application, February 13, 1937, under section 7h of the building zone resolution, of 92-32 Union Hall Street, Inc., applicant and owner, to permit in a

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business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises 160-13 to 160-21 Archer avenue, north side, 110 ft. west of Union Hall street (Block No. 1051, Lot No. 150), Jamaica, Borough of Queens.

CAL. NO. 166-37-BZ—Application, April 13, 1937, under section 7h of the building zone resolution, of Mary B. Roberts, applicant and lessee, on behalf of Lawida Corporation, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the use of a plot of ground for the parking and storage of more than five (5) motor vehicles and, also, for used car sales; premises 4485-4519 Broadway, northwest corner of West 192nd street (Block No. 2180, Lot Nos. 633, 635 and part of Lot No. 646), Borough of Manhattan.

CAL. NO. 366-37-BZ—Application, July 15, 1937, under sections 7h and 21 of the building zone resolution, of F. Oscar Larsen, applicant and lessee, on behalf of Queens boro Investing Company and Jackson Avenue Corporation, owners, to permit partly in a business use district and partly in a residence use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 37-05 75th street, 37-04 76th street and 75-10 37th avenue, south side, between 75th street and 76th street (Block No. 465, Lot Nos. 30, 31, 35, 38, 40 and 42), Jackson Heights, Borough of Queens.

CAL. NO. 429-37-BZ—Application, September 2, 1937, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Morris Roth, owner, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station; premises 47-11 108th street and 108-09 48th avenue, northeast corner (Block No. 2003, Lot No. 84), Corona, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 15, 1938, 2 P. M.

Appeals from Administrative Orders

22-38-A—146-148 East 56th street, south side, 145 ft. east of Lexington avenue (Block No. 1310, Lot No. 47), Borough of Manhattan.

63-38-A—529 East 235th street and 4271 Webster avenue, northwest corner (Block No. 3397, Lot No. 32), Borough of The Bronx.

67-38-A—474 East 138th street, south side, 669.62 ft. east of Willis avenue (Block No. 2282, Lot No. 37), Borough of The Bronx.

69-38-A—4416 Edson avenue, east side, 122 ft. north of Nereid avenue (Block No. 5094, Lot No. 12), Borough of The Bronx.

70-38-A—1620 Avenue M, south side, 20 ft. west of East 17th street (Block No. 6745, Lot No. 9), Borough of Brooklyn.

72-38-A—73-79 Henry street and 75-85 East Broadway, northwest corner (Block No. 282, part of Lot No. 3), Borough of Manhattan.

Variation of Labor Law

71-38-S—666 Madison avenue and 28 East 61st street, southwest corner (Block No. 1375, Lot No. 56), Borough of Manhattan.

Appliances Submitted for Approval

49-38-SA—Latham Automatic Oil Burner.

50-38-SA—Ray Gun Type Oil Burner, Model XP.

56-38-SA—Duplex De Luxe Splicing Machine.

68-38-SA—Romine Gas Range Connection.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution *Tuesday afternoon, February* 15, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 164-37-BZ—Application, April 8, 1937, under section 7h of the building zone resolution, of Charles Hoffman, applicant and lessee, on behalf of Bessie Greenwald, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 9716-9718 Church avenue, south side, 72 ft. 6½ in. west of East 98th street (Block No. 4718, Lot Nos. 41 and 42), Borough of Brooklyn.

CAL. NO. 575-32-BZ—Application of Wood and Marshall, applicants, on behalf of Suburban Maintenance Service Corporation, owner, reopened January 11, 1938 for consideration as to extension of permit —re Application, granted on condition, under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station for a temporary period; premises southeast corner of Merrick road and 242nd street (Block No. 3645, Lot No. 19), Rosedale, Borough of Queens.

CAL. NO. 207-37-BZ—Application, May 6, 1937, under sections 7g and 21 of the building zone resolution, of Larsen Baking Company, Inc., applicant and owner, to permit in a business use district the conversion of occupancy of an existing building to a garage for more than five (5) motor vehicles; premises 1490 Clove road, southwest corner of Tioga street (Block No. 661, Lot No. 7), West New Brighton, Borough of Richmond.

CAL. NO. 458-37-BZ—Application, September 24, 1937, under sections 7c and 21 of the building

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zone resolution, of Lama and Proskauer, applicants, on behalf of East Brooklyn Savings Bank, owner, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a building to be used as a garage for more than five (5) motor vehicles and a motor vehicle repair shop and also the establishment of a gasoline service station; premises 374-386 Willoughby avenue and 903-907 Bedford avenue, southeast corner (Block No. 1762, Lot Nos. 32 and 36), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

CALL OF CLERK'S CALENDAR

MONDAY, FEBRUARY 21, 1938, AT 2 P. M.

Building Zone Cases.

170-37-BZ.

APPLICANT—William R. McVay, for Hermine Corlis, owner.

PREMISES—79-05 Little Neck road, southeast corner of Union turnpike (Block No. 12, Lot Nos. 4, 5 and 6), Floral Park, Borough of Queens.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

348-37-BZ.

APPLICANT—Adam Schliessman (lessee), for Irving Wilson Voorhees, owner.

PREMISES—77-09 Roosevelt avenue, north side, 100 ft. west of 78th street (Block No. 1288, Lot No. 39A), Jackson Heights, Borough of Queens.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles.

334-37-BZ.

APPLICANT—L. C. James, for The New York Central Railroad Co., owner.

PREMISES—412-414 Lexington avenue, west side, opposite East 43rd street (Block No. 1280, Lot No. 54), Borough of Manhattan.

APPLICATION, under sections 7h and 21 of the building zone resolution,

TO PERMIT in a business use district the parking and storage of more than five (5) motor vehicles.

496-37-BZ.

APPLICANT—Samuels and Samuels, for Mary E. Dimmerling, Frederick C. Berger and Elsie M. Boesch, owners.

PREMISES—59-17 to 59-25 108th street and 60-01 to 60-03 Penrod street, northeast corner (Block No. 1965, Lot Nos. 54 to 62 inclusive), Corona, Borough of Queens.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

528-37-BZ.

APPLICANT—Jacob Morgenthaler, for Jacob Morgenthaler's Sons, owner.

PREMISES—164-176 Fourth avenue and 334-344 Douglass street, southwest corner (Block No. 420, Lot No. 34 and part of Lot No. 37), Borough of Brooklyn.

APPLICANT, under sections 7c and 21 of the building zone resolution,

TO PERMIT the alteration of a garage for more than five (5) motor vehicles (granted by the Board) by the removal of a portion thereof and the extension over the plot of an existing gasoline service station with the conversion of a portion of the premises to a brake testing station.

FEBRUARY 23, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Wednesday morning, February 23*, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 314-36-BZ—Application, October 23, 1936, under section 21 of the building zone resolution of Margaret Farrell, applicant and lessee, on behalf of Estate of Margaret Rowan, owner ,to permit partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises 619-623 East 163rd street, north side, 60 ft. west of Cauldwell avenue and 606-608 Teasdale place (Block No. 2621, Lot Nos. 29, 30, 31, 18 and 20), Borough of The Bronx.

CAL. NO. 430-37-BZ—Application, September 2, 1937, under sections 7b, 7c and 21 of the building zone resolution, of Goelet Realty Company, applicant and lessee, on behalf of Robert Walton Goelet, owner, to permit partly in a retail use district and partly in a restricted retail use district the erection and maintenance of a motion picture theatre; premises 384-390 Park avenue and 51-67 East 53rd street, northwest corner (Block No. 1289, Lot No. 36), Borough of Manhattan.

CAL. NO. 119-37-BZ—Application, March 18, 1937, under section 7h of the building zone resolution, of Arthur W. Renander, applicant, on behalf of William J. Jung and Florence V. Jung, owners of Lot Nos. 30 and 32, and Frederick W. Erdtmann, receiver for Nathaniel C. Hendrickson, et al., owners of Lot No. 61, to permit in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises 89-17 to 89-27 162nd street, east side, 190.70 ft. south of 89th (Shelton) avenue and 89-26 to 89-30 163rd street, west side, 242.27 ft. south of 89th (Shelton) avenue (Block No. 836, Lot Nos. 30, 32 and 61), Jamaica, Borough of Queens.

CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent, appli-

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cants, on behalf of Maude B. Mowry, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

CAL. NO. 1218-22-BZ—Application of Horace V. Shick, applicant, on behalf of General Cigar Co., Inc., owner, reopened under new proposal July 7, 1937, under sections 7e and 21 of the building zone resolution, to permit in a business use district the conversion of occupancy of a private garage for fifteen (15) motor vehicles — owners only — (previously granted by this Board) to a public garage for more than five (5) motor vehicles and motor vehicle repair shop on a street between two (2) intersecting streets in which portion there exists an entrance to a public school; premises 36-40 Stone avenue and 305-313 MacDougal street, northwest corner (Block No. 1528, Lot No. 44), Borough of Brooklyn.

CAL. NO. 383-37-BZ—Application, July 29, 1937, under sections 7c and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Estate of A. J. Sweeney, owner, to permit in a business use district the alteration and extension of an existing garage for more than five (5) motor vehicles; the inclusion of a gasoline station in part of the existing garage and its extension across the entire Clarendon road front of the lot; premises 2178-2188 Clarendon road, south side, 100 ft. east of Flatbush avenue (Block No. 5187, Lot Nos. 14, 16 and 114), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 23, 1938, 2 P. M.

Appeals from Administrative Orders.

75-38-A-WF—111-66 Corona avenue, south side, 97.99 ft. west of Colonial avenue (Block No. 1972, west part of Lot Nos. 53 and 56), Corona, Borough of Queens.

76-38-A-WF—126-02 Northern boulevard, northeast corner of 126th street (Block No. 1820, Lot No. 1), Corona, Borough of Queens.

FEBRUARY 25, 1938, 10 A. M.

SPECIAL MEETING.

Appeal from Administrative Order.

622-37-A—2042-2044 Ocean avenue, west side, 470 ft. south of Avenue O (Block No. 6766, Lot No. 36 and part of Lot No. 38), Borough of Brooklyn.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Friday morning, February 25*, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 64-38-BZ—Application, February 3, 1938, under sections 7b and 7c of the building zone resolution, of Matthew W. Del Gaudio, applicant, on behalf of Rose Ianotta, owner, to permit the extension, from a business use district into a residence use district, of proposed stores; premises 262-264 East 204th street, south side, 103.25 ft. west of Mosholu parkway south (Block No. 3309, Lot Nos. 59 and 106), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 25, 1938, 2 P. M.

SPECIAL MEETING.

Rules

1-38-SR—Proposed Rules for Fusion Welding.

MARCH 1, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, March 1*, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 339-37-BZ—Application, July 1, 1937, under section 21 of the building zone resolution, of Lawrence M. Rothman, applicant, on behalf of Patsy Perro, owner, to permit in a business use district the conversion of occupancy of a building occupied as garage for five (5) motor vehicles, stores, club rooms and offices so as to use the garage portion as a garage for more than five (5) motor vehicles and motor vehicle repair shop; premises 635-637 Morris Park avenue, west side, 35.9 ft. south of Unionport road (Block No. 4011, Lot No. 23), Borough of The Bronx.

CAL. NO. 200-37-BZ—Application, May 3, 1937, under section 21 of the building zone resolution, of Otto J. Sambach, applicant, on behalf of Howdah Securities Corporation, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 103-39 Springfield boulevard, northeast corner of 104th avenue (Block No. 2046, Lot No. 7), Queens Village, Borough of Queens.

CAL. NO. 336-37-BZ—Application, July 1, 1937, under section 7h of the building zone resolution, of Francis L. Shea, applicant, on behalf of American Newspapers, Inc., owner, to permit in a retail use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 322-328 West 57th street, south side, 275 ft. west of

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Eighth avenue (Block No. 1047, Lot Nos. 44 and 46), Borough of Manhattan.

CAL. NO. 472-37-BZ—Application, September 30, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of John Castagna and Salvatore Castagna, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 2761-2773 Cropsey avenue, north side, 6 ft. 9⅞ in. west of 28th avenue and 196 28th avenue (Block No. 6915, Lot No. 51), Borough of Brooklyn.

CAL. NO. 507-37-BZ—Application, October 26, 1937, under section 7h of the building zone resolution, of John J. Beatty, applicant, on behalf of Tilyou Realty Company, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 1621-1627 Surf avenue and 2927-2947 West 17th street, northeast corner (Block No. 7062, Lot No. 34 and part of Lot No. 38), Borough of Brooklyn.

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MARCH 1, 1938, 2 P. M.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, March* 1, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 120-33-BZ—Application of Eadie, Nunley and Eadie, applicants, on behalf of Harry Hugger, owner, reopened and restored to the calendar May 4, 1937, under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a motor vehicle repair shop, and, also, a gasoline service station (previously dismissed for lack of prosecution); premises 2030 Hylan boulevard, southwest corner of Hamden avenue (Block No. 3688, Lot No. 9), Grant City, Borough of Richmond.

HARRIS H. MURDOCK, *Chairman.*

MARCH 15, 1938, 2 P. M.

Appeal from Administration Order

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

NOTICE

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication in this BULLETIN of the calendars of the board, each case being set down by Calendar Number and premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the offices of the board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the board is to dispose of all cases promptly, for the reason that the pendancy of an appeal or application ties the hands of the administrative official in enforcing his order; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

MULTIPLE DWELLING LAW ON SALE

Copies of the Multiple Dwelling Law are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50c; by mail 54c.

Copies of the Supplemental Rules and Regulations of the Tenement House Department on Fire Retarding, Fire Escapes, Fire Stairs and Fire Towers are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 10c; by mail 12c.

MINUTES

BOARD OF STANDARDS AND APPEALS

SPECIAL MEETING

FRIDAY MORNING, FEBRUARY 4, 1938

Present Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

APPEALS FROM ADMINISTRATIVE ORDERS

622-37-A.

APPLICANT—Benjamin Saltzman, Assistant Engineer, Department of Buildings for Edwin H. Thatcher, Commissioner, Department of Buildings.

OWNER—Henry Felsenstein.

SUBJECT—Application for revocation of permits and certificates of occupancy—re premises partially converted from a storage garage to a gasoline service station in a residence use district.

PREMISES AFFECTED—2042-2044 Ocean avenue, west side, 470 ft. south of Avenue O (Block No. 6755, Lot No. 36 and part of Lot No. 38), Borough of Brooklyn.

APPEARANCES—

For Applicant: Benjamin Saltzman.

For Opposition: David Steckler.

ACTION OF BOARD—Laid over to February 25, 1938, at 10 A. M., on request of attorney for owner.

553-37-A.

APPLICANT—Benjamin Saltzman, Assistant Engineer, Department of Buildings, for Edwin H. Thatcher, Commissioner, Department of Buildings, Borough of Brooklyn.

OWNER—Estate of Mary E. Hayes, Mary T. Hasselman and Anastasia L. Bartley, Trustee.

SUBJECT—Application for Revocation of Certificate of Occupancy, No. 47150 and Permit No. 7488-37—re maintenance of a gasoline service station and auto accessories located in a residence use district.

PREMISES AFFECTED—1815-1825 Ocean avenue, east side, 280 ft. south of Avenue M, (Block No. 7656, Lot No. 55 and part of Lot Nos. 54 and 58), Borough of Brooklyn.

APPEARANCES—

For Applicant: Benjamin Saltzman, Abram Shlefstein, Benjamin Mintz.

For Opposition: Bernard Trencher, Oscar Wm. Swift.

ACTION OF BOARD—Appeal placed on reserve calendar, pending filing of building zone application.

Adjourned: 3:10 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, FEBRUARY 8, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the regular meeting of the board held on Tuesday morning, February 1, 1938 and the minutes of the regular meeting of the board held on Tuesday afternoon, February 1, 1938, were approved as printed in Bulletin No. 6, Volume XXIII.

BUILDING ZONE CASES

473-37-BZ.

APPLICANT—Lama and Proskauer, for Carrie Eidel and Estate of James S. Rourke, owners.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a building to be used as a garage for more than five (5) motor vehicles and motor vehicle repair shop and also the establishment of a gasoline service station.

PREMISES AFFECTED—230-234 Norman avenue and 229-237 North Henry street, southwest corner (Block No. 2655, Lot Nos. 6 and 8), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: F. J. Wasselle, B. T. Cooke, John Masons, Mrs. James Hanley, Mrs. Mary Hohles, Mary O'Neill, A. Biernacki, M. Rohr, A. Bishop, H. Kraidich, J. Majowka and others.

ACTION OF BOARD—Application withdrawn before argument, upon request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

279-37-BZ.

APPLICANT—Bertram J. Barrett, for Estate of A. & W. H. Jackson, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—41-10 28th avenue, south side, 75 ft. east of 41st street (Block No. 664, Lot No. 20), Astoria, Borough of Queens.

APPEARANCES—

For Applicant: Bertram J. Barrett.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(279-37-BZ)

WHEREAS, Bertram J. Barrett, for Estate of A. & W. H. Jackson, owner, filed June 10, 1937, an application under the building zone resolution to permit in a business use district for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises: 41-10 28th avenue, south side, 75 ft. east of 41st street (Block No. 664, Lot No. 20), Astoria, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 8, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 28th avenue is in a business use district; 41st street is in a residence and business use district; 42nd street is in a residence and business use district and 30th avenue is in a business district; and

WHEREAS, the decision of the commissioner of buildings, rendered November 26, 1937, reads:

"Please be advised that application made by you to this Department for issuance of a Certificate of Occupancy for use of premises known as 41-10 28th avenue, Astoria, for parking and storage of more than five (5) motor vehicles, is hereby DENIED, as this location is in a Business District and such use would be contrary to Subd. 15, Sec. 4, of the Building Zone Resolution of the City of New York."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 100 ft. and a depth of 100 ft. It is proposed to use the plot for the parking and storage of more than five (5) motor vehicles for a temporary period of not more than two (2) years; and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board, in order to be informed prior to the hearing; and

WHEREAS, the board deemed that this was a proper case in which to exercise its discretion under section 7, subdivision H of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-H thereof, for a period of two years from the date of this action, to permit the premises under appeal to be used for the parking and storage of more than five motor vehicles; *on condition* that no cars shall be so parked or stored, except pleasure vehicles; that the plot shall be graded substantially to the level of 28th avenue and shall be surfaced with steam cinders or other suitable material, properly rolled and bound to prevent dusting and to provide surface drainage; that there shall be erected on the street building line and on interior lot lines where walls of adjacent buildings do not occur and except for access to plot in the rear where temporary parking use has been granted under Cal. No. 236-37-BZ, a substantial fence with not more than one opening to this plot from 28th avenue, not exceeding 15 ft. in width with curb cut opposite not exceeding 15 ft. in width; that during the continuance of this variance, the plot shall be used for no other use than herein permitted; that no building shall be erected on the premises, except one, not exceeding one story in height and not exceeding 100 sq. ft. in area for the sole use of the attendant on the property; that no signs shall be erected on the premises other than a neat sign at the entrance, advertising the parking and storage use and the rates charged; that any lights for illumination shall be so arranged with metallic reflectors as to reflect toward the center of the plot and away from adjoining occupancies; that such portable fire extinguishers shall be installed as the administrative official shall direct; that all other buildings other than herein permitted now existing on the property shall be removed; that all permits shall be obtained and all work completed within three months from the date of this action.

263-37-BZ.

APPLICANT—Bertram J. Barrett, for Estate of A. & W. H. Jackson, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a residence use district the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—28-11 41st street, east side, 100 ft. south of 28th avenue (Block No. 664, Lot Nos. 15 and 16), Astoria, Borough of Queens.

APPEARANCES—

For Applicant: Bertram J. Barrett.

For Opposition: Jacob Goldshein.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(263-37-BZ)

WHEREAS, Bertram J. Barrett, for Estate of A. & W. H. Jackson, owner, filed June 4, 1937, an application under the building zone resolution to permit in a residence use district the parking and storage of more than five (5) motor vehicles; Premises: 28-11 41st street, east side, 100 ft. south of 28th avenue (Block No. 664, Lot Nos. 15 and 16), Astoria, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 8, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 41st street is a residence and business use; 28th avenue is a business use; 30th avenue is a business use and 42nd street is a residence and business use; and

WHEREAS, the decision of the commissioner of buildings, rendered November 1, 1937 No. 1646-37, reads:

"Be advised that application made by you for issuance of a temporary certificate of occupancy for use of premises known as 28-11 41st street, Astoria, for parking space and storage purposes is hereby DENIED, as these premises are situated in a RESIDENCE DISTRICT and such use would be contrary to section 3 of the building zone resolution of the City of New York."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 50 ft. and a depth of 100 feet. It is proposed to use the plot for parking and storage of more than five (5) motor vehicles for a temporary period; and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board, in order to be informed prior to the hearing; and

WHEREAS, the board deemed that temporary hardship existed to warrant granting under section 21, the parking use desired within the residential area of the plot; in conjunction with the adjoining plot under the same ownership in a business use district.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21 thereof for a period of two years from the date of this action, to permit the premises under appeal to be used for the parking and storage of more than five motor vehicles in conjunction with Lot 20 facing 28th avenue, for which permission to park and store cars has been granted by the board under Cal. No. 279-37-BZ, *on condition* that the two plots shall be operated under the same conditions as required under Cal. No. 279-37-BZ, permitting no entrance from this plot under appeal to 41st street, but permitting entrance to this plot through the plot in the business use district; that all permits required shall be obtained within three months from the date of this resolution.

337-37-BZ.

APPLICANT—Thomas W. Golding, for Intrastate Theatres Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7-c of the building zone resolution, to permit in a residence use district the extension in area of a building used as offices and film storage.

PREMISES AFFECTED—309-329 West 44th street, north side, 125 ft. west of Eighth avenue and 322-324 West 45th street (Block No. 1035, Lot Nos. 25, 26, 27, 17, 20 and 22), Borough of Manhattan.

APPEARANCES—

For Applicant: Miles H. Alben and Thomas W. Golding.

For Opposition: A. Taggard and Mrs. Williams.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(337-37-BZ)

WHEREAS, Thomas W. Golding, for Intrastate Theatres Corporation, owner, filed July 1, 1937, an application under the building zone resolution to permit in a residence use district the extension in area of a building used as offices and film storage; premises: 309-329 West 44th street, north side, 125 ft. west of Eighth avenue and 322-324 West 45th street (Block No. 1035, Lot Nos. 25, 26, 27, 17, 20 and 22), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 8, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that West 44th street is in a residence, retail and "B" area; West 45th street is a residence and retail use; 9th avenue is a retail use district and 8th avenue is a retail use district; and

WHEREAS, the decision of the commissioner of buildings, rendered December 18, 1937, Application No. 4472-1937, reads:

"1. No existing building devoted to a use of office and film storage, not permitted in a residence district, may be extended or enlarged unless said use is changed to a permitted use. Sec. 6, Art. 2, Zoning Resolution."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 275 ft. on West 44th street, 34 ft. 2 in. on West 45th street and a depth of 200 ft. 5 in. Upon the westerly portion of the plot there is located a 10-story office and film storage building, having a frontage of 200 ft. on West 44th street and 34 ft. 2 in. on West 45th street. It is proposed to erect upon the easterly portion of the plot a two (2) story fireproof extension (to building to west) 75 ft. by 100 ft. 5 in. in area to be used as offices and film storage; and

WHEREAS, the board deemed that the provisions of section 7, subdivision C of the building zone resolution, under which this application was made, empowered the board to exercise its discretion and to grant this application under such conditions that would safeguard the character of the more restricted district; and

WHEREAS, in the opinion of the board this variance should be granted to permit the erection of the needed addition to the existing industrial building and that the plot, adjoining a garage and backing up to a theatre, would not lend itself to a residential use.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-C thereof, to permit the erection of the extension of the existing building on the adjoining plot as indicated on plans and elevations filed with this application, *on condition* that it shall not be further extended in height and that the rear yard requirements shall comply with the requirements for the residential zone; that all permits shall be obtained and all work completed within one year from the date of this action; that this use shall continue only as long as the building is used in connection with the building to the west occupied by Warner Brothers for similar uses.

450-37-BZ.

APPLICANT—Samuel Rosenblum, for Pasquale Fiero, owner.

SUBJECT—Applicaton (re decision of the commissioner of buildings) under section 7c of the building zone resolution, to permit partly in a business use district and partly in a residence use district the extension of an existing gasoline service station and also the erection and maintenance of an accessory building to be used as office, lubritorium, auto laundry and motor vehicle repair shop.

PREMISES AFFECTED—1040-1050 East New York avenue, southeast corner of East 94th street (Block No. 4597, Lot Nos. 1, 2 and 4), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel Rosenblum and Pasquale Fiero.

For Opposition: Alfred P. Hamel and M. Michaelowitz.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(450-37-BZ)

WHEREAS, Samuel Rosenblum, for Pasquale Fiero, owner, filed September 17, 1937, an application under the building zone resolution to permit partly in a business use district and partly in a residence use district the extension of an existing gasoline service station, and also, the erection and maintenance, of an accessory building to be used as office, lubritorium, auto laundry and motor vehicle repair shop. PREMISES: 1040-1050 East New York avenue, southeast corner of East 94th street (Block No. 4597, Lot Nos. 1, 2 and 4), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 8, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that East New York avenue is a business and residence use district; East 94th street is a residence and business use district, and East 95th street is a residence and business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered December 21, 1937, reads:

"1. Extension of existing gasoline station and proposed minor repairs to cover portion now used for blacksmith shop, stable and two story one family dwelling is in violation of zone resolution. Art. II, Sec. 3 and 4.

Above application is hereby denied."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 95 ft. 10 in. on East New York avenue, 64 ft. on East 94th street and 110 ft. 9 in. on Tapscott avenue. The northwest corner of the plot is developed with a gasoline service station and the remainder of the plot is developed with several structures including a two story frame dwelling; it is proposed to allow this dwelling to remain; to remove the other buildings on the plot; to erect upon the plot a one story building 67 ft. by 28 ft. in area to be used as car washing,

minor repairs to motor vehicles and office and, also, to extend the existing gasoline service use to cover the remainder of the plot; and

WHEREAS, the board deemed that the provisions of section 7, subdivision c of the building zone resolution, under which this application was made, empowered the board to exercise its discretion and to grant this application under such conditions that would safeguard the character of the more restricted district; and

WHEREAS, the premises and the surrounding area have been inspected by a committee of the board in connection with recent applications in the area and also in connection with this application; and

WHEREAS, the board deemed that, because of the existing non conforming uses on this plot consisting of a gasoline station, stable and blacksmith shop, which are objectionable in appearance but can be legally maintained in their present condition, the proposed improvement would be desirable properly designed and arranged.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 7c, to permit the extension of the existing gasoline station *on condition* that all the buildings on the portion of the plot (proposed to be occupied), shall be entirely removed; that the portion of the plot proposed for gasoline station use shall be restricted to a frontage along East New York avenue of 95 ft. 10¾ ins. and a depth along East 94th street of 73 ft. ¾ in. and a depth along Tapscott avenue of 77 ft. 10½ ins.; that the plot shall be graded substantially to the grade of East New York avenue and East 94th street; that the accessory building, consisting of office, greasing space and washing space shall be constructed along the southerly lot line of this portion of the plot and shall be constructed of fireproof materials, except that the roof beams and roof boarding, window frames and sash, door frames and doors may be of wood, provided the ceilings throughout are fire-retarded in accordance with the rules of the Board of Standards and Appeals and the roof surfacing is of non-inflammable material; that there shall be no openings, either doors or windows in the southerly lot line wall; that this entire portion of the plot, where not occupied by accessory buildings shall be cement paved except for planting areas which are to be provided along the street fronts and adjacent to the accessory building; that the gasoline pumps shall be not nearer than 15 ft. to any street building line and shall be of the type with masonry pedestals, as approved by the Department or Parks for use along parkways; that no automobile repairing shall be permitted on the premises and no parking of cars other than those being serviced; that advertising signs shall be restricted to the illuminated globes of the pumps and to a flat permanent sign attached to the accessory building, such sign to be limited to the panel in the parapet above the sections used for washing and greasing, excluding all temporary signs and roof signs; that entrances to the premises shall not exceed four, two from East New York avenue, not exceeding 20 ft. in width, with curb cuts opposite not exceeding 20 ft. in width, one from East 94th street, not exceeding 30 ft. in width, with curb cut opposite of a similar width and one from Tapscott avenue, not exceeding 30 ft. in width; that no portable gasoline tanks shall be used on or from the premises; that there shall be no excavation under the premises except for open pits for the greasing racks; that in the event greasing racks with open pits are installed, the front portion of the greasing section shall remain open, except that if exhaust ventilation is supplied with vaporproof fans exhausting to the outside air or hydraulic greasing racks are installed, closure doors on the greasing section may be constructed; that any heating room installed shall be substantially at grade level and separated from the balance of the building by fireproof construction and enterable only from the exterior of the building; that complete working drawings showing the construction of the building and the location and area of sections to be landscaped shall be submitted to the board and approved by the chairman in behalf of the board; that all permits shall be obtained within two months and all work shall be completed within one year from the date of this action.

309-35-BZ.

APPLICANT—Hillside Park Corporation (lessee), for Nathan Straus, owner.

SUBJECT—Application reopened January 18, 1938 for consideration as to extension of permit—re application (decision of the commissioner of buildings) granted on condition, under section 21 of the building zone resolution, permitting in a residence use district the use of a plot of ground as a parking space for the storage of more than five (5) motor vehicles for a temporary period.

PREMISES AFFECTED—Northwest corner of Wilson avenue and East 214th street (Block No. 4709, Lot No. 1), Borough of The Bronx.

APPEARANCES—

For Applicant: Milton Altschuler.

For Opposition: None.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(309-35-BZ)

WHEREAS, this application affecting premises northwest corner of Wilson avenue and East 214th street (Block No. 4709, Lot No. 1), Borough of The Bronx, was granted by the board January 7, 1936, on certain conditions, and applicant requested an amendment of the resolution; and

WHEREAS, this application was reopened by vote of the board January 18, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting February 8, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of January 7, 1936, only so far as it has reference to the term of this permit, so that as amended the resolution shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21 thereof *for a period of two years from the date of this action,* permitting the premises under appeal to be used for outdoor parking and overnight storage, for more than five motor vehicles, *on condition* that the entire plot shall be levelled and covered with steam cinders; that there shall be constructed on the interior lot line to the west between East 215th and East 214th streets, a tight board fence not less than six feet in height; that elsewhere on the street lines of East 215th street, Wilson avenue and East 214th street there shall be erected substantial picket fences not less than 3 ft. in height, except for the necessary openings to this plot, which openings shall be restricted to Wilson avenue only, and not exceeding 10 ft. in width each; that these fences shall be kept in good repair and painted at all times; that no advertising signs of any nature shall be displayed on the premises; that there may be erected a small building for the attendant and that there shall be at all times, both night and day, an attendant maintained on the property; that illumination shall be by means of pipe standards with electric lighting with metallic reflectors arranged to reflect downwardly so as to provide the necessary illumination without being objectionable at night; that this parking lot shall be for the

exclusive parking of private, non-commercial vehicles, excluding busses and trucks; that there shall be no motor vehicle repairing nor sales of supplies of any character on the premises or adjacent thereto within the residential area; that there shall be no storage of gasoline other than that in the tanks of the cars; that such portable fire extinguishing apparatus shall be installed and maintained on the premises as may be required by the administrative official; that adequate driveways between lines of cars shall be maintained at all times."

467-37-BZ.

APPLICANT—H. L. Brandt, for Owen Realty Company, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the conversion of the occupancy of the first story of an existing building (now occupied in the cellar as a garage) to a motor vehicle repair shop.

PREMISES AFFECTED—5060-5076 Broadway and 501-507 West 215th street, northeast corner, 500 West 216th street and 4036-4050 Tenth avenue (Block No. 2232, Lot No. 18), Borough of Manhattan.

APPEARANCES—

For Applicant: H. L. Brandt and J. C. Watson.

For Opposition: William J. Butler, Thomas Dwyer and Patrick Coyne.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(467-37-BZ)

WHEREAS, H. L. Brandt, for Owen Realty Company, owner, filed September 27, 1937, an application under the building zone resolution to permit in a business use district the conversion of the occupancy of the first story of an existing building (now occupied in the cellar as a garage) to a motor vehicle repair shop; premises: 5060-5076 Broadway and 501-507 West 215th street, northeast corner 500 West 216th street and 4036-4050 Tenth avenue, (Block No. 2232, Lot No. 18), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 8, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Broadway is a business use district; West 215th street is a business and unrestricted use district; West 216th street is a business and unrestricted use district and 10th avenue is a business and unrestricted use district; and

WHEREAS, the decision of the commissioner of buildings, rendered September 2, 1937, re Application No. 3372-1937, reads:

"1. Auto repair shop not allowed in business district contrary to zoning resolutions, sec. 4."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 207 ft. 1 in. on Broadway, 97 ft. 9 in. on West 215th street, 199 ft. 10 in. on 10th avenue and 43 ft. 3 in. upon which is located a gasoline service station and also a one story building having a frontage of 154 ft. 5 in. on 10th avenue and 97 ft. 9 in. on West 215th street, irregular in area. Occupied on the basement story as a garage for more than 5 motor vehicles and on the 1st story for stores and automobile showroom. It is proposed to use part of the 1st story as a motor vehicle repair shop for minor repairs; and

WHEREAS, the premises were inspected by a committee of the board; and

WHEREAS, the action of the board under Cal. No. 441-26-BZ involved the use of the cellar only for garage purposes; and

WHEREAS, the board deemed that further relief should be given under section 21 as to the street floor for minor repairs necessary in conjunction with a sales agency for automobiles.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21, to permit a portion of the first floor to be used for minor repairs to motor vehicles, *on condition* that such repairs shall be made entirely with hand tools and that the entrance to this space shall be solely from Tenth avenue otherwise the space shall be arranged as shown on plans filed with this appeal; that this space so permitted for minor repairs shall be separated from the balance of the premises used as an automobile showroom, by terra cotta walls with not over two openings therein protected by fireproof self-closing doors to the sales space; that this variance shall continue only so long as the premises are under lease to and occupied by the Watson-McKenna Motor Co., Inc., for Ford cars or a similar agency restricted to cars owned by such agency or offered for sale, sold or traded in; that in all other respects other than as herein permitted, the requirements of the resolution adopted by the board under Cal. No. 441-26-BZ on September 21, 1926, as amended November 9, 1927, as to approval of plans, shall be complied with; that all permits shall be obtained and all work completed within six months from the date of this action.

127-35-BZ.

APPLICANT—Casper P. Colla, for Joseph Angelone, owner.

SUBJECT—Application reopened January 18, 1938 for consideration as to extension of permit—re application (decision of the commissioner of buildings) granted on condition, under section 7h of the building zone resolution, permitting in a business use district the parking and storage of more than five (5) motor vehicles for a temporary period (previously denied for a junk shop).

PREMISES AFFECTED—115-117 Truxton street, north side, 220 ft. east of Sackman street (Block No. 1544, Lot No. 45), Borough of Brooklyn.

APPEARANCES—

For Applicant: Casper P. Colla.

For Opposition: None.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(127-35-BZ)

WHEREAS, this application affecting premises 115-117 Truxton street, north side, 220 ft. east of Sackman street (Block No. 1544, Lot No. 45), Borough of Brooklyn, to permit in a business use district the parking and storage of more than five (5) motor vehicles; and

WHEREAS, this application was granted by the board February 25, 1936 for a temporary period of two years on certain conditions and applicant requested an extension of the period; and

WHEREAS, this application was reopened by vote of the board January 18, 1938; and

WHEREAS, a public hearing was held on this applicant by the Board of Standards and Appeals at its regular meeting February 8, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, these premises was the subject of an inspection by a committee of the board.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on February 25, 1936, only so far as it has reference to period of this permit, so that as amended the resolution shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7h of the building zone resolution for a period of two years from February 25, 1938, to permit the plot under appeal to be used for the parking and storage of more than five motor vehicles, *on condition* that a suitable fence shall be erected on the side lot lines and on the street lot line; that such fence shall be kept painted; that parking and storage of motor vehicles shall not be extended to the adjoining property to the east; that there shall be no other non-conforming use permitted on the premises during the period of this variation; that there shall be no wrecking or repairing of automobiles; that the curb cut shall not exceed in width the existing cut for which a permit has been issued.

Adjourned, 12:15 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, FEBRUARY 8, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

458-37-BZ.

APPLICANT—Lama and Proskauer, for East Brooklyn Savings Bank, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7c and 21 of the building zone resolution, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a building to be used as a garage for more than five (5) motor vehicles and a motor vehicle repair shop and also the establishment of a gasoline service station.

PREMISES AFFECTED—374-386 Willoughby avenue and 903-907 Bedford avenue, southeast corner (Block No. 1762, Lot Nos. 32 and 36), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: None.

ACTION OF BOARD—Laid over to February 15, 1938, at 2 P. M., for filing of additional information by applicant.

64-38-BZ.

APPLICANT—Matthew W. Del Gaudio, for Rose Ianotta, owner.

SUBJECT—Application (re decision of the acting borough superintendent) under sections 7b and 7c of the building zone resolution, to permit the extension from a business use district into a residence use district of proposed stores.

PREMISES AFFECTED — 262-264 East 204th street, south side, 103.25 ft. west of Mosholu parkway south (Block No. 3309, Lot Nos. 59 and 106), Borough of The Bronx.

APPEARANCES—

For Applicant: Matthew W. Del Gaudio.

ACTION OF BOARD—Calendar call waived and set for hearing February 25, 1938, at 10 A. M. Notice to property owners.

THE VOTE TO WAIVE CALENDAR CALL—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

525-29-BZ.

APPLICANT—David S. Lang for Banner Service Stations, Inc., lessee.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the Superintendent of Buildings) under section 21 of the building zone resolution, permitting in a business district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—973-975 DeKalb avenue and 112-116 Lewis avenue, northwest corner (Block No. 1597, Lot No. 41), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Request to reopen, withdrawn on written request.

THE VOTE TO WITHDRAW REQUEST TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

419-37-BZ.

APPLICANT—Samuels & Samuels, for Eva Rosenbush, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—110-02 to 110-18 Astoria boulevard and 32-03 110th street, southeast corner (Block No. 1704, Lot No. 172), Corona, Borough of Queens.

APPEARANCES—

For Applicant: Bernard Sperber.

For Opposition: Louis Jay and M. Michaelowitz.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(419-37-BZ)

WHEREAS, Samuels and Samuels, for Eva Rosenbush, owner, filed January 25, 1938, an application under the building zone resolution to permit in a business use district the erection and maintenance of a gasoline service station; premises: 110-02 to 110-18 Astoria boulevard and 32-03 110th street, southeast corner (Block No. 1704, Lot No. 172), Corona, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 8, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Astoria boulevard is in business and residence use districts; Ditmars boulevard is in a residence use district; 110th and 111th streets are both in a business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered August 3, 1937, re N.B. App. No. 3321-37, reads:

"1. The erection of a gasoline service station within a business district is contrary to section 4 a-46 of the Building Zone Resolution not further examined."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 203.1 ft. on Astoria boulevard, 141.3 ft. on 110th street and a distance of 112 ft. along the east lot line. It is proposed to erect upon the plot a one story building, 55 ft. by 25 ft. in area, to be used as office and lubritorium and also, the necessary tanks and pumps for a gasoline service station; and

WHEREAS, the premises in question was the subject of an inspection by a committee of the board, report of which inspection was read at this hearing, and which report follows:

REPORT OF COMMITTEE

February 6, 1938.

Cal. No. 419-37-BZ.

Premises: 110-02 to 110-18 Astoria boulevard and 32-03 110th street, southeast corner (Block No. 1704, Lot No. 172), Corona, Borough of Queens.

The premises in this application for a zoning variance under section 21 to permit the erection of a gasoline station are in a business use district and are unbuilt upon. Except for a lot 40 ft. in width, the plot is the entire block front. A permit was issued by the commissioner of buildings in error for a gasoline station for the entire block front (owned by Eva Rosenbush and another). This permit was cancelled by the commissioner upon discovering that a change of zone had been made by the Board of Estimate and Apportionment in the interval between the approval of plans and the issuance of the permit. This matter has been the subject of court procedure in a mandamus action, Rosenbush vs. Keller and before this board under Cal. No. 204-36-A and of court review of the board's decision. This application is now for a zoning variance and the hardship claimed is the expenditure made as to certain work done on the portion of the premises owned by Eva Rosenbush after the issuance of the permit (applying to the entire block front) and prior to its cancellation. The work consisted of rough grading and installation of several gasoline storage tanks under permit issued by the Fire Department on the strength of the Building Department permit.

While, as the court suggested, these circumstances can be considered as an element of hardship, there appears to be no other basis for hardship or practical difficulties (from the zoning standpoint). With the improvements that have taken place in this area as to Astoria boulevard, the commanding location of this plot overlooking the parkway and Flushing Bay and its proximity to the World's Fair area, the plot is adapted to a residential or business use conforming to the zoning. In view of these facts, the committee is of the opinion that the relatively small expense for the work done is not sufficient to justify exercise of discretion to grant, particularly in view of the deterioration and loss of value to the properties of adjacent owners. While the committee realizes that this owner has undoubtedly also expended considerable sums in litigation, it does not consider that this should be considered as an element of hardship. This expenditure could have been avoided had the board been asked to pass on an application for a zoning variance as was suggested to the owner's counsel (as the proper procedure) at the time the permit was cancelled by the commissioner of buildings.

The committee recommends that the application be denied.

(Sgd.) HARRIS H. MURDOCK, Chairman.
BERNARD A SAVAGE,
CHARLES M. BLUM,
PATRICK WALSH,
Committee.

and

WHEREAS, this report recommended the denial of the application and the board deemed that applicant was not entitled to relief under section 21 on the grounds of unnecessary hardship and practical difficulty.

Resolved, that the decision of the commissioner of buildings, be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

185-33-BZ.

APPLICANT—William Richter, for Sadie Teitelbaum, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the maintenance of an automobile wrecking and junk storage yard for a temporary period.

PREMISES AFFECTED—2284-2296 West Eighth street and 129-143 Avenue W, northwest corner (Block No. 7142, Lot Nos. 48 and 53), Borough of Brooklyn.

APPEARANCES—

For Applicant: William Richter.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(185-33-BZ)

WHEREAS, William Richter, for Sadie Teitelbaum, owner, filed May 15, 1933, an application under the building zone resolution to permit in a business district and partly in a residence district, an automobile wrecking and junk storage yard: premises: 2284-2296 West Eighth street and 129-143 Avenue W, northwest corner (Block No. 7142, Lot Nos. 48 and 53), Borough of Brooklyn; and

WHEREAS, this application was granted by the board January 16, 1934, for a temporary period of two years, time extended February 4, 1936, under section 21 of the building zone resolution; and

WHEREAS, the applicant requested an extension of the two year period.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on January 16, 1934, as amended February 4, 1936, *only so far* as it has reference to term of permit, so that as amended the resolution shall read:

"Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted,*

under section 21, permitting the plot under appeal to be used for the wrecking of automobiles and the storage of second-hand automobile parts and second-hand plumbing supplies for a period of *two years* from the date of this action, *on condition* that the entire plot shall be enclosed in a board fence on all sides and that no additional building shall be erected on the property other than the frame shed and the one-story, galvanized iron structure, now in existence as indicated on plans filed with this appeal."

695-29-BZ.

APPLICANT—Hulon Realty Corporation, owner and Louis Curcio, lessee.

SUBJECT—Application for consideration—reopening and extension of permit—re application (decision of the superintendent of buildings) under section 7f of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station for a temporary period.

PREMISES AFFECTED—Southwest corner of Wilkinson avenue and Westchester avenue (Block No. 4235, Lot Nos. 36 and 38), Borough of The Bronx.

APPEARANCES—

For Applicant: Beatrice R. Fliegel.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(695-29-BZ)

WHEREAS, this application affecting premises southwest corner of Wilkinson avenue and Westchester avenue (Block No. 4235, Lot Nos. 36 and 38), Borough of The Bronx, was granted by the board October 7, 1930, on certain conditions, time extended October 22, 1931, April 8, 1932 and September 23, 1932, resolution amended March 27, 1934, time extended July 17, 1934, February 4, 1936, March 24, 1936 and June 16, 1936, and owner now requests an amendment as to signs.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted October 7, 1930, as amended September 23, 1932, July 17, 1934, February 4, 1936, March 24, 1936, and June 16, 1936, only so far as it relates to signs, so that as amended it shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted,* for a temporary period of two years, from March 24, 1938, *on condition* that a concrete curbing not less than 12 in. in height shall be erected along the Westchester avenue and Wilkinson avenue building lines, with no opening to Wilkinson avenue and two openings only to Westchester avenue (with no portion of an opening within five feet of the corner) each opening not to exceed 25 ft. in width with curb cuts directly in front of the opening not more than 30 ft. in width; that all gasoline pumps shall be located 10 ft. back of the building line; that any office installed on the premises shall be constructed of masonry with Spanish tile or variagated slate roofing; that the office shall be irregular in shape approximately 34 ft. on one leg and 41 ft. on the opposite leg; that there may be constructed and maintained on the rear of this plot a one-story metal private garage in addition to the buildings shown on plans filed with this appeal solely for the storage of the owner's car; that there shall be erected on the north and south property lines a lattice fence not less than 8 ft. in height; that all advertising signs shall be confined to the illuminated globes of the pumps; prohibiting all temporary signs, but permitting the erection within the building line near the intersection of Westchester and Wilkinson avenues of a post upright to carry a sign which may be illuminated, advertising only the brand of gasoline on sale, provided such sign does not extend more than five feet (5) beyond the building line; that there shall be no sale of gas or oil outside of the building line; that any grease racks installed on the premises shall be housed in masonry construction of practically the same design as the office and showroom with arched openings in the front for the entrance and exit of cars; that all permits required shall be obtained and any work involved completed within ninety days."

APPEALS FROM ADMINISTRATIVE ORDERS

63-38-A.

APPLICANT—Samuel J. Kessler, for F. J. S. Builders, Inc., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—529 East 235th street and 4271 Webster avenue, northwest corner (Block No. 3397, Lot No. 32), Borough of The Bronx.

APPEARANCES—

For Applicant: S. J. Kessler.

For Administration Inspector Harris, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to February 15, 1938, 2 P. M. for further consideration by the board.

623-37-A.

APPLICANT—D. Nutman, owner.

SUBJECT—An appeal from an order of the fire commissioner.

PREMISES AFFECTED—906-10 Dean street, south side, 250 ft. west of Classon avenue (Block 1141, Lots 33 and 34), Borough of Brooklyn.

APPEARANCES—

For Applicant: Bernard Solomon and George Nutman.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal withdrawn at the suggestion of the fire department. Violation to be rescinded in view of the withdrawal of the complaint made by the Department of Health.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

7-38-A.

APPLICANT—Martin Bechtel, Inc., for Citizens Savings Bank, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—49-51 Elizabeth street, west side, 175 ft. north of Canal street (6th floor); (Block No. 204, Lot No. 22), Borough of Manhattan.

APPEARANCES—

For Applicant: Alexander Jacobson and Charles Ghenrich.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(7-38-A)

WHEREAS, Martin Bechtel, Inc., lessee, filed on January 5, 1938, an appeal from an order of the fire commissioner, affecting premises 49-51 Elizabeth street, west side, 175 ft. north of Canal street (6th floor); (Block No. 204, Lot No. 22), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, No. 9999-LC, dated December 6, 1937, reads as follows:

"Before a permit may be issued for the storage and use of lacquers, etc., the following must be done:

Discontinue the use of flame or fire in same room or compartment where spraying is done. Rule 6.1.8. Sec. 9, Ch. 10.

It is unlawful to continue the storage asd use of lacquers, etc., without a permit. Please notify this department promptly when this order has been complied with."

and

WHEREAS, the building in question is 6 stories (72 ft.) in height, 50 ft. by 82 ft. in area; of non-fireproof construction; equipped with a sprinkler system; located in a business use district; erected in 1888 and occupied as follows: Cellar—building superintendent, 2 persons; 1st floor—paper tube manufacturing, 8 persons; 2nd floor—same, 10 persons; 3rd floor—metal furniture manufacturing, 9 persons; 4th floor—metal fixture, manufacturing, 10 persons; 5th floor—stock room, no persons; 6th floor—japanning and enameling, 8 persons; for which no certificate of occupancy has been issued; and

WHEREAS, the applicant contends that the equipment which is the cause of the order, consists of three (3) Gehnrich and Gehnrich indirect gas-heated enameling ovens; this type of oven has been approved and recommended by the New York Board of Fire Underwriters; the burners in these ovens are totally enclosed in a separate chamber; no open flame in oven can come in contact with the work in the baking compartment; ovens are equipped with a ventilating system to remove the vapors from the oven floor and also from top of oven; all ovens are provided with thermostats to prevent overheating; gas is automatically shut off when operating temperature is reached; the entire walls, roofs and doors are insulated with two-inch 85 per cent magnesia insulating blocks, encased in double-sheet metal panels; that there are no open flame or spark-producing devices attached to the ovens in question; that the paint spraying equipment is at least 20 ft. away from the ovens.

Resolved, that the order of the fire commissioner, No. 9999-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to the use of the premises on the sixth floor and to permit the continuation of the equipment and operation, so long as the premises are maintained in a manner as described in this appeal, *on condition* that no spray booth or dipping tank shall be within twenty (20) feet from the front of the Gehnrich ovens; that there shall be installed a metal cover with a fusible link over the dipping tank and that in all other respects the Paint Spraying Rules of the Board shall be complied with.

57-38-A.

APPLICANT—Walter C. Martin, Architect and Superintendent of School Buildings, Department of Education, City of New York, owner.

SUBJECT—Appeal from a decison of the acting borough superintendent.

PREMISES AFFECTED—131-02 to 131-20 97th avenue, south side, from 131st street to 132nd street (Block No. 9477, Lot No. 1), Jamaica, Borough of Queens.

APPEARANCES—
For Applicant: Charles Tilzner and Gilbert Fish.

ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(57-38-A)

WHEREAS, Walter C. Martin, Superintendent of School Buildings, for the Board of Education, City of New York, owner, filed on February 1, 1938, an appeal from a decision of the acting borough superintendent, Department of Housing and Buildings (Queens), affecting premises 131-02 to 131-20 97th avenue, south side, between 131st street and 132nd street (Block No. 9477, Lot No. 1), Jamaica, Borough of Queens; and

WHEREAS, the decision of the acting borough Superintendent on N.B. App. No. 4524-37, dated January 21, 1938, reads as follows:

"Regulations as regard to welding are not as yet in force."

and

WHEREAS, the proposed building will be 3 stories (55 ft.) in height, 182 ft. 7 in. by 89 ft. 7 in. in area; of fireproof construction; located in a residence use, one-times height "D" area district, and occupied as a public school; and

WHEREAS, the applicant contends that on October 18, 1937, plans were filed providing for riveted construction; amendments were filed on January 15, 1938, substituting welding for riveting, which is permissible under the New Building Code, but the borough superintendent disapproved these amendments on January 21, 1938; the foundations of this building will shortly be completed and ready for the steel, the contract for which was let on November 9, 1937, and later amended to provide for welding; it will be necessary to obtain approval before this work can be started.

Resolved, that the decision of the acting borough superintendent on N.B. App. No. 4524-37 be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the requirements of the proposed Welding Rules, as published in the Bulletin of the Board of Standards and Appeals of February 8, 1938, shall be complied with, except as to the requirements under sections 4 and 5 thereof, *on condition* that all welders that are employed on the construction shall prove to the satisfaction of the superintendent of buildings that they are skilled in welding and that the work shall at all times be under the direct supervision of a licensed professional engineer familiar with erection of structural steel and welding.

60-38-A.

APPLICANT—Emery Roth, for 200 West 20th Street, Inc., owner.

SUBJECT—Appeal from a decision of the Acting Borough Superintendent.

PREMISES AFFECTED—160-166 Seventh avenue and 202-206 West 20th street, southwest corner (Block No. 769, Lot Nos. 38 to 42 and part of Lot No. 43), Borough of Manhattan.

APPEARANCES—
For Applicant: Julian Roth.

ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

MINUTES

THE RESOLUTION—

(60-38-A)

WHEREAS, Emery Roth, for 200 West 20th Street, Inc., owner, filed on February 1, 1938, an appeal from a decision of the Acting Borough Superintendent, Department of Housing and Buildings (Manhattan), affecting premises 160-166 Seventh avenue and 202-206 West 20th street, southwest corner (Block No. 769, Lot Nos. 38 to 42 and part of Lot No. 43), Borough of Manhattan; and

WHEREAS, the decision of the Acting Borough Superintendent on N. B. App. No. 251-1937, dated February 1, 1938, reads as follows:

"28. Welding will not be approved until welding rules have been promulgated by the Board of Standards and Appeals."

and

WHEREAS, the proposed building will be 14 stories, 131 ft. in height, 120 ft. by 92 ft. in area; of fireproof construction; equipped with a standpipe system; located in a business and resident use district; occupied throughout as Class "A" Multiple Dwelling; and

WHEREAS, applicant contends this building is ready for approval by the Department of Buildings for rivetted connections; the contract for the structural steel has been let, based on the use of welded connections; excavation and foundation have been started; contracts have been let for concrete arches, masonry, fireproof doors and bucks, electric work and heating; any delay in the delivery of steel would bring the completion of the building beyond October 1st, which is the renting season; the details of the welded connections have been designed by a well-known structural engineer, specializing in welding, retained as consultant on the welding for this project, who will supervise the welding.

Resolved, that the decision of the Acting Borough Superintendent on N. B. App. No. 251-37 be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the requirements of the proposed Welding Rules, as published in the Bulletin of the Board of Standards and Appeals of February 8, 1938, shall be complied with, except as to the requirements under sections 4 and 5 thereof, *on condition* that all welders that are employed on the construction shall prove to the satisfaction of the Superintendent of Buildings that they are skilled in welding and that the work shall at all times be under the direct supervision of a licensed professional engineer familiar with erection of structural steel and welding.

58-38-A.

APPLICANT—Waldorf System Incorporated, lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED — 722-728 Lexington avenue, west side, 120 ft. 5 in. south of East 59th street and 131-133 East 58th street (Block No. 1313, Lot Nos. 13, 14, 15 and 16), Borough of Manhattan.

APPEARANCES—

For Applicant: L. Bruce and J. F. Faulkner.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(58-38-A)

WHEREAS, Waldorf System Incorporated, lessee, filed on February 1, 1938, an appeal from an order and a decision of the fire commissioner, affecting premises 722-728 Lexington avenue, west side, 120 ft. 5 in. south of East 59th street, and 131-133 East 58th street (Block No. 1313, Lot Nos. 13, 14, 15 and 16), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, dated October 27, 1937, No. 9471-LC, reads as follows:

"Before a permit may be issued for you to operate or maintain a refrigerating plant, the following must be done:

"1. Remove or cut off the refrigerating system from the building or parts of the building, by unpierced fireproof construction, as per Section 219 (f) of Chapter 10, Code of Ordinances."

and

WHEREAS, the decision of the fire commissioner, dated January 31, 1938, reads as follows:

"In response to your favor of January 19, 1938, we desire to advise you that we do not re-issue an order so that an applicant may take advantage of his right to appeal from the Fire Chief and Commissioner's decision.

"However, we have been informed that the Board of Standards and Appeals will accept a letter from this department when the applicant has exceeded the time limit in which to file the appeal. For that purpose we are quoting herewith Order 9471-LC, issued against the Waldorf System, Inc., 728 Lexington avenue, Manhattan, on October 27, 1937, which reads as follows:

"'Before a permit may be issued for you to operate or maintain a refrigerating plant, the following must be done:

"'1—Remove or cut off the refrigerating system from the building or parts of the building by unpierced fireproof construction, as per Section 219 (f) of Chapter 10, Code of Ord.'

"Please notify this department promptly when this order has been complied with. It is unlawful for you to operate or maintain a refrigerating plant without a permit."

and

WHEREAS, the building in question is 14 stories (180 ft.) in height, 80 ft. 5 in. by 107 ft. in area; of fireproof construction, equipped with a standpipe system; located in a business use district; erected in 1930, and occupied as follows: Cellar—machinery and storage; 1st floor—stores; 2nd to 8th floors—doctors' offices; 9th to 11th floors—offices; 12 to 14th floors—Sanitarium; maximum number of persons on each floor—75, for which Certificate of Occupancy No. 18160 was issued January 21, 1932, permitting the occupancy of the building as a public building and business building, with 30 persons on 1st story—store use; 50 persons on each story on 2nd to 8th stories inclusive—showroom use; 50 persons each story on 9th to 11th stories inclusive—club use (no dormitory); 30 persons each on 12th to 14th stories inclusive—sanitarium use; and

WHEREAS, the applicant contends that the building is not a "hospital" within the meaning of section 219 (f) (6), Code of Ordinances; the refrigerating system does not come within section 219 (f) (6) of Chap. 10, Code of Ordinances, and cannot be said to be installed or maintained "in or on" a hospital, since there are eleven floors between the location of the refrigerating system and the hospital; the construction of the building renders it impossible for fumes to reach the hospital floors; all doors between the refrigerating room and the stairwells are self-closing; the doors leading from the restaurant on the first floor into the lobby are self-closing as are the doors of the elevator shaft; the most likely place where a leak would occur is in the compressors and inasmuch as the valves are in the air-tight refrigerating room there is little chance of fumes entering the restaurant itself, much less the hospital floor in view of the distance between the restaurant and the hospital floors and the ventilating system in the restaurant; that section 219 (f) (6) of Chapter 10, enacted December 23, 1930, is not retroactive; the refrigerating machinery was installed on November 21, 1930; the restaurant was the first tenant and was in operation before the sanitarium; a permit to operate the refrigerating machinery was issued on July 14, 1931 and renewed December 23,

1932 and July 26, 1934; that it seems inequitable to put the tenant of the first floor to the expense of enclosing the refrigeration machinery with unpierced fireproof construction by reason of the character of the occupancy of the twelfth to the fourteenth floors.

Resolved, that the order of the fire commissioner, No. 9471-LC, Item 1, and his decision dated January 31, 1938, be and they hereby are *modified* and that the appeal be and it hereby is *granted on condition* that the total amount of refrigerant, consisting of sulphur dioxide and freon shall at no time exceed 100 pounds nor shall any machine have a total capacity of more than 18 pounds of refrigerant; that refrigerating machines shall be located in the cellar, as indicated on plans filed with this appeal, and properly guarded by railings or grills; that the door opening from this cellar Space A to the first floor shall have a fireproof self-closing door at the foot of the stairway; that the existing door opening from the rear of the restaurant on the first floor to the public hall shall be so arranged with a panic bolt as not to be openable from the building lobby side, but so as to permit exit in case of emergency from the restaurant.

59-38-A.

APPLICANT—H. Herbert Lilien, for Frank Gordon, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—1822-1824 Morris avenue and 140-144 East 176th street, southeast corner (Block No. 2826, Lot Nos. 76, 78 and 81), Borough of The Bronx.

APPEARANCES—

For Applicant: H. Herbert Lilien.

For Administration: Inspector Harris, Department of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(59-38-A)

WHEREAS, H. Herbert Lilien, for Frank Gordon, owner, filed on February 1, 1938, an appeal from a decision of the Acting Borough Superintendent, Department of Housing and Buildings (Bronx), affecting premises 1822-1824 Morris avenue and 140-144 East 176th street, southeast corner, (Block No. 2826, Lot Nos. 76, 78 and 81), Borough of The Bronx; and

WHEREAS, the decision of the Acting Borough Superintendent on N. B. App. No. 641-1937, dated January 31, 1938, reads as follows:

"4. Entrance hall should be enclosed with fireproof partitions and unpierced except for openings to stair, elevator, apartments, public reception rooms and outer air pursuant to Sec. 150, Multiple Dwelling Law."

"6. Provide proper fire-escape in yard for apartment checked 'A' pursuant to Sec. 26, subdiv. 6 and 145, Multiple Dwelling Law."

and

WHEREAS, the proposed building will be 6 stories, 64 ft. 11¾ in. in height, 115 ft. by 72.94 ft. in area; of non-fireproof construction; located in a residence use, "B" area, 1¼ times height district, and occupied as follows: Cellar—janitor's apartment; boys' room; boiler room and storage; 1st to 6th floors—7 apartments per floor; and

WHEREAS, the applicant contends as to Item 4, that the entrance to the building is on the cellar floor, therefore, the hall to the stair, elevator, janitor's apartment, boys' room, carriage room, etc., is on one level; the hall which comes in the center of the building, thereby dividing the building and other means of access to these portions of the cellar cannot be provided other than shown on plan; that precaution has been taken by providing fireproof doors together with a fireproof vestibule and fireproof door, where hall has an opening; that Art. 1, Sec. 2 of the multiple dwelling law provides for protection against menace to health, safety, morals, welfare and reasonable comfort of the citizens; if these entrances to the different portions of the cellar are prohibited, the help housed in the boys rooms will be compelled to enter these rooms through the street; the parent taking an infant to the carriage room is compelled to carry the child through the outer air, before entering the building again, which may be detrimental to the infant"; as to Item 6 "that a legal fire escape is provided in the court for the court apartment as a second means of egress for that apartment; this fire escape is also connected to the yard apartment and will provide a second means of egress for the yard apartment; the entrance to this apartment is directly from the stair; and

WHEREAS, the board deemed that the application involved variances of the multiple dwelling law and not an interpretation thereof, the law being clear as to the questions involved and that the board was without power to vary the provisions of the law.

Resolved, that the decision of the Acting Borough Superintendent on N. B. App. No. 641-37, be and it hereby is *affirmed* and that the appeal be and it hereby is *denied.*

65-38-A.

APPLICANT—Robert Jacob, Inc., owner.

SUBJECT—Appeal from a decision of the Acting Borough Superintendent.

PREMISES AFFECTED—South side, of East Pilot street, 118 ft. east of City Island avenue (Block No. 5641, Lot No. 90), Borough of The Bronx.

APPEARANCES—

For Applicant: Gilbert Fish.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(65-38-A)

WHEREAS, Robert Jacob, Inc., applicant and owner, filed on February 3, 1938, an appeal from the decision of the Acting Borough Superintendent of Department of Housing and Buildings (Bronx), affecting premises south side of East Pilot street, 118 ft. east of City Island avenue (Block No. 5641, Lot No. 90), Borough of The Bronx; and

WHEREAS, the decision of the Acting Borough Superintendent, dated February 4, 1938, re Alt. App. No. 965-37, reads as follows:

"12. Welding not permitted as Rules governing same have not been established as yet."

and

WHEREAS, the building in question is one story (19 ft.) in height, 60 ft. by 200 ft. in area; of non-fireproof construction; erected in 1917 and occupied as a factory (boat building); and

WHEREAS, it is proposed to erect an extension to the existing one-story building under Alt. App. No. 965-37; and

WHEREAS, the applicant requests permission to construct the extension with fusion welds in accordance with the New Building Code, the proposed Rules of the Board of Standards and Appeals; that inasmuch as a part of the steel is already on hand, a variation is requested in order to avoid unnecessary delay in ordering the balance of the steel required.

Resolved, that the decision of the Acting Borough Superintendent on Alt. Applic. No. 965-37, be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that the requirements of the proposed Welding Rules, as published in the Bulletin of the Board of

Standards and Appeals of February 8, 1938, shall be complied with, except as to the requirements under sections 4 and 5 thereof, *on condition* that all welders that are employed on the construction shall prove to the satisfaction of the superintendent of buildings that they are skilled in welding and that the work shall at all times be under the direct supervision of a licensed professional engineer familiar with erection of structural steel and welding.

431-25-A.

APPLICANT—Socony-Vacuum Oil Company, Inc., owner.
SUBJECT—Application for reopening — amendment — re appeal from decision of fire commissioner.
PREMISES AFFECTED—East side of Ninth avenue, from West 218th street to West 220th street (Block No. 2197, part of Lot No. 47), Borough of Manhattan.
APPEARANCES—
For Applicant: John Payne and J. M. Klipfel.
For Administration: Inspector Meyer, Fire Dept.
ACTION OF BOARD—Appeal reopened and resolution amended.
THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(431-25-A)

WHEREAS, this appeal affecting premises east side of Ninth avenue, from West 218th street to West 220th street (Block No. 2197, part of Lot No. 47), Borough of Manhattan, was granted by the board June 9, 1925, on conditions based on a recommendation of a committee of the board, plans approved July 28, 1925, resolution amended November 24, 1925, January 26, 1926, May 25, 1926 and June 8, 1926; and

WHEREAS, the recommendations of the committee were as follows:

"The committee recommends that the proposed installation be separated into batteries of not more than three tanks to each battery and that the tanks be set approximately half-way (diameter) below grade and that the enclosure walls shall be built of reinforced concrete, carried to the top of the tanks, and all enclosures and tanks to be filled and covered over with earth; the fill to extend not less than three feet above the top of the tanks, and that a reinforced concrete wall shall be erected outside the tank installation enclosure; these outside enclosure walls to be not less than 10 ft. high, the earth fill to be sloped from the top to the inside of the exterior enclosure walls at bottom; the tanks so installed to be equipped in accordance with the rules of the Fire Department and the ordinances in all other respects; a yard hydrant with anti-freezing valves and siamese connection to be provided at the end of the dock, connected to and supplied from the approved pumps hooked up to the city water mains, and that a revolving water line nozzle shall be provided, one to each battery enclosure of three (3) tanks, and that an approved liquid fire-fighting medium shall be provided and maintained operative from an independent pump house, the pump house to be isolated from the tank enclosure and to be constructed fireproof. It is further recommended that the subdividing wall between each battery of tanks shall be carried up at least 6 ft. above the top of the earth fill of the tanks, the ends of these walls to be returned on a rack of 45 degrees at opposite ends, and that a return of the drawings shall be made to this board for approval in compliance with the foregoing report."

and

WHEREAS, the applicant requests a further amendment as to earth fill and yard hydrant.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on June 9, 1925, as amended by resolutions of November 24, 1925, January 26, 1926, May 25, 1926 and June 8, 1926, only so far as it has reference to the requirements for the earth fill above top of tank, so that as amended the resolution shall read:

"*Resolved,* that the order of the fire commissioner be and it hereby is *modified,* and the appeal be and it hereby is *granted on condition* that the equipment shall be installed in accordance with the recommendations of the report of the committee of inspection, except that the siamese connection at end of dock, *the yard hydrant* and the revolving water line nozzle to the battery enclosure may be omitted and the entire premises be enclosed in a wall of reinforced concrete or approved masonry, the exterior of front wall facing the street to be finished with face brick; the plans to be approved permitting a bypass on the suction and discharge lines of tanks Nos. 1 and 12; and permitting the concrete walls separating the batteries of tanks to be not less than 6 ft. in height above the top of tanks, and that the earth fill above the top of the tank shall be not less than 3 ft. in depth at any point *except at manholes as shown on plans approved by the board July 28, 1925 and stamped as so approved on August 3, 1925.* The necessary permits required by law to be obtained and work executed to completion without suspension or unnecessary delay."

VARIATIONS OF LABOR LAW

627-37-S.

APPLICANT—H. E. Horwood, for Unit System Laundry Corp., lessee.
SUBJECT—Variation of the labor law as cited in orders of the commissioner of buildings.
PREMISES AFFECTED—862-870 DeKalb avenue, south side, 310 ft. west of Sumner avenue (Block No. 1782, Lot Nos. 19, 22 and 23), Borough of Brooklyn.
APPEARANCES—
For Applicant: Herman E. Horwood.
For Administration: Inspector Meagher, Department of Housing and Buildings.
ACTION OF BOARD—Application granted on condition.
THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(627-37-S)

WHEREAS, H. E. Horwood, for Unit System Laundry Corp., lessee, filed on December 31, 1937, an application for a variation of the Labor Law as cited in Orders of the commissioner of buildings, affecting premises 862-870 DeKalb avenue, southside, 310 ft. west of Sumner avenue (Block No. 1782, Lot Nos. 19, 22 and 23), Borough of Brooklyn; and

WHEREAS, Order No. 19387-LD, issued by the commissioner of buildings on December 3, 1937, reads as follows:

"An inspection of premises 862-864-866-868-870 DeKalb avenue, Borough of Brooklyn, shows that the following must be done to comply with section 271 of the Labor Law:

1. Extend the interior stairway at the east side of building No. 868 DeKalb avenue to the roof."

and

WHEREAS, Order No. 19388-LD, issued by the commissioner of buildings on Deeember 3, 1937, reads as follows:

"An inspeetion of premises 862-870 DeKalb avenue, Borough of Brooklyn, shows that the following must be done to eomply with section 271 of the Labor Law and the rules of the Board of Standards and Appeals:

1. Provide an additional means of exit from 3rd story of building No. 868 DeKalb avenue remote from existing interior stairway."

and

WHEREAS, Order No. 19389-LD, issued by the Commissioner of Buildings on Deeember 3, 1937, reads as follows:

"1. Arrange the sub-standard fire-eseape on the south side of the building 868 DeKalb avenue, to conform to seetion 272 of the Labor Law and Rules of the Board of Standards and Appeals. Among the defects noted are the following:

(a) No drop ladder in guides with a baek drop gravity hook provided from 2nd story baleony."

and

WHEREAS, the building in question (No. 868 DeKalb avenue) is three stories, 30 ft. in height, 20 ft. by 90 ft. in area at the first story, and 20 ft. by 45 ft. in area above; of non-fireproof construction; ereeted prior to 1909; equipped with a one-source sprinkler system, interior fire alarm, one 31-inch interior wood stairs, enelosed by wood partitions with wood doors, which leads from the street to the top story and thence to roof by means of a wood ladder to a 2 ft. by 2 ft. seuttle, and oceupied as follows: Cellar—reeeiving and storage, 3 persons; 1st floor—shipping room and washing (laundry), 10 persons; 2nd floor—offiee, 6 persons; 3rd floor—office, 4 persons; no eertifieate of occupancy has been issued; and

WHEREAS, the applicant eontends, as to Order No. 19387-LD that this order is issued on aeeount of the factory on the 1st story; from the 1st story there are more exits than required; the exit from the 2nd story consists of the interior stairway also windows opening on the rear extension whieh is fire-retarded throughout and a horizontal opening proteeted with fireproof doors leading into No. 866 DeKalb avenue; on the 3rd story the exits consist of the interior stairway, and existing sub-standard fire-eseapes at the rear, whieh it is proposed to replace with an approved baleony and goose-neek iron ladder up to the main roof and stairway down the extension roof, from whieh egress can be had to the platform whieh eonneets fire-eseapes of 862 and 864 with the iron stairway down to open 8 ft. passageway leading direet to DeKalb avenue; that it is proposed to replaee the existing wood ladder to the seuttle in the roof with an iron ladder whieh, with the proposed gooseneck ladder from proposed rear fire-eseape, will give ample means of reaehing the roof; the only egress off roof is to the east; that a bulkhead and stairway to roof should not be insisted on since there is no manufacturing except at the rear of the first story; as to Order No. 19388-LD; that this order is to be complied with to the extent of furnishing a fire-escape baleony at the third story with gooseneck iron ladder up to main roof and 60-degree ladder down to the extension roof at rear, from which it is possible to enter the windows of the adjoining premises or pass over fire-retarded extension roofs to the iron stairway which leads down to open 8 ft. passageway to the street; as to Order No. 19389-LD; that permission is requested to remove this fire-escape and replace same with the one that has been offered as compliance with Order No. 19388-LD.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law, and that the application be and it hereby is *granted*, modifying the orders of the eommissioner of buildings as follows: Order No. 19387-LD, *on condition* that a double-rung steel ladder shall be eonstrueted from the top landing within the stairhall enelosure to the roof, by means of an easy opening seuttle; as to Order No. 19388-LD, *on condition* that the sub-standard fire eseape at the rear shall be replaeed with an approved balcony with goose-neek iron ladder to the main roof and a stairway to the extension roof, from whieh exit to the ground may be had by means of a stairway from the extension roofs to 8 ft. passageway; as to Order No. 19389-LD, *on condition* that the existing fire escape shall be reeonstrueted as above required; that this varianee shall continue only so long as the premises are oeeupied as herein deseribed and the sprinkler system and interior fire alarm system shall be maintained to the satisfaction of the administrative official.

45-38-S.

APPLICANT—John J. Gilmartin, for Schulte Leasing Corporation, lessee.

SUBJECT—Variation of the labor law as eited in decision of the eommissioner of buildings.

PREMISES AFFECTED—316 Fifth avenue, southwest eorner of West 32nd street (Bloek No. 833, Lot No. 46), Borough of Manhattan.

APPEARANCES—

For Applieant: John J. Gilmartin.

ACTION OF BOARD—Applieation granted on condition.

THE VOTE—

Affirmative: Chairman Murdoek, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(45-38-S)

WHEREAS, John J. Gilmartin for Sehulte Leasing Corporation, lessee, filed on January 25, 1938, an applieation for a variation of the labor law as eited in deeision of the eommissioner of buildings affeeting premises 316 Fifth avenue, southwest eorner of West 32nd street (Bloek No. 833, Lot No. 46), Borough of Manhattan; and

WHEREAS, the decision of the commissioner of buildings on Alt. App. No. 2746-1937, dated Deeember 29, 1937, reads as follows:

"2. Comply with labor law—seetion 270, if building was erected after October 1, 1913, and seetion 271 and Board of Standards and Appeals' Rules if ereeted prior to that date. Show complianee on plans. Reeonsideration denied."

and

WHEREAS, the building in question is 6 stories and penthouse (75 ft.) in height, 24 ft. 8¼ in. by 100 ft. in area; ereeted in 1900; of non-fireproof eonstruetion, and oecupied as follows: Cellar—heating plant and storage, 25 persons; 1st floor—retail stores, 5 persons; 2nd floor—offices, showrooms and factory, 5 persons; 3rd floor—showroom and factory, 5 persons; 4th floor—offiee and factory, 6 persons; 5th floor—factory, 25 persons; 6th floor—showroom and factory, 5 persons; pent house—offiee, 8 persons; for which no certificate of oeeupaney has been issued; the building is equipped with an interior fire alarm system and one 36-inch fireproof stairway, which leads from the street to the top story; there is a fire-eseape on the 32nd street side, which leads to the roof of stairs and to street by eounter-balaneed stairs, windows on the eourse are fireproof; the building to the west is 5 stories high, and the building to the south is 4 stories high; and

WHEREAS, it appears from departmental records that the building was aecepted as a faetory by the State Department of Labor and that exit orders were dismissed by said department, August 28, 1914 and that the fire eseape was aceepted by the Bureau of Fire Prevention of the Fire Department in 1918.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the labor law, and that the application be and it hereby is *granted*, modifying the decision of the eommissioner of buildings, in connection with Alt. Applic. No. 2746-37, *on condition* that the building shall comply with section 271 of the labor law, as previously aecepted by the State Labor Department and the Fire Prevention Bureau.

MINUTES

74-38-S.

APPLICANT—Lama & Proskauer, for J. W. and W. H. Reid, owner.

SUBJECT—Variation of labor law as cited in decision of the Acting Borough Superintendent, Department of Housing and Buildings.

PREMISES AFFECTED—383-393 Pearl street and 19-23 Willoughby street, northeast corner (Block No. 146, Lot Nos. 1 and 2), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Administration: Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(74-38-S)

WHEREAS, Lama and Proskauer, for J. W. and W. H. Reid, Inc., owner, filed on February 5, 1938, an application for a variation of the labor law as cited in a decision of the Acting Borough Superintendent, Department of Housing and Buildings (Brooklyn), affecting premises 383-393 Pearl street and 19-23 Willoughby street, northeast corner (fifth floor), (Block No. 146, Lot Nos. 1 and 2), Borough of Brooklyn; and

WHEREAS, the decision of the Acting Borough Superintendent on App. No. 1405-38, dated February 4, 1938, reads as follows:

"Proposed occupancy of part of 5th floor of present office building for use as a dental laboratory constitutes a factory use and as such is contrary to Sec. 270, Par. 1 of the labor law, which requires a factory building over four stories in height to be of fireproof construction."

and

WHEREAS, the building in question is 5 stories (63 ft. 6 in.) in height, 48 ft. by 100 ft. in area, of non-fireproof construction; erected in 1922 and 1928; located in a business use district and occupied since September, 1937, as follows: Cellar—Ordinary use, no persons; 1st floor—stores and storage, 80 persons; 2nd to 4th stories, inclusive —offices, 80 persons per story; 5th floor—dental laboratory, 0 persons. Certificate of Occupancy No. 57633 was issued September 5, 1929, for the following use: Cellar—storage and toilets, no persons; 1st floor—stores and students' lounge, 80 persons; 2nd floor—lecture hall and classrooms, 0 persons; 3rd and 4th floors—classrooms, 80 persons per story; 5th floor—offices and locker room, 80 persons; with the following floor loads: 1st floor—120 lbs.; 2nd, 3rd and 4th floors—75 lbs. each; 5th floor—60 lbs.; and

WHEREAS, it is requested that a variation of the labor law be granted so as to permit the occupancy of the 5th floor for light manufacturing (Dental Laboratory); and

WHEREAS, applicant contends that an alteration application upon which the proposed occupancy was specified was approved by the building department and permit No. 13384-1937 was issued; an amendment to said permit was filed for the installation of additional plumbing equipment and objection was given under section 72 of the building code, which objection was the subject of application No. 19-38-A before this board and withdrawn on January 25, 1938; after withdrawal of Cal. No. 19-38-A the said plumbing amendment was withdrawn from the building department and an application was made for a certificate of occupancy so as to permit the occupancy of the fifth floor as proposed; that the decision appealed from was rendered on said application for certificate of occupancy; that this building was erected in two parts; the north wing was erected in 1922 for a storage warehouse and the south wing was erected in 1929 for stores and office building; from 1929 until September, 1937, the Board of Higher Education used the building for the Brooklyn College of the City of New York; this was done under Permit No. 5523-1929, for which Certificate No. 57633 was issued; that at the present time there are two (2) fireproof stairs and one elevator all leading to a fireproof entrance hall which leads directly to the street; that in view of Permit No. 13384, which was issued, the tenant leased the 5th floor for a dental laboratory; that the property is assessed at $300,000 and there is a first mortgage of $150,000 held by the Brooklyn Bank.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the labor law, and that the application be and it hereby is *granted*, modifying the decision of the Acting Borough Superintendent of Buildings, in acting on Applic. No. 1405-38 and permitting the 5th story of this building to be used as a dental laboratory *on condition* that no part of the balance of the building shall be used for factory purposes; that the exits shall be maintained, as shown, with fireproof enclosure and fireproof doors, with doors on the 5th story opening in the direction of exit; that this permission for factory purposes as to the 5th floor is granted only so long as the building is used as herein described, as a dental laboratory; and that the total occupancy of the fifth floor at no time shall exceed 35 persons.

MATERIALS SUBMITTED FOR APPROVAL

20-38-SM.

APPLICANT—Edwin W. Kleinert, for Porete Mfg. Co., owner.

SUBJECT—Alpha System of Steel and Concrete Construction, approval of.

APPEARANCES—

For Applicant: E. Walter, C. P. Cuene and E. W. Kleinert.

ACTION OF BOARD—Application placed on reserve calendar, and referred to engineer of board.

28-38-SM.

APPLICANT—Concrete Plank Co., Inc., owner.

SUBJECT—Cantilite Concrete Plank for Roof and Floor Construction, approval of.

APPEARANCES—

For Applicant: C. R. Gifford.

ACTION OF BOARD—Application placed on reserve calendar, and referred to engineer of board.

33-38-SM.

APPLICANT—Aerocrete Corporation of America, owner.

SUBJECT—Gritcrete Short Span Floor Construction, approval of.

APPEARANCES—

For Applicant: Denning Miller and Charles H. Nichols, Jr.

ACTION OF BOARD—Application placed on reserve calendar, and referred to engineer of board.

34-38-SM.

APPLICANT—The Barrett Company, owner.

SUBJECT—Barrett Rock Wool, approval of.

APPEARANCES—

For Applicant: A. R. Miller.

ACTION OF BOARD—Application placed on reserve calendar, and referred to engineer of board.

RULES

89-27-SR.

SUBJECT—Rules of Procedure—Proposed Amendment, re elimination of requirement of Article 3,—Section 3, and Article 5,—Sections 4 and 5—Call of the Clerk's Calendar—until further notice.

ACTION OF BOARD—Rules reopened and amended.
THE VOTE TO REOPEN AND AMEND RULES—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(89-27-SR)

Resolved, that the Rules of Procedure be amended and that the requirements of Article 3, Section 3 and Article 5, Sections 4 and 5 be waived until further notice thereby dispensing with the Call of the Clerk's Calendar as affecting all applications for zoning variances, not already set for Calendar Call.

APPLIANCES SUBMITTED FOR APPROVAL

266-35-SA.
APPLICANT—A. J. Lindemann & Hoverson Co., owner.
SUBJECT—Kerogas Oil Type Oil Space Heater, Model 325A, approval of.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Application withdrawn on written request.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

243-36-SA.
APPLICANT—The Victor Oil Burner Mfg. Co., owner.
SUBJECT—Victor Circulating Fuel Oil Heater, Models VCH-27, VCH-19 and VCH-17, approval of.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Appliance approved in accordance with report of the engineer of the board.
THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(243-36-SA)

WHEREAS, The Victor Oil Burner Mfg. Co., owner, filed August 5, 1936, an application with the Board of Standards and Appeals, for approval of the device known as the Victor Circulating Fuel Oil Heater, Models VCH-27, VCH-19 and VCH-17; and

WHEREAS, the device was submitted to the engineer of the board and the Division of Combustibles of the Fire Department for test and report; and

WHEREAS, the report of the engineer of the board supplemented by that of the representatives of the Division of Combustibles was substantially as follows:

These burners are of the circulating cabinet type and consist of the following assembly:

MODEL VCH-27—

This is a two-burner, cabinet type space heater, equipped with a three gallon metal storage tank.

The tank is manufactured by the Dover Tank Company and is constructed of twenty-four gauge sheet metal.

The burner unit consists of two Victor seven-inch range burners and the supply of oil is governed by means of a V-slot metering valve manufactured by the Wooster Taper Pin Company.

The burner units are mounted upon a cast iron plate, which is located at the bottom of the cabinet. This cast iron base has a lip ⅛ inch high all around its edge so that if there is any overflow of oil same cannot leak on to the floor.

MODEL VCH-17—

This is a single burner, cabinet type, heater, similar in construction and operation to the one mentioned above, with the exception that it is equipped with only one 7 in. range oil burner.

MODEL VCH-19—

Is similar in construction to the burner described above, with the exception that it has a single 9 in range burner. The capacity of the tanks used in both the above models is three gallons. All these cabinet heaters have a metal shield built on the outside of the cabinet between the outer shell of the cabinet and the oil supply container.

This shield insures sufficient air circulation to prevent over-heating of the oil supply tank.

These burners were operated for approximately thirty minutes and it was found that the devices used in their operation and construction functioned as designed.

As these Victor circulating heaters were installed in accordance with the provisions of the Oil Burner Rules, adopted by the Board of Standards and Appeals, it is recommended that same be approved for use in domestic and commercial installations.

In recommending these burners for approval, it is suggested that certain requirements be carried out in their installation and incorporated on their instruction cards, and that this approval be not final until a copy of said instruction card has been filed with the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby approve the device known as the Victor Circulating Fuel Oil Heater, Models VCH-27, VCH-19 and VCH-17 for use in domestic and commercial installations when installed in accordance with the above report and with the Oil Burner Rules of the Board of Standards and Appeals and with the following additional requirements:

1. Only safety cans approved by the New York Fire Department shall be used for the storage and filling of oil containers.

2. The device shall bear a label permanently affixed thereto reading as follows:

NOTICE
APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. NO. 243-36-SA

3. Floor beneath the oil burning device shall be protected by a ½ inch asbestos or other equivalent shield extending at least 12 inches beyond the outline of such device.

4. The manufacturer or installer of this burner shall within 48 hours after each installation, notify the Fire Department in writing of the name of the person to whom this burner was sold and the address of the premises where installed.

5. The oil used with this burner shall be range oil or No. 1 fuel oil.

625-37-SA.
APPLICANT—Superseal Corporation, owner.
SUBJECT—Superseal Gas Connection, approval of.
APPEARANCES—
For Applicant: C. G. Hyland and Gustave A. Borg.
ACTION OF BOARD—Appliances approved in accordance with report of engineer of the board.
THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh .....
Negative .....
Absent .....

MINUTES

THE RESOLUTION—

(625-37-SA)

WHEREAS, the Superseal Corporation filed December 30, 937, an application with the Board of Standards and Appeals for approval of their device known as the Superseal Gas Connection; and

WHEREAS, this device was submitted to the engineer of he board for test and report; and

WHEREAS, the report of the engineer and of the committee making the test was substantially as follows:

"This is an application by the Superseal Corporation, filed December 30, 1937, for approval of their device known as the Superseal Gas Connection. This fitting consists of two threaded steel elbows with a ⅜ in. tapered joint which are attached to a length of metal tubing with tapered ends so designed as to fit tightly over the tapered end of the elbow with a grip of approximately ¾ in. and locked in place with a compression nut. The inside diameter of tubing and fittings is ½ inch so as to give free flow to the gas. The intent is to allow play in the piping so that the gas range or other appliances can be properly adjusted after it is connected up. The tubing is aluminum or brass conforming to specifications of the A. S. T. M.

A committee of the board consisting of Commissioners Savage and Blum and Chief Engineer Huber inspected and tested the devices at 201 Eleventh avenue, Manhattan on February 3, 1938 and found the device satisfactory and conforming with the provisions of section 14.13.1 and with section 14.13.4 of the building code.

It is recommended that this device with approved aluminum brass or copper tubing be approved for use in New York City as an intermediate connection between outlet and gas appliance on condition that no length of tubing exceed 6 ft. between connections and that the device have a stamp or decalcomania appearing on the fitting, reading as follows: "Approved by the Board of Standards and Appeals for Use in New York City, Under Cal. No. 625-37-SA."

Resolved, that the Board of Standards and Appeals does ereby approve the device known as the Superseal Gas connection for use as an intermediate connection between as outlet and gas appliance, *on condition* that the appliance onform to the requirements of above report; that no ngth of tubing exceed 6 ft. between connections and that here appear on the device a stamp or decalcomania reading:

NOTICE
APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. NO. 625-37-SA.

53-31-SA.

PPLICANT—Auburn Burner Corporation, owner.

UBJECT—Applicaton for reopening—consideration—re Silent-Auburn Fuel Oil Burner, Models A, B and C.

PPEARANCES—

For Applicant: None.

CTION OF BOARD—Application reopened and resolution amended

HE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

HE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(463-31-SA)

WHEREAS, Auburn Burner Corp., owner, filed September 22, 1931, a petition with the Board of Standards and Appeals, for approval of their device known as the Silent-Auburn Fuel Oil Burner, Models A, B and C; and

WHEREAS, this device was submitted to the fire department for test and report, and a report of the chief of the Bureau of Fire Prevention, dated November 12, 1931, recommends the approval of this device; and

WHEREAS, this petition was approved by the board at its meeting, November 17, 1931, and petitioner requested an amendment of resolution to include approval of Model O; and

WHEREAS, request was made for permission to market this burner as the Super Automatic Zephyr Oil Burner, Model A, which was granted by the board; and

WHEREAS, request was made for approval of the Silent-Auburn Fuel Oil Burner, Models A1 and AA; and

WHEREAS, this application was reopened by vote of the board, April 6, 1937, and referred to engineer of the board; and

WHEREAS, the device was submitted to the engineer of the board and the division of combustibles of the fire department for test and report; and

WHEREAS, the report of the engineer of the board and of the representatives of the division of combustibles was substantially as follows:

The only model set up for inspection and test was Model A-1. This model was installed in a standard steamheating plant.

This Model is of the pressure atomizing gun type, designed for use of No. 1-2-3 commercial grades of fuel oil, and consists of the following assembly: Leland 1/6 H.P. Motor; Viking pump; Monarch strainer and pressure regulating valve, and Sirocco type fan, and Monarch nozzle with a capacity of 2 to 6 gallons per hour.

Ignition—Electric. General Electric Transformer 110 to 10,000 volts.

Controls—Minneapolis Honeywell Protecto-Relay R-117-E and Pressuretrol L-404.

With the oil supply shut off and a cold combustion chamber, the Model A-1 Burner was operated and on two successive tests, the controls functioned and shut the burner down in 97 and 100 seconds respectively. The burner was then put into normal operation for approximately one hour. During the period of tests there were no flare backs, due to faulty ignition, and the flame was clean and free of smoke. Examination of the electrodes and combustion chamber showed no undue carbon deposits.

As a result of this inspection and test, it is recommended that the Silent Auburn Fuel Oil Burner, Model A-1 be approved for domestic and commercial use, when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals, when used with fuel oil not heavier than No. 3, U.S. Dept. of Commerce Standards.

and

WHEREAS, this device was approved by the board July 13, 1937 and applicant requested approval of Model A-A; and

WHEREAS, this model was tested by the engineer of the board.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Silent-Auburn Fuel Oil Burner, Models A, B, C, O, A-1 and A-A for use in domestic and commercial installations when installed in accordance with the Oil Burner Rules of the Board of Standards and Appeals and the report of the chief of the Bureau and Fire Prevention and the above report *on condition* that Model O shall be the same construction as Models A, B and C as to type with the exception of the location of the transformer and the housing of the motor and other parts incidental to the operation of the burner;

MINUTES

and that the resolution adopted by the board under date of November 17, 1931, shall be otherwise complied with.

Resolved further, that this burner, Model A, may be marketed under the name of Super Automatic Zephyr Oil Burner, Model A, *on condition* that under whichever named marketed there shall be attached a plate stating "Approved by the Board of Standards and Appeals for use in New York City, under Cal. No. 463-31-SA," and that these burners shall use fuel oil not heavier than No. 3.

Adjourned, 4:25 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, February 1, 1938, as they appeared in Bulletin No. 6, Vol. XXIII are hereby corrected to read as follows:

THE RESOLUTION—

(42-32-BZ)

WHEREAS, this application affecting premises 2263-2273 Linden boulevard, northwest corner of Elton street (Block No. 4336, Lot No. 21), Borough of Brooklyn, was granted by the board May 6, 1932, on certain conditions, period extended January 28, 1936, and owner requested an amendment of the resolution; and

WHEREAS, this application was reopened by vote of the board January 11, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on May 6, 1932, so that as amended the resolution shall read:

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted under section 7, subdivision F for a period of two years from May* 6, 1938, *on condition* that any pumps shall be set back at least 10 ft. from the building line of Linden boulevard and Elton street; that entrances to gasoline station shall be restricted to two (2) entrances from Linden boulevard and one (1) entrance from Elton street, each not more than 12 ft. wide, with curb cuts not more than 14 ft. each, the Elton street entrance to be not nearer than 10 ft. to the intersection of Linden boulevard and Elton street; that any building erected on the premises shall be confined to one story in height, used as an office or accessory use to gasoline service station conducted on the premises; that no portable gasoline tanks shall be operated or maintained on or from the premises; further, that this shall not be used as a basis for a permanent permit for a gasoline station or for a non-conforming use on these premises; that any advertising signs advertising non-conforming use (gasoline station) shall be confined to the electric globes of the pumps or facade of the buildings erected on the premises, *and to two* (2) *signs which may be illuminated and erected on post standards within the building line excluding any roof signs and temporary signs,* and that all permits shall be obtained within three months and any work involved shall be completed within six months from the date of this action."

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*Correction—Word "any" deleted and word "entrance" changed to "entrances" in line 14 of resolution; words "confined to . . . entrances" deleted in lines 15, 16 and 17 and words "restricted to two (2) entrances from Linden boulevard and one (1) entrance from Elton street" substituted; words "The Elton street entrance to be . . . of Linden boulevard and Elton street" added after word "each" in line 18.

APPROVED APPLIANCES

APPROVED FIRELINE HOSE VALVES

TYPE A—150 LBS. WATER WORKING PRESSURE

May be installed on all 4-inch and 6-inch systems and on uppermost stories on 8-inch systems

Name	*Calendar No.*
Fairbanks Company	81-20-SA
Walworth Company	899-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Croker National Fire Prev. Eng. Co.	304-28-SA
Jenkins Brothers	779-28-SA
W. D. Allen Mfg. Co.	890-28-SA
John Simmons Co.	209-29-SA
Grinnell	651-30-SA
Elkhart	14-31-SA

TYPE B—250 LBS. WATER WORKING PRESSURE

May be installed on all standpipe systems

Name	*Calendar No.*
New York Brass Foundry Co. (Stillbech)	53-21-SA
Walworth Company	900-27-SA
W. D. Allen Mfg. Company	1151-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Jenkins Brothers	780-28-SA
Croker National Fire Prev. Eng. Co.	970-28-SA
Fairbanks Company	268-29-SA
Pratt & Cady	231-30-SA
Elkhart	15-31-SA

FORMS FOR NOTICES TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

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BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

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DIRECTORY

BOARD OF STANDARDS AND APPEALS
HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN J. MCELLIGOTT

EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.
TELEPHONE—WORTH 2-0184.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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Minutes of Regular Meeting, February 15, 1938 at 2 P. M., Affecting Calendar Numbers 151-37-BZ, 443-37-BZ, 164-37-BZ, 575-32-BZ, 207-37-BZ, 458-37-BZ, 540-30-BZ, 267-35-BZ, 185-31-BZ 968-24-BZ, 70-38-A, 72-38-A, 77-38-A, 22-38-A, 67-38-A, 69-38-A, 81-38-A, 87-38-A, 541-28-A, 16-20-A, 1540-24-A, 63-38-A, 98-38-A, 71-38-S, 160-37-S, 25-38-S, 949-28-S, 49-38-SA, 50-38-SA, 56-38-SA, 68-38-SA, 484-37-SA and 155-37-SA.

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Approved Fireline Hose Valves.

Factory Exit Rules.

Smoking in Factory, Rules.

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.
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All hearings are held in Room 1013, Municipal Building, Manhattan.

HOURS FOR CONSULTATION
10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

CALL OF CLERK'S CALENDAR

The *Clerk's Calendar* consists of applications under the Building Zone Resolution, and its object is to give interested property owners opportunity to file objections, if any, and will be called in Room 1013, *Monday, February* 21, 1938, at 2 o'clock. At this call each case is set for hearing on a definite day.

The *Clerk's Calendar* is not to be confused with the calendar of cases that have been definitely set for hearing on fixed days.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman.*

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DOCKET

New Cases Filed up to February 15, 1938

Cal. No. *Department* *Premises Affected*

77-38-A.....H.B.M.....2091 Broadway, west side, 106.10 ft. north of West 72nd street (Block 1164, Lot 34), Borough of Manhattan, Alt. 4582-37.

78-38-SA.....F.D.....Weco Flush Fill Pipe Terminal for Fuel Oil, Appliance.

79-38-SA.....H.B.....Superseal Flare Fittings for Water and Oil, Appliance.

80-38-A.....H.B.Q.....147-08 46th avenue and 46-05 Parsons boulevard, southeast corner (Block 5452, Lot 3), Flushing, Borough of Queens, Decision.

81-38-A.....H.B.Bx.....3582 Third avenue, east side, 219 ft. south of East 169th street (Block 2610, Lots 12-47), Borough of The Bronx, N.B. 586-37.

82-38-A.....H.B.B.....60-64 Commerce street, east side, 175 ft. north of Richards street and 53-57 Seabring street (Block 511, Lots 16, 18, 36, 37 and 38), Borough of Brooklyn, Applic. 781-38.

83-38-A.....H.B.Bx.....2436 Valentine avenue, east side, 101.88 ft. north of East 184th street (Block 3147, Lot 5), Borough of The Bronx, Alt. 845-37.

84-38-BZ.....H.B.Q.....80-40 Lefferts boulevard, north side, 100 ft. east of Austin street (Block 3353 (2142), Lot 59), Kew Gardens, Borough of Queens, Applic. 6531-37.

85-38-BZ.....H.B.B.....617-633 East New York avenue and 477-483 Kingston avenue, northwest corner (Block 1333, part of Lot 1), Borough of Brooklyn, Applic. 20752-37.

86-38-SM.....H.B.....E-ITE for Walls and Floors, Material.

87-38-A.....H.B.Q.....46-02 Fifth street, west side, between Standard Canal and 47th avenue (Building B), (Blocks 21-22, Lots 1-1), Long Island City. Borough of Queens, Applic. 299-38.

88-38-A.....H.B.Bx.....750-760 St. Anns avenue, east side, 71 ft. north of East 156th street (Block 2618, Lot 1), Borough of The Bronx, Order No. 894-35, Order No. 895-35 and Decision.

89-38-BZ.....H.B.Q.....1682 Palmetto street and 714 Cypress avenue, southeast corner (Block 3449, part of Lot 6), Ridgewood, Borough of Queens, Decision.

90-38-A.....F.D.....17-27 East 72nd street, northwest corner of Madison avenue (Block 1387, Lots 12-14), Borough of Manhattan, 10778-L.C.

91-38-A.....F.D. .....202-208 Eleventh avenue and 545-547 West 24th street, northeast corner (Block 696, Lots 2-8), Borough of Manhattan, 9752-L.C.

Restored to Calendar

151-37-BZ.....D.B.B.....365-373 Ralph avenue, northeast corner of Pacific street (Block 1431, Lot 1), Borough of Brooklyn, Applic. 2866-37.

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D.B.B.. .....Department of Buildings, Brooklyn
D.B.M.....Department of Buildings, Manhattan
D.B.Q.....Department of Buildings, Queens
D.B.R.....Department of Buildings, Richmond
D.B.Bx.....Department of Buildings, Bronx
T.H.D. .....Tenement House Department
F.D.....Fire Department

DESIGNATIONS: **H.B.**—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

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Fuel Oil Fill Pipe Terminals.....Feb. 8, 1938—Vol. 23, No. 6
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Paint, Varnish and Lacquer Spraying Equipment .....Jan. 18, 1938—Vol. 23, No. 3
Range Oil Burners and Space Heaters .....Feb. 1, 1938—Vol. 23, No. 5

CALL OF CLERK'S CALENDAR

MONDAY, FEBRUARY 21, 1938, AT 2 P. M.

Building Zone Cases.

170-37-BZ.

APPLICANT—William R. McVay, for Hermine Corlis, owner.

PREMISES—79-05 Little Neck road, southeast corner of Union turnpike (Block No. 12, Lot Nos. 4, 5 and 6), Floral Park, Borough of Queens.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

348-37-BZ.

APPLICANT—Adam Schliessman (lessee), for Irving Wilson Voorhees, owner.

PREMISES—77-09 Roosevelt avenue, north side, 100 ft. west of 78th street (Block No. 1288, Lot No. 39A), Jackson Heights, Borough of Queens.

APPLICATION, under section 7h of the building zone resolution,

TO PERMIT, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles.

34-37-BZ.

APPLICANT—L. C. James, for The New York Central Railroad Co., owner.

PREMISES—412-414 Lexington avenue, west side, opposite East 43rd street (Block No. 1280, Lot No. 54), Borough of Manhattan.

APPLICATION, under sections 7h and 21 of the building zone resolution,

TO PERMIT in a business use district the parking and storage of more than five (5) motor vehicles.

6-37-BZ.

APPLICANT—Samuels and Samuels, for Mary E. Dimmerling Frederick C. Berger and Elsie M. Boesch, owners.

PREMISES—59-17 to 59-25 108th street and 60-01 to 60-03 Penrod street, northeast corner (Block No. 1965, Lot Nos. 54 to 62 inclusive), Corona, Borough of Queens.

APPLICATION, under section 21 of the building zone resolution,

TO PERMIT in a business use district the erection and maintenance of a gasoline service station.

8-37-BZ.

APPLICANT—Jacob Morgenthaler, for Jacob Morgenthaler's Sons, owner.

PREMISES—164-176 Fourth avenue and 334-344 Douglass street, southwest corner (Block No. 420, Lot No. 34 and part of Lot No. 37), Borough of Brooklyn.

APPLICANT, under sections 7c and 21 of the building zone resolution,

TO PERMIT the alteration of a garage for more than five (5) motor vehicles (granted by the Board) by the removal of a portion thereof and the extension over the plot of an existing gasoline service station with the conversion of a portion of the premises to a brake testing station.

FEBRUARY 23, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Wednesday morning, February* 23, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 314-36-BZ—Application, October 23, 1936, under section 21 of the building zone resolution of Margaret Farrell, applicant and lessee, on behalf of Estate of Margaret Rowan, owner ,to permit partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises 619-623 East 163rd street, north side, 60 ft. west of Cauldwell avenue and 606-608 Teasdale place (Block No. 2621, Lot Nos. 29, 30, 31, 18 and 20), Borough of The Bronx.

CAL. NO. 430-37-BZ—Application, September 2, 1937, under sections 7b, 7c and 21 of the building zone resolution, of Goelet Realty Company, applicant and lessee, on behalf of Robert Walton Goelet, owner, to permit partly in a retail use district and partly in a restricted retail use district the erection and maintenance of a motion picture theatre; premises 384-390 Park avenue and 51-67 East 53rd street, northwest corner (Block No. 1289, Lot No. 36), Borough of Manhattan.

CAL. NO. 119-37-BZ—Application, March 18, 1937, under section 7h of the building zone resolution, of Arthur W. Renander, applicant, on behalf of William J. Jung and Florence V. Jung, owners of Lot Nos. 30 and 32, and Frederick W. Ertmann, receiver for Nathaniel C. Hendrickson, et al., owners of Lot No. 61, to permit in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises 89-17 to 89-27 162nd street, east side, 190.70 ft. south of 89th (Shelton) avenue and 89-26 to 89-30 163rd street, west side, 242.27 ft. south of 89th (Shelton) avenue (Block No. 836, Lot Nos. 30, 32 and 61), Jamaica, Borough of Queens.

CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent, applicants, on behalf of Maude B. Mowry, owner, to permit in a business use district the erection and maintenance of

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a gasoline service station; premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

CAL. NO. 1218-22-BZ—Application of Horace V. Shick, applicant, on behalf of General Cigar Co., Inc., owner, reopened under new proposal July 7, 1937, under sections 7e and 21 of the building zone resolution, to permit in a business use district the conversion of occupancy of a private garage for fifteen (15) motor vehicles — owners only — (previously granted by this Board) to a public garage for more than five (5) motor vehicles and motor vehicle repair shop on a street between two (2) intersecting streets in which portion there exists an entrance to a public school; premises 36-40 Stone avenue and 305-313 MacDougal street, northwest corner (Block No. 1528, Lot No. 44), Borough of Brooklyn.

CAL. NO. 383-37-BZ—Application, July 29, 1937, under sections 7c and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Estate of A. J. Sweeney, owner, to permit in a business use district the alteration and extension of an existing garage for more than five (5) motor vehicles; the inclusion of a gasoline station in part of the existing garage and its extension across the entire Clarendon road front of the lot; premises 2178-2188 Clarendon road, south side, 100 ft. east of Flatbush avenue (Block No. 5187, Lot Nos. 14, 16 and 114), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 23, 1938, 2 P. M.

Appeals from Administrative Orders.

75-38-A-WF—111-66 Corona avenue, south side, 97.99 ft. west of Colonial avenue (Block No. 1972, west part of Lot Nos. 53 and 56), Corona, Borough of Queens.

76-38-A-WF—126-02 Northern boulevard, northeast corner of 126th street (Block No. 1820, Lot No. 1), Corona, Borough of Queens.

70-38-A—1620 Avenue M, south side, 20 ft. west of East 17th street (Block No. 6745, Lot No. 9), Borough of Brooklyn.

77-38-A—2091 Broadway, west side, 106.10 ft. north of West 72nd street (Block No. 1164, Lot No. 34), Borough of Manhattan.

80-38-A—147-08 46th avenue and 46-05 Parsons boulevard, southeast corner (Block No. 5452, Lot No. 3), Flushing, Borough of Queens.

83-38-A—2436 Valentine avenue, east side, 101.88 ft. north of East 184th street (Block No. 3147, Lot No. 5), Borough of The Bronx.

82-38-A—60-64 Commerce street, east side, 175 ft. north of Richards street and 53-57 Seabring street (Block No. 511, Lot Nos. 16, 18, 36, 37 and 38), Borough of Brooklyn.

92-38-A—308 West 34th street, south side, 157 ft. west of Eighth avenue (Block No. 757, Lot No. 43), Borough of Manhattan.

Variation of Labor Law.

310-37-S—1560 Boone avenue, east side, 150 ft. south of East 173rd street and 1565-1569 West Farms road (Block No. 3014, Lot No 17), Borough of The Bronx.

FEBRUARY 25, 1938, 10 A. M.

SPECIAL MEETING.

Appeal from Administrative Order.

622-37-A—2042-2044 Ocean avenue, west side, 470 ft. south of Avenue O (Block No. 6766, Lot No. 36 and part of Lot No. 38), Borough of Brooklyn.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Friday morning, February* 25, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 64-38-BZ—Application, February 3, 1938, under sections 7b and 7c of the building zone resolution, of Matthew W. Del Gaudio, applicant, on behalf of Rose Ianotta, owner, to permit the extension, from a business use district into a residence use district, of proposed stores; premises 262-264 East 204th street, south side, 103.25 ft. west of Mosholu parkway south (Block No. 3309, Lot Nos. 59 and 106), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

FEBRUARY 25, 1938, 2 P. M.

SPECIAL MEETING.

Rules

1-38-SR—Proposed Rules for Fusion Welding.

MARCH 1, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, March* 1, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 339-37-BZ—Application, July 1, 1937, under section 21 of the building zone resolution of Lawrence M. Rothman, applicant, on behalf of Patsy Perro, owner, to permit in a business use district the conversion of occupancy of a building occupied as garage for five (5) motor vehicles, stores, club rooms and offices so as to use the garage portion as a garage for more than five (5) motor vehicles and motor vehicle repair shop; premises 635-637 Morris Park avenue, west side, 35.9 ft. south of Unionport road (Block No. 4011, Lot No. 23), Borough of The Bronx.

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CAL. NO. 200-37-BZ—Application, May 3, 1937, under section 21 of the building zone resolution, of Otto J. Sambach, applicant, on behalf of Howdah Securities Corporation, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 103-39 Springfield boulevard, northeast corner of 104th avenue (Block No. 2046, Lot No. 7), Queens Village, Borough of Queens.

CAL. NO. 336-37-BZ—Application, July 1, 1937, under section 7h of the building zone resolution, of Francis L. Shea, applicant, on behalf of American Newspapers, Inc., owner, to permit in a retail use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 322-328 West 57th street, south side, 275 ft. west of Eighth avenue (Block No. 1047, Lot Nos. 44 and 46), Borough of Manhattan.

CAL. NO. 472-37-BZ—Application, September 30, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of John Castagna and Salvatore Castagna, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 2761-2773 Cropsey avenue, north side, 6 ft. 9⅞ in. west of 28th avenue and 196 28th avenue (Block No. 6915, Lot No. 51), Borough of Brooklyn.

CAL. NO. 507-37-BZ—Application, October 26, 1937, under section 7h of the building zone resolution, of John J. Beatty, applicant, on behalf of Tilyou Realty Company, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 1621-1627 Surf avenue and 2927-2947 West 17th street, northeast corner (Block No. 7062, Lot No. 34 and part of Lot No. 38), Borough of Brooklyn.

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MARCH 1, 1938, 2 P. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, March* 1, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 120-33-BZ—Application of Eadie, Nunley and Eadie, applicants, on behalf of Harry Hugger, owner, reopened and restored to the calendar May 4, 1937, under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a motor vehicle repair shop, and, also, a gasoline service station (previously dismissed for lack of prosecution); premises 2030 Hylan boulevard, southwest corner of Hamden avenue (Block No. 3688, Lot No. 9), Grant City, Borough of Richmond.

CAL. NO. 166-37-BZ—Application, April 13, 1937, under section 7h of the building zone resolution, of Mary B. Roberts, applicant and lessee, on behalf of Lawida Corporation, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the use of a plot of ground for the parking and storage of more than five (5) motor vehicles and, also, for used car sales; premises 4485-4519 Broadway, northwest corner of West 192nd street (Block No. 2180, Lot Nos. 633, 635 and part of Lot No. 646), Borough of Manhattan.

CAL. NO. 429-37-BZ—Application, September 2, 1937, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Morris Roth, owner, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station; premises 47-11 108th street and 108-09 48th avenue, northeast corner (Block No 2003, Lot No. 84), Corona, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MARCH 4, 1938, 10 A. M.

SPECIAL MEETING.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Friday morning, March* 4, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 1-37-BZ—Application, January 4, 1937, under section 7h of the building zone resolution, of Oscar Goldschlag, applicant, on behalf of Pondrand Amusement Co., Inc., owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution; re-

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opened and restored to calendar January 11, 1938); premises 67-02 62nd street, west side, 125.11 ft. north of 68th avenue (Block No. 3620, Lot No. 7), Ridgewood, Borough of Queens.

CAL. NO. 404-37-BZ—Application, August 12, 1937, under section 21 of the building zone resolution, of Harold Borgwald, applicant, on behalf of Marie Catherine Russell, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4825 White Plains road, southwest corner of East 243rd street (Block No. 5109, Lot Nos. 1 and 3), Borough of The Bronx.

CAL. NO. 536-37-BZ—Application, November 12, 1937, under sections 7e and 21 of the building zone resolution, of Wortmann and Iser, applicants, on behalf of Station W Postal Bldg. Corporation, owner, to permit partly in a business use district and partly in a residence use district the conversion of occupancy of an existing building to a storage garage for more than five (5) motor vehicles and, also, the omission of the required rear yard; premises 158-162 West 83rd street, south side, 150 ft. east of Amsterdam avenue (Block No. 1213, Lot No. 58), Borough of Manhattan.

CAL. NO. 545-37-BZ—Application, November 16, 1937, under section 21 of the building zone resolution, of Boris W. Dorfman, applicant, on behalf of Wayington Corporation, owner, to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use (stores); premises 862-874 Washington avenue and 175-185 Eastern parkway, northwest corner (Block No. 1179, Lot No. 108), Borough of Brooklyn.

CAL. NO. 535-37-BZ—Application, November 10, 1937, under section 21 of the building zone resolution, of Sidney H. Kitzler, applicant, on behalf of Nostmont Garage, Inc., owner, to permit partly in a business use district and partly in a residence use district the extension (a proposed basement story) of a garage for more than five (5) motor vehicles (previously granted by the board but not erected); the inclusion of stores in a garage for more than five (5) motor vehicles (previously granted by the board) and, also, the omission of the division wall between these two (2) garages for more than five (5) motor vehicles so as to create one (1) unit garage; premises 956-978 Nostrand avenue, west side, from Sullivan place to Montgomery street, 291-301 Sullivan place and 412-416 Montgomery street (Block No. 1305, Lot Nos. 40, 46, 47, 48, 50 and 52), Borough of Brooklyn.

CAL. NO. 539-37-BZ—Application, November 16, 1937, under section 21 of the building zone resolution, of Samuel A. Rosenberg, applicant, on behalf of Vito Cirillo, owner, to permit in a business use district the extension and, also, the conversion of occupancy of an existing building to a refrigeration plant; premises 1237-1243 McDonald avenue, east side, 180 ft. south of Avenue J (Block No. 6524, Lot No. 71), Borough of Brooklyn.

HARRIS H. MURDOCK *Chairman.*

MARCH 8, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, March* 8, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 491-37-BZ—Application, October 13, 1937, under section 21 of the building zone resolution, of Sidney H. Kitzler, applicant, on behalf of Asness Bros., owners, to permit in a business use district the extension of an existing gasoline service station and, also, the inclusion of a brake testing station; premises 429-439 Crescent street and 1044-1048 Liberty avenue, southeast corner (Block No. 4198, Lot No. 7), Borough of Brooklyn.

CAL. NO. 581-37-BZ—Application, December 8, 1937, under section 7b of the building zone resolution, of Joseph Schafran, applicant, on behalf of Anna Endler and Max Endler, owners, to permit partly in a business use district and partly in a residence use district the alteration and conversion of occupancy of an existing dwelling to an undertaking establishment and funeral parlor; premises 356 East 200th street (Bedford Park boulevard), south side, 93.80 ft. east of Marion avenue (Block No. 3284, Lot No. 62), Borough of The Bronx.

CAL. NO. 599-37-BZ—Application, December 17, 1937, under sections 7h and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of DeWitt Holding Corporation, owner, to permit for a temporary period of not more than two (2) years partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises 1663-1681 St. Nicholas avenue, west side, 14 ft. 5 in. north of Fairview avenue and 59-61 Hillside avenue (Block No. 2170, Lot No. 129), Borough of Manhattan.

CAL. NO. 601-37-BZ—Application, December 20, 1937, under section 21 of the building zone resolution, of Van Wart and Ackerman, applicants, on behalf of Fred F. French Investing Company, Inc., owner, to permit in a residence use district the alteration and conversion of occupancy of an existing residence building to business use (executive

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management office); premises 332-334 East 42nd street, south side, 341 ft. 8 in. east of Second avenue (Block No. 1334, Lot Nos. 38 and 38½), Borough of Manhattan.

CAL. NO. 184-29-BZ—Application of Murray Klein, applicant, on behalf of Low Housing Corp., lessee, for Maccalso, Inc., owner, reopened under new proposal January 25, 1938, under sections 7h and 21 of the building zone resolution, to permit for a temporary period of not more than two (2) years in a business use district the storage and parking of more than five (5) motor vehicles and accessory gasoline tanks and pumps for sale of gasoline (previously granted by the board for a garage for more than five (5) motor vehicles—garage not built); premises 42-46 West 66th street, south side, 375 ft. west of Central Park West (Block No. 1118, Lot Nos. 48, 49 and 50), Borough of Manhattan.

CAL. NO. 528-25-BZ—Application of Joseph M. Lonergan, applicant, on behalf of Estate of Morris Erde, owner, reopened November 3, 1937 for consideration re extension of permit, under section 7f of the building zone resolution, to permit for a temporary period of not more than two (2) years the maintenance of a poultry slaughter house in a residence use district; premises 227 Bay 37th street, east side, 285 ft. north of Cropsey avenue (Block No. 6892, part of Lot No. 16), Borough of Brooklyn.

CAL. NO. 598-37-BZ—Application, December 16, 1937, under sections 7d and 21 of the building zone resolution, of Patrick Quilty, Acting Chief Engineer, for Department of Water Supply, Gas and Electricity, City of New York, owner, to permit in a residence use district the erection and maintenance of a laboratory building; premises 349-367 Park place, northeast corner of Underhill avenue (Block No. 1160, part of Lot No. 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MARCH 8, 1938, 2 P. M.

Appeal from Administrative Order.

72-38-A—73-79 Henry street and 75-85 East Broadway, northwest corner (Block No. 282, part of Lot No. 3), Borough of Manhattan.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, March* 8, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 366-37-BZ—Application, July 15, 1937, under sections 7h and 21 of the building zone resolution, of F. Oscar Larsen, applicant and lessee, on behalf of Queensboro Investing Company and Jackson Avenue Corporation, owners, to permit partly in a business use district and partly in a residence use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 37-05 75th street, 37-04 76th street and 75-10 37th avenue, south side, between 75th street and 76th street (Block No. 465, Lot Nos. 30, 31, 35, 38, 40 and 42), Jackson Heights, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MARCH 11, 1938, 10 A. M.

SPECIAL MEETING.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Friday morning, March* 11, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 626-37-BZ—Application, December 30, 1937, under section 21 of the building zone resolution, of John M. Baker, applicant, on behalf of New York Dugan Bros., Inc., owner, to permit in a residence use district the conversion of occupancy of an existing dwelling to the storage of bakery products and, also, the parking of more than five (5) motor vehicles; premises 222-02 to 222-18 99th avenue and 99-01 222nd street, southeast corner (Block No. 1737, Lot Nos. 1, 6 and 9), Queens Village, Borough of Queens.

CAL. NO. 519-37-BZ—Application, November 4, 1937, under sections 7c and 21 of the building zone resolution, of William C. Summerfeld, applicant, on behalf of Kathleen M. McCormick, owner, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a gasoline service station; premises 751-753 East 149th street, northeast corner of Concord avenue (Block No. 2641, Lot No. 42), Borough of The Bronx.

CAL. NO. 557-37-BZ—Application, November 26, 1937, under section 21 of the building zone resolution, of David Feifer, applicant, on behalf of Silbo Realty Corporation, owner, to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling from residence to business use; premises 723 West 177th street, northeast corner of Fort Washington avenue (Block No. 2176, Lot No. 1), Borough of Manhattan.

CAL. NO. 151-37-BZ—Application, April 3, 1937, under sections 7h and 21 of the building zone resolution, of Walter D. Wilkes, applicant and lessee, on behalf of South

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Brooklyn Railway Company, owner, to permit for a temporary period of not more than two (2) years partly in a residence use district and partly in a business use district the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution; reopened and restored to calendar February 15, 1938); premises 365-373 Ralph avenue, northeast corner of Pacific street (Block No. 1431, Lot No. 1), Borough of Brooklyn.

CAL. NO. 408-37-BZ—Application, August 19, 1937, under section 21 of the building zone resolution, of Alfred H. Eccles, applicant, on behalf of Jackson Avenue Corporation, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 75-13 to 75-21 Roosevelt avenue, 37-64 to 37-70 76th street, northwest corner and 75-12 to 75-20 37th road (Block No. 1286, Lot No. 66), Jackson Heights, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MARCH 15, 1938, 10 A. M.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, March* 15, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 431-37-BZ—Application, September 2, 1937, under section 21 of the building zone resolution, of James J. Millman, applicant, on behalf of T. H. Fraser Mortgage Co., owner, to permit in a business use district the conversion of occupancy of an existing wet wash laundry to a garage for more than five (5) motor vehicles and gasoline service station; premises 5813-5823 20th avenue and 2001-2011 59th street, northeast corner (Block No. 5507, Lot No. 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MARCH 15, 1938, 2 P. M.

Appeal from Administration Order

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

MAY 3, 1938, 10 A. M.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May* 3, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 324-37-BZ—Application, June 29, 1937, under section 21 of the building zone resolution, of Joseph M. Lonergan, applicant, on behalf of Mathilda Litchman and Bruno Bernabo, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4727-4729 Third avenue, west side and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, FEBRUARY 15, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the special meeting of the board held on Friday morning, February 4, 1938; the minutes of the regular meeting of the board held on Tuesday morning, February 8, 1938 and the minutes of the regular meeting of the board held on Tuesday afternoon, February 8, 1938, were approved as printed in Bulletin No. 7, Vol. XXIII.

BUILDING ZONE CASES

324-37-BZ.

APPLICANT—Joseph M. Lonergan, for Mathilda Litchman and Bruno Bernabo, owners.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—4727-4729 Third avenue, west side and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

APPEARANCES—

For Applicant: Joseph M. Lonergan, Ralph Litchman, Charles Keller and Mrs. Dan Carroll.

For Opposition: None.

ACTION OF BOARD—Laid over to May 3, 1938 at 2 P. M. Applicant to submit revised plans.

431-37-BZ.

APPLICANT—James J. Millman, for T. H. Fraser Mortgage Co., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the conversion of occupancy of an existing wet wash laundry to a garage for more than five (5) motor vehicles and gasoline service station.

PREMISES AFFECTED—5813-5823 20th avenue and 2001-2011 59th street, northeast corner (Block No. 5507, Lot No. 1), Borough of Brooklyn.

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APPEARANCES—
For Applicant: Benjamin A. Millman.
For Opposiiton: Charles H. Birdsall, Beatrice Mazor and Fannic Bershad.
ACTION OF BOARD—Laid over to March 15, 1938 at 10 A. M. upon request of applicant's representative.

166-37-BZ.
APPLICANT—Mary B. Roberts (lessee), for Lawida Corporation, owner.
SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the use of a plot of ground for the parking and storage of more than five (5) motor vehicles and also for used car sales.
PREMISES AFFECTED—4485-4519 Broadway, northwest corner of West 192nd street (Block No. 2180, Lot Nos. 633, 635 and part of Lot No. 646), Borough of Manhattan.
APPEARANCES—
For Applicant: Charles Weishaupt and Mary B. Roberts.
For Opposition: Emanuel Goldberg, M. Michalowitz, Frank Steinberg, Bernard Marsa, Frank Dixon, Thomas W. Kenny and Louis Stern.
ACTION OF BOARD—Laid over to March 1, 1938, at 2 P. M., for report of committee. No further argument.

366-37-BZ.
APPLICANT—F. Oscar Larson (lessee), for Queensboro Investing Company and Jackson Avenue Corporation, owners.
SUBJECT—Application (re decision of the commissioner of buildings) under sections 7h and 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.
PREMISES AFFECTED—37-05 75th street, 37-04 76th street and 75-10 37th avenue, south side, between 75th street and 76th street (Block No. 465, Lot Nos. 30, 31, 35, 38, 40 and 42), Jackson Heights, Borough of Queens.
APPEARANCES—
For Applicant: Joseph H. Sand and F. Oscar Larson.
For Opposition: Irving A. Feinstein, Mary C. McCabe, Edna Tuvo, Wm. M. Costello and others.
ACTION OF BOARD—Laid over to March 8, 1938 at 2 P. M. for report of committee. No further argument.

29-37-BZ.
APPLICANT—Samuels and Samuels, for Morris Roth, owner.
SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station.
PREMISES AFFECTED—47-11 108th street and 108-09 48th avenue, northeast corner (Block No. 2003, Lot No. 84), Corona, Borough of Queens.
APPEARANCES—
For Applicant: Archie Samuels and Morris Roth.
For Opposition: Ellwyn F. Hayslip, M. Michalowitz, Martin Nelson, Michael Proto and others.
ACTION OF BOARD—Laid over to March 1, 1938 at 2 P. M. for report of committee. No further argument.

54-37-BZ.
APPLICANT—92-32 Union Hall Street, Inc., owner.
SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles.
PREMISES AFFECTED—160-13 to 160-21 Archer avenue, north side, 110 ft. west of Union Hall street (Block No. 1051, Lot No. 150), Jamaica, Borough of Queens.
APPEARANCES—
For Applicant: P. Frank Ryan.
For Opposition: None.
ACTION OF BOARD—Application granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(54-37-BZ)

WHEREAS, 92-32 Union Hall Street, Inc., owner, filed February 13, 1937 an application under the building zone resolution to permit in a business use district for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises: 160-13 to 160-21 Archer avenue, north side, 110 ft. west of Union Hall street (Block No. 1051, Lot No. 150), Jamaica, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 15, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Archer avenue and Union Hall street are in unrestricted and business use districts; that Jamaica avenue is in a business use district and 160th street is in a business, unrestricted and residence use district; and

WHEREAS, the decision of the commissioner of buildings, rendered January 13, 1937, reads:

"Your request of today for issuance of certificate of occupancy for use of premises located at north side of Archer avenue, 110 ft. west of Union Hall street, Jamaica, for parking purposes (more than five cars), be advised that your request is hereby DENIED, as this location is situated in a business district, and such occupancy would be in violation of Subdivision 15, Section 4, of the building zone resolution of the City of New York."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 90 feet on Archer avenue and a distance of 90.5 feet along the east lot line. It is proposed to occupy the lot for transient parking only, of more than 5 motor vehicles; and

WHEREAS, the board deemed that there was need for a parking lot in this area for transient parking and that the board was therefore warranted in exercising its discretion to grant under section 7 sub division H.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resoluiton, and that the application be and it hereby is *granted*, under Section 7-H, to permit the premises under appeal to be used for transient parking of passenger automobiles *for a period of two years*, from the date of this action *on condition* that the plot shall be levelled substantially to the grade of Archer avenue; that where walls of adjacent building do not occure on interior lot lines, substantial woven-wire fences shall be constructed; that a similar substantial woven-wire fence shall be constructed along street build-

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ing line, except for an entrance not exceeding 20 ft. in width, to Archer avenue; that during the term of this variance, the plot shall be used for no other use than the use herein permitted; that any lights for illumination shall be so arranged with metallic reflectors as to reflect toward Archer avenue and away from adjoining premises; that no building shall be erected on the premises other than a small building for the attendant, not exceeding 100 sq. ft. in area ond not over one story in height; that there shall be no signs other than one sign at the entrance, advertising the parking use and rates charged; that such accessory fire-fighting appliances shall be installed as the commissioner shall direct; and that all permits shall be obtained within two months from date of this action.

Adjourned, 1:10 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, FEBRUARY 15, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

151-37-BZ.

APPLICANT—Walter D. Wilkes (lessee), for South Brooklyn Railway Company, owner.

SUBECT—Application for consideration—reopening and restoration to calendar—re application (decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit, for a temporary period of not more than two (2) years, partly in a residence use district and partly in a business use district, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution).

PREMISES AFFECTED—365-373 Ralph avenue, northeast corner of Pacific street (Block No. 1431, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: A. W. Van Ness.

ACTION OF BOARD—Application reopened, restored to calendar, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

443-37-BZ.

APPLICANT—Falk and Orleans, substituted for Samuels and Samuels, for Brooklyn Manhattan Transit Corporation and New York Rapid Transit Corporation, owners.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7a, 7c and 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the extension of an existing gasoline service station and, also, the parking of more than five (5) motor vehicles.

PREMISES AFFECTED—464-484 Flatbush avenue and 1-33 Ocean avenue, southwest corner (Block No. 5024, Lot Nos. 28, 37 and 40), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel Falk.

ACTION OF BOARD—Application withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

164-37-BZ.

APPLICANT—Charles Hoffman (lessee), for Bessie Greenwald, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED — 9716-9718 Church avenue, south side 72 ft. 6½ in. west of East 98th street (Block No. 4718, Lot Nos. 41 and 42), Borough of Brooklyn.

APPEARANCES—

For Applicant: Charles Hoffman.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(164-37-BZ)

WHEREAS, Charles Hoffman (lessee), for Bessie Greenwald, owner, filed April 8, 1937, an application under the building zone resolution to permit in a business use district for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises: 9716-9718 Church avenue, south side, 72 ft. 6½ in. west of East 98th street (Block No. 4718, Lot Nos. 41 and 42), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 15, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Church avenue is in a business use district; East 98th street is in a business use; Douglass street is in a residence and business use; New Lots road is in a residence and business use and Lott avenue is in a business use; and

WHEREAS, the decision of the commissioner of buildings, rendered December 11, 1937, re Application No. 3264-1937, reads:

"Proposed parking and storage of more than five motor vehicles in a business use district is contrary to Art. II, Sec. 4a of the Building Zone Resolution."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 27 ft. 5 in. on Church avenue, 97 ft. along the south lot line and 100 ft. along

the west lot line. It is proposed to use the plot for parking and storage of more than five motor vehicles for a temporary period of not more than two years; and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board, report of which inspection was read at this hearing, and which report follows:

REPORT OF COMMITTEE

February 14, 1938.

Cal. No. 164-37-BZ.

Premises: 9716-9718 Church avenue, Borough of Brooklyn.

The plot under appeal for temporary use for parking and storage, lots 41 and 42 in block 4718, is irregular in shape, with a frontage of 27 ft. 5 in. on Church avenue and a total area of approximately 7,200 sq. ft. It appears to have no frontage on East 98th street, but has a frontage along the right-of-way known as New Lots road, a closed former highway which cuts diagonally across the northeast corner of this block. From the records, the title to this road is in the City. Its status was presented in connection with the hearing under Cal. No. 255-32-BZ, as to the gasoline station on block 3619 opposite, which is there by Court decision in October, 1933, reversing the denial of the board.

Upon inspection it was found that the entire area with a depth of 100 ft. along Church avenue and 200 or more along East 98th street, southerly from the corner of Church avenue is being used for storage of cars of the passenger type and trucks apparently under permission of the several owners. This use is very unsightly and together with the gasoline station has a deteriorating effect on this area. The applicant who operates this parking and storage area is a tenant in the store adjoining on Church avenue which is constructed in the rear yard of the six-story multiple dwelling on lots 36-38 and 40. The store is for the sale of automobile accessories and ignition work.

In the opinion of the committee, parking and storage should be permitted for a temporary period under section 7h, provided the area so used is limited to the plot under appeal, properly fenced with woven wire fencing on the lot lines, with no opening except to Church avenue and restricted as to motor vehicles of the pleasure car type.

Any letter permit for parking use, if outstanding, should be rescinded as of no effect. Any curb cut permit for entrance from Church avenue may be continued during the term of this variance herein recommended, if opposite the frontage of this plot. The usual conditions should be imposed to minimize the objection to the proposed use.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
PATRICK WALSH,
Committee.

and

WHEREAS, this report recommended the granting of this application with proper safeguards and the board deemed that this was a proper case to exercise its discretion under section 7, subdivision H of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-h thereof for a period of two years from the date of this action, to permit the plot under appeal to be used for the parking and storage of more than five (5) motor vehicles, *on condition* that such vehicles shall be of the pleasure-car type only; that the plot shall be graded substantially to the grade of Church avenue and shall be covered with steam cinders or other suitable material properly bound and rolled to prevent dusting; that there shall be erected on all the interior lot lines, a substantial woven wire fence not less than six feet (6) in height; that a similar fence shall be erected on the street building line of Church avenue, except for an entrance not exceeding 15 ft. in width; that the entrance to the premises shall be from Church avenue, where the existing curb cut may be continued; that during the term of this variance, the premises shall be used for no other purpose than the use herein permitted and no buildings shall be erected, except that there may be erected at the entrance near Church avenue, a building not over 100 sq. ft. in area nor over one story in height as a shelter for the attendant; that such auxiliary portable fire appliances shall be installed as the commissioner shall direct; that signs shall be limited to one sign at the entrance, advertising the parking and storage use and the rates charged; that no sign shall be maintained on the northerly wall of the building on the adjoining lot overlooking the site; that any lights erected for illumination shall be so arranged with metallic reflectors as to reflect away from the adjoining occupancies; that the parking and storage of cars herein permitted shall be confined exclusively to the plot under appeal and nothing herein shall be deemed as extending such permit to the bed of New Lots road or any adjacent vacant property; that all permits required shall be obtained and all work completed within three months from the date of this action.

575-32-BZ.

APPLICANT—Wood and Marshall, for Suburban Maintenance Service Corporation, owner.

SUBJECT—Application reopened January 11, 1938, for consideration as to extension of permit—re application (decision of the superintendent of buildings) granted on condition, under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station for a temporary period.

PREMISES AFFECTED—Southeast corner of Merrick road and 242nd street (Block No. 3645, Lot No. 19), Rosedale, Borough of Queens.

APPEARANCES—

For Applicant: Clifford B. Marshall.

For Opposition: None.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(575-32-BZ)

WHEREAS, this application affecting premises southeast corner of Merrick road and 242nd street (Block No. 3645, Lot No. 19), Rosedale, Borough of Queens, was granted by the board February 28, 1933 for a period of five years on certain conditions and applicant requested an extension of the temporary period; and

WHEREAS, this application was reopened by vote of the board January 11, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting, February 15, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted*, under section 21, for a period of five (5) years from the date of this action, *on condition* that there shall be erected *on* the interior lot lines of the plot *where walls of accessory buildings do not occur, a substantial wooden picket fence not less than* 5 *ft. in height which shall be kept in good condition and painted at all times, that there shall be not over two entrances to the plot both from Merrick boulevard, each entrance not exceeding twenty-five feet in width;* that the entire plot shall be either cement paved

or covered with cracked blue stone or similar material; that the accessory buildings shall be erected substantially as shown on the plans attached to this application, near the rear lot lines, and shall be not over one story in height, of fireproof construction, the roofs to be covered with slate; the front of the building over grease pits to be left open; that there shall be no excavations under these accessory buildings except the grease pits; that there shall be no open flame permitted on the premises; that no gas pumps shall be installed nearer than 10 ft. to the street line; that any advertising shall be limited to the globes of the pumps and to flat wall signs attached to the fronts of the accessory buildings *and to such post standards as are in existence shown in photographs marked "received February* 11, 1938"; that there shall be no portable gas tanks used on or from the premises; that all permits shall be obtained within three months and any work involved in this application be completed within nine months from the date of this action.

207-37-BZ.

APPLICANT—Larsen Baking Company, Inc., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7g of the building zone resolution, to permit in a business use district the conversion of occupancy of an existing building to a garage for more than five (5) motor vehicles.

PREMISES AFFECTED—1490 Clove road, southwest corner of Tioga street (Block No. 661, Lot No. 7), West New Brighton, Borough of Richmond.

APPEARANCES—

For Applicant: John J. Kelly and C. M. Smith.

For Opposition: Frank Kamer and B. Wilensky.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(207-37-BZ)

WHEREAS, Larsen Baking Company, Inc., owner, filed May 6, 1937, an application under the building zone resolution to permit in a business use district the conversion of occupancy of an existing building to a garage for more than five (5) motor vehicles; premises: 1490 Clove road, southwest corner of Tioga street (Block No. 661, Lot No. 7), West New Brighton, Borough of Richmond; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 15, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Clove road is in a business use district; Tioga street is in a business use; Serpentine road is in a residence and business use; Oneida avenue is in a business use and Little Clove road is in a business district; and

WHEREAS, the decision of the commissioner of buildings, rendered November 17, 1937, reads:

> "Your application Alteration No. 343/1937, filed on April 16, 1937, to change the occupancy of premises, S.W. corner, No. 1490 Clove road and Tioga street, West New Brighton, Borough of Richmond, to a garage for twenty-two (22) motor vehicles, is hereby denied; it being contrary to the Zoning Resolution, Sec. 4(a) (15) to use a building in a business use district as a storage garage for more than five (5) motor vehicles."

and

WHEREAS, the building is of non-fireproof construction, one story in height, with a frontage of 60.3 ft. on Clove road and 95 ft. on Tioga street, irregular in area; now occupied as a garage for five motor vehicles, to be occupied as a garage for more than five motor vehicles; and

WHEREAS, the premises were inspected by a committee of the board; and

WHEREAS, the applicant filed consents of the owners of more than 80 per cent of the frontage deemed affected by the board; and

WHEREAS, the board deemed that the consents filed met the requirements of section 7-g and that this was a proper case for the exercise of the board's discretion to grant in view of the building having been erected with the approval of the superintendent of buildings as a private garage and distribution building for the baking company and not as a public garage.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-G thereof to permit the existing garage to be used for the storage of more than five (5) motor vehicles, *on condition* that any cars stored shall be solely in the ownership of the Larsen Baking Company or their employees; that there shall be no storage system for gasoline within this building and that no gasoline shall be stored except in the tanks of the cars; that any handling, receiving and shipping of merchandise shall be entirely within the building; that the building shall not be increased in height or area; that this variance shall continue only so long as the building is used as herein permitted by the Larsen Baking Company or its successors or assigns in the same line of business; that there shall be no advertising signs erected on the building or roof, except a neat sign over the main entrance doorway; that no cars of employees shall be parked outside the building, but shall be stored within the building; that all permits required shall be obtained and all work completed within three months from the date of this action.

458-37-BZ.

APPLICANT—Lama and Proskauer, for East Brooklyn Savings Bank, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7c of the building zone resolution, to permit partly in a business use district and partly in an unrestricted use district, the erection and maintenance of a building to be used as a garage for more than five (5) motor vehicles and a motor vehicle repair shop and also the establishment of a gasoline service station.

PREMISES AFFECTED—374-386 Willoughby avenue and 903-907 Bedford avenue, southeast corner (Block No. 1762, Lot Nos. 32 and 36), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: Louis Barnett.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(458-37-BZ)

WHEREAS, Lama & Proskauer, for East Brooklyn Savings Bank, owner, filed September 24, 1937, an application under the building zone resolution to permit partly in a business district and partly in an unrestricted district, the erection and maintenance of a building to be used as a garage for more than five motor vehicles, and a motor vehicle repair shop and also the establishment of a gasoline service station; premises: 374-376 Willoughby avenue and 903-907 Bedford avenue, southeast corner (Block No. 1762, Lot Nos. 32 and 36), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application

by the Board of Standards and Appeals, at its regular meeting, February 15, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Bedford avenue is in a business use district; Willoughby avenue is in an unrestricted and business use district; and Spencer street is in an unrestricted use district; and

WHEREAS, the decision of the commissioner of buildings, re App. No. 13822-1937, dated November 17, 1937, reads:

"1. Proposed gas station, public garage for over 5 cars and motor vehicle repair shop on plot partly in business and partly in unrestricted use zone is in violation of Art. II, Sect. 4(a) (15) also (a) (29) of Zone Resolution. Application is denied."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 60 ft. on Bedford avenue, 140 ft. on Willoughby avenue and a distance of 73 ft. along the east lot line. The easterly part of the plot extends into the unrestricted use district for a distance of 40 ft. and the remainder of the plot is located in the business use district. It is proposed to remove the buildings now on the plot and to erect thereon a one story building approximately 60 ft. by 73 ft. in area to be used as garage for more than 5 motor vehicles and motor vehicle repair shop; a one story building 50 ft. by 24 ft. in area to be used as office, lubritorium and auto laundry; and it is proposed to use the remainder of the plot as a gasoline service station; and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board, report of which inspection was read at this hearing and which report follows:

REPORT OF COMMITTEE

February 14, 1938.

Cal. No. 458-37-BZ.

Premises: 374-386 Willoughby avenue, 903-907 Bedford avenue, southeast corner, Borough of Brooklyn.

These premises are at the southeast corner of Bedford avenue and Willoughby avenue in an area zoned for business for a depth of 100 ft. Bedford avenue was formerly zoned for unrestricted uses like the adjoining areas but was rezoned in 1923 upon application of the owners. The plot under appeal has a frontage along Bedford avenue of 60 ft. and extends along Willoughby avenue for 140 ft., the rear 40 ft. of which is in the unrestricted district. This is the basis for the application being filed under section 7, subdivision C. Hardship is claimed under section 21 in that the existing building formerly used as a catering establishment cannot now be used for any conforming business purpose. The present mortgage was placed on the property after the area was zoned for business uses. This mortgage was later assigned to the bank, which has been the owner of the premises since 1935 through foreclosure. A prospective tenant is desirous of leasing the premises for a gasoline station, repair shop and garage in the event this zoning variance as to the portion of the premises in the business use district is granted.

The board has granted no variance in the immediate business area except the gasoline station on the northeast corner of Bedford and Willoughby avenues which appears to have been granted in 1927 under 21, but on the principle that it would be hardship not to grant because of the filing of more than 80 per cent consents of the area deemed affected. The board no longer recognizes such a basis as within its powers as applied to a gasoline station.

Photographs filed with the appeal on the northeast corner indicate that the area has made no substantial changes since it was rezoned in 1923. Since the former caterer moved out there has been no opportunity to rent the building since the savings bank acquired the property in 1935. Undoubtedly the building specially arranged for a caterer is not available for another business use without alterations and the age and condition of the building does not justify a large expenditure for reconditioning.

A search of title indicates that this entire plot has been in one ownership since 1882 and has not been recently assembled to bring it within the purview of section 7C. No other plot in the immediate area appears to combine business use area and unrestricted area. Opposite this plot on Willoughby avenue is an unrestricted area and a gasoline station.

Opposite on Bedford avenue is a garage. In view of these conditions, together with the many uses along Bedford avenue in this area devoted to the automobile business, the committee is of the opinion that this is a proper case in which its discretion to grant may be exercised under section 7C provided the premises adjoining to the south within the business use area are protected by a lot line wall having no lot line openings.

(Sgd.) HARRIS H. MURDOCK,
Chairman.

BERNARD A. SAVAGE,
CHARLES M. BLUM,
PATRICK WALSH,
Committee.

and

WHEREAS, this report recommended the granting of the application and the board deemed that the provisions of section 7, subdivion c of the building zone resolution, under which this application was made, empowered the board to exercise its discretion and to grant this application under such conditions that would safeguard the character of the more restricted district and that this application should be granted.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 7c, permitting the premises under appeal to be used for a public garage and gasoline service station substantially as indicated on plans filed with this appeal *on condition* that the garage building shall not extend into the area zoned for business purposes for a distance of more than 20 ft. and that any repairing carried on within the garage shall be located within that portion of the garage within the unrestricted district; that the garage and other accessory buildings shall be constructed of fireproof materials, except that the roof beams and roof boarding of the accessory building used for auto laundry, lubritorium and office may be of wood, as well as door frames and doors, window frames and sash, provided the ceilings throughout shall be fire retarded in accordance with the rules of the board and provided all parts of the garage building shall be of fireproof construction except the entrance doors; that there shall be erected on the interior lot line between this plot and the plot to the south, known as lot 31, a continuous brick wall from the rear building line to Bedford avenue; that this wall may be incorporated as the rear wall of the accessory building and garage and where such walls occur and elsewhere shall be not less than 7 ft. in height, except that it may be not less than 4 ft. in height for a distance of 10 ft. in from the Bedford avenue building line; that all gasoline pumps shall be located not nearer than 15 ft. to any street building line; that such gasoline pumps shall be of the parkway type with masonry pedestals; that curb cut entrances to the property shall not exceed two from Bedford avenue, each 20 ft. in width and two from Willoughby avenue to the gasoline selling area, not more than 20 ft. in width and one to the garage building not more than 15 ft. in width; that there shall be constructed within the building line at the intersection of Bedford avenue and Willoughby avenue, a block of concrete not less than 12 in. in height and not less than 5 ft. along Bedford avenue and Willoughby avenue from the intersection of these two streets; that the entire plot, where not occupied by garage building and accessory buildings shall be cement paved; that signs shall be lim-

ited to the illuminated globes of the gasoline pumps and to a flat sign attached to the accessory building and garage, excluding all roof signs and temporary signs, but permitting the erection of one post standard within the building line near the intersection of Willoughby avenue and Bedford avenue for supporting a sign which may be illuminated, advertising only the brand of gasoline on sale; that no portable gasoline tanks shall be used on or from the premises; that there shall be no parking or storage of cars within the gasoline selling area; that no repair work shall be carried on except as above set forth within the unrestricted district; that there shall be no lot line windows or other openings in the lot line walls to the adjacent premises; that no skylight in the garage portion shall be any nearer than 10 ft. to the lot line wall; that complete working drawings shall be submitted for approval by the chairman in behalf of the board, before same are filed with the superintendent of buildings; that after approval of such working drawings, all permits shall be obtained and all work completed within one year from the date thereof and within eighteen months from the date of this resolution.

540-30-BZ.

APPLICANT—John J. Dunnigan, for Peter Fiore, owner.

SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the superintendent of buildings) under section 21 of the building zone resolution, permitting partly in a business use district and partly in an unrestricted use district, the erection and maintenance of garages for more than five (5) motor vehicles and, also, a gasoline service station.

PREMISES AFFECTED—Southeast corner of East 147th street and Southern boulevard (Block No. 2600, Lot No. 30), Borough of The Bronx.

APPEARANCES—

For Applicant: Joseph Dusenbury.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(540-30-BZ)

WHEREAS, this application affecting premises southeast corner of East 147th street and Southern boulevard (Block No. 2600, Lot No. 30), Borough of The Bronx, was granted by the board January 20, 1933, on certain conditions, time extended January 16, 1934, February 18, 1936 and February 24, 1937, and applicant requested a further extension of time, stating that plans have been filed and approved.

Resolved, that the resolution adopted by the board on January 20, 1933, be and it hereby is *amended,* only so far as it has reference to completion of work, in view of statement previously made by applicant when the previous extension of time was granted, that plans had been filed and approved, that the time within which the work is to be completed shall be extended one year from the date of this amended resolution, *on condition* that other than as amended herein, the resolution adopted by the board on January 20, 1933, shall be complied with in all other respects.

267-35-BZ.

APPLICANT—J. Herbert Bate Company, Inc., owner.

SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting partly in a business use district and partly in an unrestricted use district the erection and maintenance of an oil storage plant.

PREMISES AFFECTED—73-02 to 73-20 and 74-02 to 74-16 Amstel boulevard, north side, 260 ft. west of Beach 72nd street (Block No. 524, Lot Nos. 1 and 500), Arverne, Borough of Queens.

APPEARANCES—

For Applicant: Fred. C. Walker.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(267-35-BZ)

WHEREAS, this application affecting premises 73-02 to 73-20 and 74-02 to 74-16 Amstel boulevard, north side, 260 ft. west of Beach 72nd street (Block No. 524, Lot Nos. 1 and 500), Arverne, Borough of Queens, was granted by the board March 24, 1936, on certain conditions, time extended February 24, 1937, and applicant requested a further extension of time to complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of March 24, 1936, only so far as it has reference to time within which to complete the work, in view of statement made by representative of owner that all permits have been obtained, that all work shall be completed within one year from the date of this amended resolution.

185-31-BZ.

APPLICANT—Sidney H. Kitzler, for Estate of David Stern, owner.

SUBJECT—Application for consideration — reopening, amendment and approval of plans—re application (decision of the commissioner of buildings) under section 7a of the building zone resolution, permitting in a residence use and "C" area district the extension of an existing factory building (bakery) with the omission of the required rear yard.

PREMISES AFFECTED — 1157-1161 Madison street, north side, 100 ft. east of Central avenue (Block No. 3360, Lot No. 52), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sidney H. Kitzler.

ACTION OF BOARD—Application reopened, resolution amended and plans approved.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION AND APPROVE PLANS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

MINUTES

(185-31-BZ)

WHEREAS, this application of Henry J. Nurick, for David Stern, owner, under section 7a, to permit in a residence use district, the erection and maintenance of an extension to an existing business building (bakery), affecting premises 1157-1161 Madison street, north side, 100 ft. east of Central avenue (Block No. 3360, Lot No. 52), Borough of Brooklyn, was granted by the board November 17, 1931, on certain conditions, and resolution amended January 4, 1938, and applicant requests an amendment of the resolution and approval of plans.

Resolved, that the resolution adopted by the board January 4, 1938, be amended to read as follows:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-A thereof, *on condition* that the plans shall be carried out substantially as filed with this application, with the exception that the storage space indicated in the proposed one-story extension in the garage for one car shall be eliminated and the gasoline tank and pump shall be completely removed from the premises; that the cellar bakery shall have exhaust ventilation at the rear as approved by the Department of Health and exhausting above the roof, to comply with Art. 12 of the State Labor Law; that the rear yard indicated at the rear portion of building, No. 1161, shall be 10 ft. in depth instead of 6 ft., as shown on plans; that there shall be no skylights in the roof of the building proposed to be erected on this plot at No. 1161 and that the ceiling shall be fire-retarded throughout in accordance with the rules of the Board of Standards and Appeals; that there shall be no openings in the lot line walls to the east; that the chimney proposed to be erected to the rear of the building at No. 1161 shall be carried up at least twenty-five (25) feet and located at the other side of the building, so as to be at least twenty-five (25) feet away from the adjoining premises to the east; that the requirements of the building code shall be complied with as to the proposed office in the second story of the building at No. 1157; that there shall be no openings in the side lot line walls to adjoining properties to the west; that the sidewalk in front of the premises shall be repaired and kept in good condition; that no loading or unloading of merchandise shall be done other than inside the building; that any hand trucks used on the premises shall be equipped with solid rubber tires; that signs shall be limited to the flat signs attached to the face of the existing buildings, excluding all temporary signs and roof signs; that the building shall not be further increased in height or area other than as herein permitted; that all permits shall be obtained and all work completed within one year from the date of this action."

"*Resolved further,* that the board does hereby *approve* plans in accordance with the requirements of the resolution adopted by the board on January 4, 1938, and permitting the boiler room as therein shown to be located under the sidewalk in place of the rear of the building and, also, the construction of an additional chimney at the front wall, *on condition* that such chimney shall be carried up as shown on the plans not less than 25 ft. above the roof of the building and that in all other respects the requirements of the resolution adopted January 4, 1938, shall be complied with."

968-24-BZ.

APPLICANT—Dominick Salvati, for Borry and Company, lessee.

SUBJECT—Application for consideration—reopening and amendment—re decision of the Acting Borough Superintendent of Buildings—re application under section 21 of the building zone resolution, permitting in a residence use district the erection and maintenance of buildings to be used for store purposes on first story and for dwelling use above.

PREMISES AFFECTED—1922-1926 Kings highway and 1930-1932 Kings highway and 2110 Ocean avenue (Block No. 6782, Lot Nos. 19-23), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(968-24-BZ)

WHEREAS, this application affecting premises 1922-1926 and 1930-1932 Kings highway (Block No. 6782, Lot Nos. 19-23), Borough of Brooklyn, was granted by the board February 17, 1925, on certain conditions, plans approved as to elevation, May 5, 1925, and owner requests the approval of a new elevation for store at 1928 Kings highway.

Resolved, that the resolution adopted by the board February 17, 1925, as amended on February 2, 1932, be and it hereby is *amended,* so that the resolution shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby reinstate its action of May 5, 1925, and does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted,* restricted to business use of retail stores on the ground floor only, and only so far as it affects the frontage facing on Kings highway, *on condition* that the upper stories of the building shall be restricted to dwelling use and occupancy; the store fronts or show windows shall start at a point not less than 12 in. from the Ocean avenue building line; that there shall be no stores or business use evidenced or displayed on the Ocean avenue front of the structure; that there shall be no advertising signs or display of any nature or description on the Ocean avenue front, and that any advertising signs or display on the Kings highway front shall be restricted to lettering placed directly on show windows of the store fronts; and that there shall be no entrance on the Ocean avenue front other than those required for the dwelling use above; that the exterior of the street walls on Kings highway and Ocean avenue front, other than the show windows of the stores on the Kings highway front, shall be finished in face brick with architectural terra cotta or natural stone trimmings; that any windows on the Ocean avenue front, except those opening directly to living apartments, shall have sills not less than 6 ft. above grade; that a return drawing shall be made to this board of the proposed elevations for approval before submission to the superintendent of buildings; and *further granted on condition* that the requirements of the building zone resolution shall be complied with in all other respects as to rear yard and area requirements.

"Resolved further, that in the event the owner desires to alter the store front of the building known as 1928 *Kings highway in accordance with plan marked 'received February* 14, 1938, *as filed with the superintendent of buildings under Applic. No.* 1316 *of* 1938, *such alteration may be done on condition that the requirements are complied with and that the terms of this resolution will be complied with in all respects'."*

MINUTES

APPEALS FROM ADMINISTRATIVE ORDERS

70-38-A.

APPLICANT—S. Millman and Son, for Lucille Sculnick, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent, department of housing and buildings (Brooklyn)

PREMISES AFFECTED—1620 Avenue M, south side, 20 ft. west of East 17th street (Block No. 6745, Lot No. 9), Borough of Brooklyn.

APPEARANCES—

For Applicant: I. L. Millman, David Millman.

For Administration: Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to February 23, 1938 at 2 P. M., for inspection by committee of the board.

72-38-A.

APPLICANT—Walter S. Schneider, for New China Amusement Co., Inc., lessee.

SUBJECT—Appeal from a decision of the acting borough superintendent, department of housing and buildings (Manhattan).

PREMISES AFFECTED—73-79 Henry street and 75-85 East Broadway, northwest corner (Block No. 282, part of Lot No. 3), Borough of Manhattan.

APPEARANCES—

For Applicant: Walter S. Schneider.

ACTION OF BOARD—Laid over to March 8, 1938, at 2 P. M. on request of applicant.

77-38-A.

APPLICANT—Peter Copeland, for Jaurale Corporation, adjoining owner.

OWNER OF PREMISES—Wood, Dolson Company, Inc.

SUBJECT—Appeal from a decision of the acting borough superintendent, department of housing and buildings (Manhattan) re revocation of approval of alteration application No. 4582-37 for the erection of a marquee on front of building.

PREMISES AFFECTED—2991 Broadway, west side, 106.10 ft. north of West 72nd street (Block No. 1164, Lot No. 34), Borough of Manhattan.

APPEARANCES—

For Applicant: Peter Copeland.

For Owner: William M. Smith.

ACTION OF BOARD—Laid over to February 23, 1938, at 2 P. M., on request of owner's representative.

22-38-A.

APPLICANT—Robert Teichman, for 657 Lexington Avenue Corporation, owner.

SUBJECT—Appeal from a decision of the commissioner of buildings.

PREMISES AFFECTED—146-148 East 56th street, south side, 145 ft. east of Lexington avenue (Block No. 1310, Lot No. 47), Borough of Manhattan.

APPEARANCES—

For Applicant: R. Teichman.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(22-38-A)

WHEREAS, Robert Teichman, for 657 Lexington Avenue Corporation, owner, filed on January 14, 1938, an appeal from a decision of the commissioner of buildings, affecting premises 146-148 East 56th street, south side, 145 ft. east of Lexington avenue (Block No. 1310, Lot No. 47), Borough of Manhattan; and

WHEREAS, the decision of the commissioner of buildings on Alteration Application No. 4000-37, dated December 16, 1937, reads as follows:

"This amendment is disapproved with the following objections repeated:

"Building must be fireproof. Sec. 72.

"Exits are inadequate for proposed occupancy. Stairs must be enclosed throughout as per Section 153. Doors must be fireproof, self-closing."

and

WHEREAS, the building in question is 4 stories (46 ft.) in height, 40 by 100 ft. 5 in. in area on 1st story level; 40 ft. by 71 ft. in area above; of non-fireproof construction, located in a business use district; erected in 1905 and occupied since 1921 as follows: Cellar—storage and boiler room; 1st floor—automobile salesroom and storage of 5 automobiles, 5 persons; 2nd story—Church, 125 persons; 3rd story—photographic studio, 5 persons; 4th story—storage, no persons. Certificate of Occupancy No. 4418-22 was issued February 28, 1922, permitting the building to be occupied as follows: Cellar—storage; 1st floor—private garage; 2nd floor—chauffeurs' quarters; 3rd floor—recreation and dressing rooms; 4th floor—vacant; six persons in building; and

WHEREAS, the applicant contends that Alteration Application No. 4000-1937 was filed in order to obtain a new Certificate of Occupancy; that in 1921 Alteration Application No. 828 had been filed and approved by the Department of Buildings and a Certificate of Occupancy issued, No. 4418-1922, calling for the following occupancy: 1st floor—private garage; 2nd floor—chauffeur's quarters; 3rd floor—recreation and rest rooms; 4th floor—vacant; that in accordance with this Certificate of Occupancy the Fire Department subsequently issued permits for the live storage of automobiles on the first floor; that in 1933 Alteration Application No. 1109 was filed and approved stating that the first floor was to be used for business purposes, and that a new Certificate of Occupancy was to be secured, which Certificate was never obtained due to the fact that the business change on first floor was only temporary; that in 1936 the first floor was used as an automobile salesroom, application having been made to the Fire Department for the necessary permit for the live storage of automobiles, which application was refused by the Fire Department on the ground that a new Certificate of Occupancy would have to be obtained, the Fire Department refusing to recognize the Certificate of Occupancy granted in 1922; that in January, 1937, application was made to the Department of Buildings for the temporary use of the second story by a church, which permission was granted by the then commissioner of buildings; that applicant further contends that the 1st story is of fireproof construction and that the ceilings, etc., are fire-retarded in accordance with Alteration Plan No. 828-1921; that the building itself is constructed of brick walls, with the 1st story floor of fireproof construction (steel beams and concrete arches), the 2nd and 3rd floors of wood beams supported by steel girders, the 4th story is a small storage space at the front of building, formed by the installation of a roof truss, the height of same being 4 ft. 6 in. high on street line and 6 ft. high at the rear; that the height of the building from curb level to this fourth story storage space is approximately 37 ft., and the height between the curb and the average height of roof level is only 42 ft. 6 in.; and

WHEREAS, these premises was the subject of an inspection by a committee of the board.

Resolved, that the decision of the commissioner of buildings, Alteration Applic. No. 4000-37, be and it hereby is *modified*, and the appeal be and it hereby is *granted on condition* that a new temporary Certificate of Occupancy shall be issued providing for the occupancy of the 1st floor as an automobile salesroom, and the 2nd floor for a church, as permitted by the commissioner of buildings on January 27, 1937, and the 3rd floor as living quarters and studio, *on condition* that such occupancy of the 2nd floor shall not continue beyond June 1, 1938 during which time that this occupancy continues there shall be someone sta-

tioned at the entrance during services who is familiar with the exits for the purpose of directing the occupants in the event of fire; that such auxiliary fire-fighting appliances shall be installed on the 1st floor and on the 3rd floor, as the commissioner shall direct; that the existing exits shall be maintained; that any missing hand rails on the stairways shall be installed; that upon discontinuation of the public assembly occupancy, a permanent Certificate of Occupancy may be issued restoring the previous occupancy of the 1st floor to a garage for not more than five motor vehicles.

67-38-A.

APPLICANT—M. M. Elkind, for George Koblitz, owner.
SUBJECT—Appeal from a decision of the acting borough superintendent, department of housing and buildings (The Bronx).
PREMISES AFFECTED—474 East 138th street, south side, 669.62 ft. east of Willis avenue (Block No. 2282, Lot No. 37), Borough of The Bronx.
APPEARANCES—
For Applicant: M. M. Elkind.
For Administration: M. Harris, Department of Housing and Buildings.
ACTION OF BOARD—Withdrawn.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(67-38-A)

WHEREAS, M. M. Elkind, for George Koblitz, owner, filed February 4, 1938, an appeal from a decision of the acting borough superintendent, Department of Housing and Buildings, The Bronx, affecting premises 474 East 138th street, south side, 669.62 ft. east of Willis avenue (Block No. 2282, Lot No. 37), Borough of The Bronx; and

WHEREAS, the decision of the acting borough superintendent, dated January 27, 1938, on Alt. App. 17-38, reads as follows:

"3. Properly fire retard the walls, ceiling and stair. Section 238, Multiple Dwelling Law. Specify method of construction. See violation in this case.

"4. Provide one hour fire test doors from stairhalls to halls.

"5. Indicate on sectional drawing that building does not exceed 40 ft. 0 in. in height. Sec. 8, M. D. L."

and

WHEREAS, the building, which was erected prior to 1902, is located in a business use district and is of ordinary brick construction, 5 stories, 43 ft. in height, 19.67 ft. by 65 ft. in area on a plot 19.67 ft. by 100 ft. in area; OCCUPIED as follows: cellar—storage—no persons; 1st to 4th floors inclusive, one family each floor; and

WHEREAS, it is proposed to occupy the building as follows: Cellar—storage; 1st floor—one family; 2nd to 4th floors, inclusive, 6 furnished rooms per floor; and

WHEREAS, the applicant contends that fire-retarding of stair and public hall partitions and the installation of one-hour fire test doors is not required, if the area between fire walls does not exceed 2,500 sq. ft.; that consideration is requested as to Objection No. 5 in view of the fact the building is 43 ft. in height, which is only silghtly in excess of the 40 ft. limit stated in section 8 of the Multiple Dwelling Law; and

WHEREAS, in the opinion of the board the building under appeal does not come within the purview of section 8, paragraph 2 of the Multiple Dwelling Law, which has application solely to an old law tenement that is not more than forty feet in height and also exceeds twenty-five hundred square feet in area when converted to Class B occupancy.

Resolved that the appeal be and it hereby is *withdrawn.*

69-38-A.

APPLICANT—Vitale Della Penna, for Morris Kushner, owner.
SUBJECT—Appeal from a decision of the acting borough superintendent, department of housing and buildings (The Bronx).
PREMISES AFFECTED—4416 Edson avenue, east side, 122 ft. north of Nereid avenue (Block No. 5094, Lot No. 12), Borough of The Bronx.
APPEARANCES—
For Applicant: Vitale Della Penna.
For Administration: M. Harris, Department of Housing and Buildings.
ACTION OF BOARD—Appeal denied.
THE VOTE TO GRANT—
Affirmative 0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Absent 0
THE RESOLUTION—

(69-38-A)

WHEREAS, Vitale Della Penna, for Morris Kushner, owner, filed February 4, 1938, an appeal from a decision of the acting borough superintendent, Department of Housing and Buildings, The Bronx, affecting premises 4416 Edson avenue, east side, 122 ft. north of Nereid avenue (Block No. 5094, Lot No. 12), Borough of The Bronx; and

WHEREAS, the decision of the acting borough superintendent, dated January 28, 1938, on Alt. App. 943-37, reads as follows:

"1. No frame building not now used as a multiple dwelling shall be hereafter altered or converted to such use. Section 56 of the Multiple Dwelling Law."

and

WHEREAS, the building is frame construction two stories and cellar, 24 ft. in height, 18 ft. by 59 ft. in area, on a lot 25 ft. by 87.5 ft. in area, located in a residence use district, erected in 1926 and occupied as follows: Cellar—boiler and storage; 1st floor—dwelling, one family; 2nd floor—same; and

WHEREAS, it is proposed to occupy the building as follows: cellar—same; 1st floor—dwelling, two families; 2nd floor—dwelling, two families; and

WHEREAS, the applicant contends that this appeal is predicated upon the same grounds submitted by the applicant as an amendment dated January 22, 1938, filed in the Department of Housing and Buildings, disapproved January 28, 1938, which reads as follows:

"1. A modification is respectfully requested permitting a 2-story and cellar frame building to be increased from one-family to two-family on each floor, as the occupancy is actually decreased after the proposed alteration is made, as the number of sleeping rooms will be less than at present. The above plans and applications were filed on December 7th, 1937, and due to the routine of the Department, same were not examined until January 3, 1938, thereby making it impossible for me to take the matter before the Board of Commissioners where similar cases have been adopted. Therefore, I respectfully ask that I be given the same consideration that the former Board of Commissioners would have extended. Also all rules and regulations of the M.D. Law will be adhered to."

and

WHEREAS, this appeal is for a variation of the Multiple Dwelling Law, to permit an existing two family frame residence building to be altered to a four family multiple dwelling contrary to provision of section 56; and

WHEREAS, the board is without power to vary the provisions of the Multiple Dwelling Law and there is and has been no power to vary within the power of any administrative official or board.

Resolved, that the decision of the acting borough superintendent on Alt. App. 943-37 be and it hereby is *affirmed* and that the appeal be and it hereby is *denied.*

MINUTES

81-38-A.
APPLICANT—Harley and Ellington, for The John Eichler Brewing Company, owner.
SUBJECT—Appeal from a decision of the acting borough superintendent, department of housing and buildings (The Bronx).
PREMISES AFFECTED—3582 Third avenue, east side, 219 ft. south of East 169th street (Block No. 2610, Lot Nos. 12-47), Borough of The Bronx.
APPEARANCES—
For Applicant: Harold S. Ellington and John E. Fahs.
For Administration: D. Heide, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(81-38-A)

WHEREAS, Harley & Ellington, for The John Eichler Brewing Company, owner, filed on February 9, 1938, an appeal from a decision of the acting borough superintendent, Department of Housing and Buildings (Bronx), affecting premises 3582 Third avenue, east side, 219 ft. south of East 169th street (Block No. 2610, Lot Nos. 12-47), Borough of The Bronx; and

WHEREAS, the decision of the acting borough superintendent, dated January 13, 1938, on N.B. App. No. 586-37, reads as follows:

"2. Steel columns, girders and beams must be fireproofed in compliance with Sec. 351 of the Code.
"3. Provide proper anchorage for columns Nos. 6 and 9 to resist the uplift at girder ends, and also provide lateral bracing for same.
"4. Interior stairway must extend to the roof in compliance with Section 152 of the Code.
"9. Exterior openings must be protected in compliance with Section 375 of the Code."

and

WHEREAS, the proposed building is to be 8 stories (121 ft. 6 in.) in height, 32 ft. 10 in. by 50 ft. 6 in. in area; of fireproof construction; equipped with a standpipe system; located in an unrestricted use district and occupied throughout as a grain storage building, 3 persons; and

WHEREAS, the applicant states that the building is primarily a fireproof masonry and steel frame shell surrounding a battery of steel storage bins which are used for the reception of malt and grits; the steel bins extend from the basement to the 7th floor, a distance of approximately 70 ft. and are air and dust-tight, equipped with a dust-collecting system; there are no intermediate floors but two galleries constructed of steel gratings surround the bins, the first of the galleries being located 30 ft. and the second 65 ft. above the basement floor; the first floor occurs at the 7th floor level and contains the malt mills and cleaning reels; the 8th floor contains weighing equipment and conveyor heads; the building will be equipped with a standpipe in accordance with resolution by the board (Cal. No. 580-37-A) and portable CO 2 equipment or other extinguishers; and

WHEREAS, the applicant contends as to Item No. 2, that all structural steel columns, beams and girders in the exterior or enclosing walls and all beams or girders supporting enclosing walls at those levels where the building reduces in size are completely fireproofed; that in a few instances in the 7th and 8th floors and the high roof, there are shown on the building plans, interior floor beams of steel, the bottom flanges of which are not covered with concrete fireproofing, the beams being incased in concrete to the top of the bottom flange only; that this practice has been pursued in brewery buildings for a number of years; that the reason for omitting this fireproofing in brewery premises is founded upon years of experience in the design and operation of such plants, because due to the high humidity in brewery buildings generally, moisture penetration of the fireproofing has occurred; that this has caused deterioration of the steel and rupture of the concrete enclosure followed by the breaking away or falling of large pieces of concrete, subjecting workmen to serious injury; that with the bottom flange of beams exposed and the interior columns exposed, regular examination is possible and maintenance painting is done, increasing the life of the structure; that those interior floor beams on which fireproofing has been omitted from the bottom flange may be noted on sheets 11, 15 and 16 of plans filed with this appeal; that entirely within the all-welded steel storage bins there occur two steel columns, Nos. 6 and 9, shown on drawings 3, 4, 5, 6 and 7, filed with this appeal, not fireproofed; that the steel plates of bins being continuously welded to the flanges and webs of these columns to complete the enclosure; that these two columns are in direct contact with the malt or grits stored within the bins and are the only columns in the entire building which are not encased in concrete fireproofing as it is the desire not to have the brewing materials come in contact with concrete; the steel bins are supported by exposed steel girders and columns as shown on Sheet 1 of plans filed with this appeal and that as to the last part of Item No. 3 columns 6 and 9 are entirely enclosed within steel storage bins; that these columns are sufficiently braced laterally; that they are continuously braced for their entire height by the welded side plates of the storage bins in four directions; that the bin side plates are rigidly stiffened through the continuous welding of horizontal and vertical stiffener angles spaced at approximately four feet centers; that normal column bracing would only be required at the floor levels, but since there are no floors through the bin stories, the steel bin plates securely brace these columns; that it is impossible to fireproof these two columns, without encasing the steel plates of the bins in concrete and this is not practical; that as to Item No. 4, provision has been made as shown on Sheet No. 10 of plans filed with this appeal, for access to the roof by means of a steel ladder and metal-clad roof scuttle, the ladder to be from the 8th floor to the roof; that the setbacks make it difficult to install a stairway to the roof and a stair enclosure on the roof would detract from the appearance of the structure; that as to Item No. 9, all windows throughout the building are steel sash with pivoted ventilators; that the sash in the stairhall and in all other elevations below the 7th floor are specified to be glazed with rough wire glass; that to install steel shutters on these windows would not afford added protection since it would be impossible for anyone to close the shutters through the pivoted windows; that the building is only exposed to other brewery buildings and that the owner is willing, if the board desires, to glaze steel sash throughout the entire building with wire glass.

Resolved, that the decision of the acting borough superintendent, Department of Housing and Buildings, on Applic. No. 586-37, as to Item 4, be and it hereby is *modified,* and the appeal be and it hereby is *granted,* waiving the requirements for extending the interior stairway to and above the roof; and as to Item 9, *granted on condition* that all exterior window openings shall be equipped with steel factory sash throughout and that such openings within 50 ft. in height above roof of any adjoining building shall be glazed with wire glass and that the appeal as to Item 2 and 3 be and it hereby is *denied.*

87-38-A.
APPLICANT—Joseph J. Reubel, for East River Terminal Co., Inc., owner.
SUBJECT—Appeal from a decision of the acting borough superintendent, department of housing and buildings (Queens).
PREMISES AFFECTED—46-02 Fifth street, west side, between Standard Canal and 47th avenue (Block Nos. 21-22, Lot No. 1-1), Long Island City, Borough of Queens.

MINUTES

APPEARANCES—
For Applicant: Joseph J. Reubel.
ACTION OF BOARD—Granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(87-38-A)

WHEREAS, Joseph J. Reubel, for East River Terminal Co., Inc., owner, filed on February 11, 1938, an appeal from a decision of the Acting Borough Superintendent of the Department of Housing and Buildings, Queens, affecting premises 46-02 Fifth street, west side, between Standard Canal and 47th avenue (Block Nos. 21 and 22, Lot Nos. 1 and 1), Long Island City, Borough of Queens; and

WHEREAS, the decision of the Acting Borough Superintendent dated February 4, 1938, on application No. 299-38, reads as follows:

"6. No welding is permitted until rules and regulations are set up by the department."

and

WHEREAS, the building in question is three (3) stories, 54 feet in height, 314 ft. by 142 ft. in area, of fireproof construction; equipped with a standpipe system; erected in 1917; occupied for the manufacture of syrup, six persons per floor; and

WHEREAS, the applicant contends that some new steel work is required in the alteration of the building for the purpose of supporting working machinery. It is proposed to weld certain supporting members and columns. Permission is requested to proceed with the work prior to the adoption of Welding Rules.

Resolved, that the decision of the Acting Borough Superintendent, Department of Housing and Buildings, on application No. 299-38, item 6, be and it hereby is *modified*, and the appeal be and it hereby is *granted on condition* that the requirements of the Proposed Welding Rules, published in Bulletin of February 8, 1938, shall be complied with *except* as to the requirement under sections 4 and 5, provided that all welders employed on the construction shall prove to the Borough Superintendent, Department of Housing and Buildings, that they are skilled in welding, and that all work shall be under the direct supervision of a licensed engineer or architect familiar with structural steel and welding.

541-28-A.
APPLICANT—Minogue and Palmer, for Estate of Richard Siegman, owner.
SUBJECT—Application for consideration—reopening and amendment—re appeal from a decision of the acting borough superintendent, department of housing and buildings (The Bronx).
PREMISES AFFECTED—2860-2870 Third avenue, 410-428 Westchester avenue and 545-559 Bergen avenue (Block No. 2294, Lot Nos. 4, 6 and 9), Borough of The Bronx.
APPEARANCES—
For Applicant: William J. Minogue.
ACTION OF BOARD—Application reopened and resolution amended.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(541-28-A)

WHEREAS, this application affecting premises 2860-2870 Third avenue, 410-428 Westchester avenue and 545-559 Bergen avenue, (Block No. 2294, Lot Nos. 4, 6 and 9), Borough of The Bronx, was granted by the board December 11, 1928 on certain conditions and owner requested an amendment of the resolution.

Resolved, that the resolution adopted by the board on December 11, 1928, be and it hereby is *amended*, so that as amended it shall read:

Resolved, that the order of the fire commissioner No. 37886-F and the order No. 12-38, dated January 20, 1938, of the Borough Superintendent of Buildings, be and they hereby are *modified* and the appeal be and it hereby is granted on condition that the building be not increased in height area or dimensions and as long as conditions as to occupancy and use remain substantially unchanged and the horizontal opening on the 3rd story to a four-story building adjoining to the northwest shall be equipped with automatic fire doors on both sides of opening that in the event the fourth story is completed over the entire area of the building, as indicated on plans marked "received February 8, 1938," the modification herein contained shall be deemed to be in full force and effect *on condition* that the requirements of the resolution adopted by the board on February 11, 1928 shall otherwise be complied with.

16-20-A.
APPLICANT—Gulf Oil Corporation, owner.
SUBJECT—Application for consideration—reopening and amendment—re appeal from an order of the fire commissioner.
PREMISES AFFECTED—North side of East 62nd street, 600 ft. from the corner of East 62nd street and Avenue V (Mill Basin and Strickland avenue); (Block No. 1064, Lot No. 1), Borough of Brooklyn.
APPEARANCES—
For Applicant: Frank A. Epps.
ACTION OF BOARD—Appeal reopened and resolution amended.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(16-20-A)

WHEREAS, this application affecting premises north side of East 62nd street, 600 ft. from the corner of East 62nd street and Avenue V, (Block No. 1064, Lot No. 1), Borough of Brooklyn, was granted by the board July 13, 1920, on certain conditions and owner requested an amendment to the resolution to substitute foamite for the water system in the fire extinguishing system.

Resolved, that the resolution adopted by the board on July 13, 1920 be and it hereby is *amended*, so that as amended it shall read:

"*Resolved*, that the order of the fire commissioner, be and it hereby is *modified* and the appeal be and it hereby is *granted on condition* that dyke walls enclosing each nest of not over six tanks and of sufficient height to contain the entire capacity of the tanks so enclosed, shall be constructed and maintained; further, that the roof of any and all tanks which contain volatile fluid with a flash point of less than 200 degrees

shall have affixed thereto, either through the center of the tank or carried up on the outside to the center of the roof, an iron pipe of at least 4 in. in diameter and fitted on the discharge end with a distributor nozzle; and that each tank shall be fitted at the eaves with a gutter, with performations in the bottom which will permit the water discharged from the distributor nozzle to flow down the outside circumference of the tank; the control for each of said lines of pipe to be placed at a distance from the tank in a weatherproof enclosure, readily accessible at all times, and that all the above described work shall be completed within six months of the date of this action; *that in the event the owner desires to install a Foamite System in place of the water distribution system herein required, such substitution may be made on condition that the Foamite System shall be constructed in accordance with the requirements of the fire commissioner and meeting with his approval."*

1540-24-A.

APPLICANT—William Higginson and Son, for Salant and Salant, owners.

SUBJECT—Application for consideration—reopening and amendment—re appeal from order of the fire commissioner.

PREMISES AFFECTED—472-482 Knickerbocker avenue and 230-242 Bleecker street, southwest corner (Block No. 3307, Lot No. 26), Borough of Brooklyn.

APPEARANCES—
For Applicant: C. H. Higginson.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(1540-24-A)

WHEREAS, this application affecting premises 472-482 Knickerbocker avenue and 230-242 Bleecker street (Block No. 3307, Lot No. 26), Borough of Brooklyn, was granted by the board April 14, 1925, on certain conditions and owner requested an amendment of the resolution.

Resolved, that the resolution adopted by the board on April 14, 1925 be and it hereby is *amended*, so that as amended it shall read:

"*Resolved*, that the order of the fire commissioner be and it hereby is *modified* and the appeal be and it hereby is *granted on condition* that the building shall be equipped and maintained with not less than a one source sprinkler system, *and that the occupancy of the building shall not exceed the legal occupancy permitted by the exits with due allowance for the sprinkler system.*

63-38-A.

APPLICANT—Samuel J. Kessler, for F. J. S. Builders, Inc., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent, department of housing and buildings (The Bronx).

PREMISES AFFECTED—529 East 235th street and 4271 Webster avenue, northwest corner (Block No. 3397, Lot No. 32), Borough of The Bronx.

APPEARANCES—
For Applicant: Samuel J. Kessler.
For Administration: M. Harris, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(63-38-A)

WHEREAS, Samuel J. Kessler, for F. J. S. Builders, Inc., owner, filed on February 2, 1938, an appeal from a decision of the acting borough superintendent, Department of Housing and Buildings, The Bronx, affecting premises 529 East 235th street and 4271 Webster avenue, northwest corner (Block No. 3397, Lot No. 32), Borough of The Bronx; and

WHEREAS, the decision of the acting borough superintendent, Department of Housing and Buildings, The Bronx, dated February 2, 1938 (N.B. App. 269-37), reads as follows:

"1. Pent house not acceptable as shown. Same should be set back pursuant to Sec. 4, subdiv. 15, Multiple Dwelling Law, and be so shown."

and

WHEREAS, the proposed building will be seven (7) stories, 65 ft. 6⅞ in. in height, 95 ft. 9¼ in. by 95 ft. 10 in. in area, of fireproof construction, occupied as a multiple dwelling; and

WHEREAS, it is proposed to erect and maintain an enclosure on the roof to the rear, or north, of the stairs and elevator shaft. The enclosure is 13 ft. 8 in. by 17 ft. 10 in. and 9 ft. 2 in. high. This space is to be used for storage and as a laundry. The north wall of this room is located on the wall of an outer court between wings, which opens to a yard. The outer court is 15 ft. 10 in. in width and 15 ft. 0 in. in depth; and

WHEREAS, the applicant contends that section 4, sub. 15 of the Multiple Dwelling Law reads in part as follows:

"xxx If there are bulkheads or superstructures not exceeding twelve feet in height, and not exceeding in aggregate area fifteen per centum of the area of the roof, the measurement shall be taken to the highest point of the roof beams.xxx"

The area of the building is 8463.5 sq. ft. The aggregate area of bulkheads or superstructures is 613 sq. ft. The occupied area is within the fifteen per centum of the area of the roof and is therefore clearly within the aforementioned provision; and

WHEREAS, this matter was considered by the committee of the entire board report of which committee was read at this hearing and which report follows:

REPORT OF COMMITTEE

February 14, 1938.

Re: Cal. No. 63-38-A.

Premises: 529 East 235th street, 4271 Webster avenue, Borough of The Bronx.

This is an appeal from the decision of the acting borough superintendent of the Department of Housing and Buildings, The Bronx, in connection with a superstructure erected upon the roof of a 7-story fireproof multiple dwelling. The total area of superstructure and bulkheads erected upon the roof does not exceed the allowable 15 per cent and no part is used for living purposes. The decision appealed from classifies the proposed superstructure as a penthouse and requires that the court wall be set back pursuant to section 4, subdivision 15 of the Multiple Dwelling Law.

Section 4, paragraph 15, deals with two types of structures that may be erected upon a roof and describes the conditions under which each type may be

so constructed as not to be considered as an increase in the height of the multiple dwelling. The first type includes bulkheads, superstructures, elevator enclosures, tank houses, open pergolas, spires, chimneys and ornamental treatment of roof gardens and playgrounds. None of these may be used for living purposes with the sole exception of a space directly below a tank house in a fireproof building. No superstructure can be used for living purposes in a non-fireproof multiple dwelling. So that such superstructures shall not be deemed as increasing the legal height of the multiple dwelling, the section places limitations of height and also limits the total areas of such structures to 15 per cent of the roof area.

A pent house is in a different category. When erected on a fireproof multiple dwelling which is equipped with one or more passenger elevators, a pent house, not by the wording of the section but by common acceptance of the term, is used for living purposes. The section prescribes that the height, so as not to be considered as increasing the legal height of the multiple dwelling, shall not exceed twelve feet and must set back certain distances from parapet walls. There is no percentage limitation as to roof coverage for a pent house.

The purpose in the setback requirement for a pent house was to maintain substantially the angle of light that would obtain if there were no pent house. This principle is disregarded as to bulkheads and superstructures, since they are limited in total area to fifteen percent and are generally spaced apart on the roof and not in one mass. Accordingly the requirements for setbacks from parapet walls do not apply to bulkheads and superstructures and such may be constructed by continuing upwardly court or yard walls, provided they are kept within the specified height limitations and the side lot line prohibition in section 26, paragraph 2. If these requirements are observed, the legal height of the multiple dwelling is not affected and yards and courts need not be increased because of them.

As the proposed superstructure is not a pent house as herein defined, the setback is not required under the law.

The committee recommends that the appeal be granted.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A SAVAGE,
CHARLES M. BLUM,
PATRICK WALSH,
Committee.

and

WHEREAS, this report interpreted section 4, paragraph 15 of the Multiple Dwelling Law and recommends the granting of the appeal.

Resolved, that the decision of the acting borough superintendent, Department Housing and Buildings, in acting on N.B. Applic. 269-37, item 1, be and it hereby is *modified*, and the appeal be and it hereby is *granted on condition* that in all other respects the building shall comply with the requirements of the Multiple Dwelling Law.

GENERAL RESOLUTION

98-38-A.

SUBJECT—Interpretation of Section 4, Paragraph 15 of the Multiple Dwelling Law.

ACTION OF BOARD—Section 4, Paragraph 15 of the Multiple Dwelling Law interpreted.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(98-38-A)

WHEREAS, in the matter of Cal. No. 63-38-A, the board interpreted section 4, paragraph 15 of the Multiple Dwelling Law in a specific case; and

WHEREAS, the board deemed that this interpretation should be of general application.

Resolved, that the Board of Standards and Appeals does hereby interpret section 4, paragraph 15 of the Multiple Dwelling Law as follows:

> Section 4, paragraph 15, deals with two types of structures that may be erected upon a roof and describes the conditions under which each type may be so constructed as not to be considered as an increase in the height of the multiple dwelling. The first type includes bulkheads, superstructures, elevator enclosures, tank houses, open pergolas, spires, chimneys and ornamental treatment of roof gardens and playgrounds. None of these may be used for living purposes with the sole exception of a space directly below a tank house in a fireproof building. No superstructure can be used for living purposes in a non-fireproof multiple dwelling. So that such superstructures shall not be deemed as increasing the legal height of the multiple dwelling, the section places limitations of height and also limits the total areas of such structures to 15 per cent of the roof area.
>
> A pent house is in a different category. When erected on a fireproof multiple dwelling which is equipped with one or more passenger elevators, a pent house, not by the wording of the section but by common acceptance of the term, is used for living purposes. The section prescribes that the height, so as not to be considered as increasing the legal height of the multiple dwelling, shall not exceed twelve feet and must set back certain distances from parapet walls. There is no percentage limitation as to roof coverage for a pent house.
>
> The purpose in the setback requirement for a penthouse was to maintain substantially the angle of light that would obtain if there were no penthouse. This principle is disregarded as to bulkheads and superstructures, since they are limited in total area to fifteen per cent and are generally spaced apart on the roof and not in one mass. Accordingly the requirements for setbacks from parapet walls do not apply to bulkheads and superstructures and such may be constructed by continuing upwardly court or yard walls, provided they are kept within the specified height limitations and the side lot line prohibition in section 26, paragraph 2. If these requirements are observed, the legal height of the multiple dwelling is not affected and yards and courts need not be increased because of them.

VARIATIONS OF LABOR LAW

71-38-S.

APPLICANT—Leon R. Levy, for United States Trust Company of New York, owner.

SUBJECT—Variation of the labor law as cited in a decision of the acting borough superintendent, department of housing and buildings (Manhattan).

PREMISES AFFECTED—666 Madison avenue and 28 East 61st street, southwest corner (Block No. 1375, Lot No. 56), Borough of Manhattan.

APPEARANCES—

For Applicant: John Leonard and S. Joseph Siebert.

For Administration: Samuel L. Becker, Acting Assistant to Commissioner; Jacob Scharf, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4

Negative 0
Absent 0

THE RESOLUTION—

(71-38-S)

WHEREAS, Leon R. Levy, for United States Trust Company of New York, owner, filed on February 4, 1938, an application for a variation of the Labor Law as cited in the decision of the acting borough superintendent, Department of Housing and Buildings (Manhattan), affecting premises 666 Madison avenue and 28 East 61st street, southwest corner (Block No. 1375, Lot No. 56), Borough of Manhattan; and

WHEREAS, the decision of the acting borough superintendent on Application No. 4488-37, dated January 24, 1938, reads as follows:

"1. Entire building should comply with the requirements of the Labor Law affecting buildings erected before 1913.
"2. Live load on 2nd floor should be 75 lb. sq. ft. File column schedule showing previous and new loading.
"3. Provide two means of egress from all floors as per Section 271 L.L. Show bulkhead leading to roof.
"4. Indicate number of males and females employed at manufacturing and the total number of people on both the first and second floors. Provide dressing room for female employees."

and

WHEREAS, the building is of non-fireproof construction, 5 stories (56 ft.) in height, 48 ft. by 67 ft. in area at 1st story and 48 ft. by 54 ft. 5 in. above; erected in 1883 and occupied as follows: Cellar—storage; 1st floor—stores and 5% incidental manufacturing, 30 persons; 2nd floor—showroom, offices and 5% incidental manufacturing, 20 persons; 3rd floor—offices and showrooms, 30 persons; 4th floor—office and showrooms, 30 persons; the building is equipped with one interior 3 ft. 8 in. stairs, extending from 1st story to roof, constructed of iron with cement treads enclosed in 3-inch terra cotta block and angle-iron struts, equipped with fireproof, self-closing doors at openings; and

WHEREAS, the applicant contends that the type of manufacturing in the building is neither hazardous nor dangerous to life and health; that the manufacturing consists of altering of wearing apparel, watchmaking and work for opticians; that the total number of persons engaged in manufacturing on 1st floor is 6; on the 2nd floor—16; that there is a safe exit from the roof to the roof of adjoining building to the west; that it is proposed to provide an outside balcony at the 2nd story level with a counter-balanced stair to the street as a second means of exit from the 2nd story; access to this proposed fire-escape balcony will be by means of 3 ft. passageway enclosed in 4 in. stud partition, fire-retarded on both sides with metal lath and two coats of Portland cement mortar; that there will be no manufacturing above the 2nd story; that permission is requested to use the existing 60-lb. loading on the grounds that the work done on the premises does not create any greater load than permitted in offices and showrooms; that no heavy machinery is used and no material stored greater in weight than office furniture and files or articles on display in a showroom; that in view of the good exit facilities, the small area of the building and the small number of persons engaged in manufacturing, it is requested that the requirements of the Labor Law as to second means of exit from each floor and the installation of a fire alarm system be waived and that the existing single-hand rail on the stairs, existing stair enclosure be accepted and that the existing doors, which do not swing outwardly in the direction of exit, be permitted to remain; and

WHEREAS, the board deemed that a variation of the requirements of the Labor Law could be made in view of the height of the building and the limitation of occupancy for factory purposes and in view of the substantial compliance with the law as to exits and section 271 of the Labor Law.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law, and that the application be and it hereby is *granted* as to decision on Applic. No. 4488-37, *on condition* that the live load of the 2nd floor shall be not less than 60 lbs. per superficial foot; that the occupancy of the 2nd floor shall at no time exceed 15 people at factory work; that the fire-escape erected on the 61st street side as a second means of exit shall be extended so as to provide second means of exit from all rooms facing on 61st street; that the number of persons working for a factory in all other rooms on the 2nd floor shall at no time exceed two (2) each; that the primary means of exit shall comply with the requirements of the Labor Law, except that the door leading thereto from the 2nd floor shall not be less than 3 ft. in width, provided the stair enclosure is constructed of not less than 3 in. terra cotta partitions, plastered on both sides; that the requirements of the Labor Law as to dressing rooms shall be complied with; that the amount of space used for manufacturing shall not exceed that permitted under the zoning resolution for retail districts; that the exit passage shown from main hallway to fire-escape on second floor shall be constructed; that the windows along course of fire-escape shall be fireproof and self-closing; that the doors leading to fire-escape balcony shall be at floor level; that the manufacturing operation shall be of the nature described in this application—light manufacturing; that no manufacturing shall be carried on above the 2nd story and that the fire-escape shall continue to the roof by means of goose-neck ladder; and that in all other respects section 271 of the Labor Law shall be complied with and the building shall not be increased in height or area.

160-37-S.

APPLICANT—Murray Hellman, owner.

SUBJECT—Application for consideration—reopening and amendment—re variation of the labor law as cited in a decision of the acting borough superintendent, department of buildings (Brooklyn).

PREMISES AFFECTED—1715-1719 St. Marks avenue, north side, 224 ft. 10½ in. east of Eastern parkway (Block No. 1455B, Lot No. 72), Borough of Brooklyn.

APPEARANCES—

For Applicant: Murray Hellman.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(160-37-S)

WHEREAS, M. Hellman, applicant and owner, filed on April 6, 1937, an application with the Board of Standards and Appeals for a variation from the provisions of the Labor Law as cited in orders of the commissioner of buildings affecting premises 1719 St. Marks avenue, north side, 249 ft. 10¼ in. east of Eastern parkway (Block No. 1455B, in Lot No. 72), Borough of Brooklyn; and

WHEREAS, this application was granted by the board May 4, 1937, on certain conditions and applicant requested an amendment of the resolution.

Resolved, that the resolution adopted by the board on May 4, 1937 be and it hereby is *amended,* in reference to

the requirement for the second means of exit from the first story of 1719 St. Marks avenue, so that as amended the resolution shall read:

"Resolved, that the Board of Standards and Appeals does hereby make a variation from the requirements of the labor law and that the application be and it hereby is *granted* modifying Order No. 15254-LD, Item 1, on condition that there shall be constructed a scuttle not less than 3 ft. by 2 ft. in area, with a double-rung ladder leading to the roof from the second story, approximately midway the length of the building, as shown on revised plans marked 'Received April 26, 1937'; and modifying Order No. 15256-LD, Item 1, *on condition* that there shall be constructed a second means of exit from the first story, *by means of door opening, protected by an approved underwriters' fire door and leading to the adjoining building under the same ownership at* 1715 *St. Marks avenue, as indicated on plans marked 'received December* 15, 1937,' *provided such opening shall be not less than 2 ft. 8 in. in width with proper ramp or stairs leading thereto;* that the exit stairway in the front of the building leading to St. Marks avenue may be accepted as complying with the requirements of the Labor Law provided the stairway is not less than 3 ft. 2 in. in width and is enclosed from 2nd floor to street with fire-retarded partitions with approved self-closing doors opening in the direction of exit; *and on further condition that the use and occupancy of the building at* 1715 *St. Marks avenue shall comply with the requirements of section* 270 *of the Labor Law; on condition that there shall be provided through the* 1*st floor of the building at* 1715 *St. Marks avenue a clear passageway maintained at all times from such second means of exit from* 1719 *St. Mark avenue through the building to St. Marks avenue, and permitting three arched openings through the dividing wall on the second floor between* 1719 *and* 1715, *that a second means of exit shall be provided by means of a bridge connecting* 1719 *and* 1725 *St. Marks avenue; that the buildings at* 1715 *and* 1719 *shall not be increased in height or area; that in all other respects all laws, rules and regulations applicable to the use and occupancy of this building shall be complied with.*

25-38-S.

APPLICANT—Maurice Deutsch, for Charles Broadway Rouss Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—re variation of the labor law as cited in a decision of the acting borough superintendent of buildings, department of housing and buildings (Manhattan).

PREMISES AFFECTED—123-125 Mercer street, west side, 151 ft. south of Prince street and 104-108 Greene street (Block No. 499, Lot Nos. 7 and 25), Borough of Manhattan.

APPEARANCES—

For Applicant: Maurice Deutsch.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(25-38-S)

WHEREAS, Maurice Deutsch, applicant for Charles Broadway Rouss Realty Corporation, owner, filed on January 17, 1938, an application for a variation of the requirements of the labor law as cited in a decision of the Acting Borough Superintendent of Buildings, Department of Housing and Buildings, Manhattan, affecting premises 123-125 Mercer street, west side, 151 ft. south of Prince street, and 104-108 Greene street, east side, 138 ft. 6 in. south of Prince street (Block No. 499, Lot Nos. 7 and 25), Borough of Manhattan; and

WHEREAS, this application was granted by the board January 18, 1938, on certain conditions and applicant requested an amendment of the resolution as to windows.

Resolved, that the resolution adopted by the board on January 18, 1938 be and it hereby is *amended,* only so far as it has reference to the street line windows on Mercer street and Greene street, so that as amended this portion of the resolution will read:

"Resolved, that the Board of Standards and Appeals does hereby *make a variation* from the requirements of the Labor Law, and that the application be and it hereby is *granted, modifying* the decision of the Acting Borough Superintendent of Buildings, as to alteration application No. 4440-37, items 3 and 4, only so far as it has reference to the requirements for a fire tower, fireproofing of beams and girders, width of stairways and fireproofing of windows on the 2nd story, *on condition* that there shall be additional exits in lieu of the fire tower to a total of four (4) continuous stairways, legally enclosed, extending throughout the building and exiting directly to the street, two such stairways being not less than 3 ft. 8 in. in width, one not less than 3 ft. 4 in. and one not less than 3 ft. in width; that the fireproofing of columns, beams and girders throughout shall be not less than 1½ in. of concrete; that the windows on both Mercer and Greene streets on the 2nd story need not comply with the requirements of the Labor Law as to size and glazing, provided that no pane shall exceed 720 sq. in. in metal frames and sash; *that the windows on Mercer street may be accepted as complying with the requirements of the Labor Law, provided such windows above the second story are provided with steel frames and sash and glazed with wire glass, with no light exceeding* 1,056 *sq. in. in area and are made self-closing; that in all other respects all windows above the second story level shall comply with the requirements of the Labor Law, Sections* 262 *and* 264; that the sprinkler system shall be maintained in accordance with the rules applicable thereto; and that in all other respects the building and occupancy shall comply with the building code, the Labor Law and all laws, rules and regulations applicable thereto."

949-28-S.

APPLICANT—Steinway and Sons, owner.

SUBJECT—Application for consideration—reopening and amendment—re variation of the labor law as cited in order of the fire commissioner.

PREMISES AFFECTED—43-10 Ditmars avenue, southwest corner of 15th avenue (Block No. 782, Lot Nos. 1-24 inclusive and 49-64 inclusive), Astoria, Borough of Queens.

APPEARANCES—

For Applicant: F. J. Speyrer and I. W. Bell.

ACTION OF BOARD—Reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

MINUTES

THE RESOLUTION—

(949-28-S)

WHEREAS, Steinway & Sons, owner, filed December 12, 1928, a petition for a variation from the requirements of the Labor Law, as cited in an order of the fire commissioner and a decision of the superintendent of buildings, affecting premises 43-10 Ditmars avenue, southwest corner of 15th avenue (Block No. 782, Lot Nos. 1-24 inclusive and 49-64 inclusive), Astoria, Borough of Queens; and

WHEREAS, this application was granted May 21, 1929 on certain conditions and applicant requested an amendment of the resolution.

Resolved, that the resolution adopted by the board on May 21, 1929, be and it hereby is *amended,* only so far as it has reference to the occupancy of the roof structure, so that as amended the resolution shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law, and that the petition be and it hereby is *granted,* as to the roof structure, *on condition* that in addition to the approved interior stairs and exit to the roof of the one-story structure shall be provided; that portable single-rung iron ladder shall be maintained at the front of the first story roof at Ditmars avenue with hooks of sufficient depth to secure same to the parapet wall; that the occupancy of the roof structure shall be restricted to the demonstration of musical instruments *except that there may be two persons employed in connection with such instruments engaged in tone regulating and tuning, that* the existing area, namely, 56 ft. by 70 ft., shall not be increased, and that the requirements of the Labor Law shall be complied with in all other respects."

APPLIANCES SUBMITTED FOR APPROVAL

49-38-SA.

APPLICANT—Marius L. Bader, owner.
SUBJECT—Latham Automatic Oil Burner, approval of.
APPEARANCES—
For Applicant: Marius Bader.
ACTION OF BOARD—Application placed on reserve calendar and referred to engineer of the board.

50-38-SA.

APPLICANT—Preferred Utilities Co., Inc., for Ray Oil Burner Company, owner.
SUBJECT—Ray Gun Type Oil Burner, Model XP, approval of.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Application placed on reserve calendar and referred to engineer of the board.

56-38-SA.

APPLICANT—Duplex Cinema Equipment, owner.
SUBJECT—Duplex De Luxe Splicing Machine, approval of.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Application placed on reserve calendar and referred to engineer of the board.

68-38-SA.

APPLICANT—Gray-Wilson Company, William Robert Wilson, owner.
SUBJECT—Romine Gas Range Connection, approval of.
APPEARANCES—
For Applicant: H. W. Christmas.
ACTION OF BOARD—Application placed on reserve calendar and referred to engineer of the board.

484-37-SA.

APPLICANT—Empyre Fire Equipment Mfg. Co., owner.
SUBJECT—Stop-Fire Fire Extinguisher, Type "MC" and "C," approval of.
APPEARANCES—
For Applicant: Walter Daniel.
ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.
THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(484-37-SA)

WHEREAS, the Empyre Fire Equipment Mfg. Co., owner, filed October 13, 1937, an application with the Board of Standards and Appeals for approval of their device known as the Stop-Fire Fire Extinguisher Types MC and C; and

WHEREAS, this device was submitted to the engineer of the board for test and report; and

WHEREAS, this report of the engineer of the board was substantially as follows:

The device is a fire extinguisher using carbon tetrachloride under pressure and consists of a nickel plated or enameled brass cylinder.

General Dimesions, Weights and Material of Construction.

(1) Over all heights .....12 3/32 inch
(2) a. Minimum shell thickness..... .032 inch Seamless drawn Brass shell.
b. Shell diameter external..... 2.91 inch
(3) Dome thickness (integral with shell) — .050 — .055
(4) Bottom thickness (rounded) ..... .050 inch 85-15 Brass
(5) Valve handle wheel diameter..... 1.865 inch (steel)
(6) Type "C" measure. (Nozzle)
A. Length ..... 1 inch
B. Outlet Diameter ..... .078 inch
C. Inlet Diameter ..... .196 inch
(7) Type "MC" measure. (Nozzle)
A. Length ..... .155 inch
B. Outlet Diameter ..... .171 inch
(8) A. Weight of full extinguisher ("C" & "MC") 4 lbs. 5½ oz.
B. Weight empty extinguisher ("C" & "MC") 1 lb. 7 oz.
C. Fire Extinguisher liquid contents contains one U. S. quart.
D. CO2 pressure in Type "C" average 75 lbs. at 75 degrees F.
CO2 pressure in type "MC" average 125 lbs. at 75 degrees F.

The device was tested in a vacant lot in Long Island City.

The test being as follows:

Gasoline evenly sprinklered over 12 sq. ft. and ignited—fire extinguished in 6 sec.

A 2½ x 10 ft. area—6 sec.

A 2 x 2 ft. oil soaked sawdust area—3 and 5 sec.

Fire in open containers—average 8 sec.

Engine of passenger auto—2 and 3 sec.

The device has been approved by the Factory Mutual Laboratories. Report No. 9765—dated March 17, 1931 and Type C of the Fire Department, 657.

and

WHEREAS, the report of the engineer recommended the approval of the device under certain conditions.

Resolved, that the Board of Standards and Appeals does hereby approve the device known as the Stop-Fire Fire Extinguisher, Types MC and C in one quart sizes for use in New York City *on condition* that the device is con-

tracted in accordance with above report and subject to a shop inspection annually.

That the device be maintained in an upright position.

That the device have a label permanently affixed, reading:

APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
FOR USE IN NEW YORK CITY,
UNDER CAL. NO. 484-32-SA.

155-37-SA.

APPLICANT—H. W. Kuhlman, for Crane Company, owner.

SUBJECT—Application for reopening—change of name—re. Crano Oil Burner, Models H-IC and H-IF.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(155-37-SA)

WHEREAS, H. W. Kuhlman, for Crane Company, owner, filed April 5, 1937, an application of the Board of Standards and Appeals, for approval of the device known as the Crano Oil Burner, Models H-IC and H-IF; and

WHEREAS, the device was submitted to the engineer of the board and the division of combustibles of the fire department for test and report; and

WHEREAS, the report of the engineer of the board supplemented by that of the representatives of the division of combustibles was substantially as follows:

> The burner under test was a model H-IF. This burner was installed in a burner boiler unit used for furnishing steam heat for domestic purposes. Burner is of the pressure atomizing gun type consisting of the following assembly: A Marathon 1/6 H.P. motor, a Sundstrand fuel unit, consisting of pump, strainer and regulating valve, a Sirocco type fan and a Century nozzle.
>
> Ignition: Electric-Jefferson Transformer, 110 to 10,000 volts.
>
> Controls: Minneapolis-Honeywell controls, consisting of a Protecto-Relay R-116.4 and Pressuretrol L404.
>
> The Model H-IC is identical with this model with the exception that it is designed with a different base for use in existing heat systems. There is no other difference in construction or assembly.
>
> The capacity of these burners is from 1¼ gallons to 4½ gallons per hour and they are designed for use with No. 1, No. 2 or No. 3 commercial grades fuel oil.
>
> With a cold combustion chamber and the oil supply shut off the burner was put into operation and the controls functioned and shut the burner down in 83 and 85 seconds. The burner was then put into normal operation for a period of approximately 1 hour and the controls functioned as designed. During the period of tests there were no flarebacks due to faulty ignition and the flame was clean and free of soot and smoke. Examination of the electrodes and combustion chamber showed no hazardous carbon formations.
>
> As a result of this inspection and test, it is recommended that these burners, Models H-IC and H-IF, be approved for domestic and commercial installations when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals on December 4, 1936, with fuel oil not heavier than No. 3, U. S. Dept. of Commerce Standards.

and

WHEREAS, this device was approved by the board May 11, 1937, and applicant requested a change of name to "Conservoil".

Resolved, that the Board of Standards and Appeals does hereby *approve* this device and permits the change of name from Crano Oil Burner, Models H-IC and H-IF to Conservoil Burner, Models H-IC and H-IF Burner, Models H-IC and H-IF, for use in domestic and commercial installations, when installed in accordance with the above report and the Oil Burner Rules adopted by the Board of Standards and Appeals, and when used with fuel oil not heavier than No. 3 U. S. Dept. of Commerce Standards, *on condition* that there shall be permanently attached to each burner installed a label reading:

APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. No. 155-37-SA.

Adourned, 4:45 P. M.

EDWARD V. BARTON, Chief Clerk.

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication in this BULLETIN of the calendars of the board, each case being set down by Calendar Number and premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the offices of the board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the board is to dispose of all cases promptly, for the reason that the pendancy of an appeal or application ties the hands of the administrative official in enforcing his order; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

PUBLIC HEARING

RULES FOR FUSION WELDING AND GAS CUTTING.

RULES COVERING THE SPECIFICATIONS FOR DESIGN, FABRICATION AND INSPECTION OF FUSION WELDED STRUCTURES AND THE QUALIFICATIONS OF WELDERS AND SUPERVISORS.

[Cal. No. 1-38-SR]

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Board of Standards and Appeals on Friday, February 25, 1938, at 2 P. M., Room 1013, Municipal Building, on Proposed Rules for Fusion Welding and Gas Cutting.

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, paragraph 2, of the Charter of the City of New York and C26-514.0 of the Administrative Code (8.6.2.2).

SCOPE.

These rules are supplementary and additional to the requirements for Fusion Welding as permitted under C26-514.0 of the Administrative Code (8.6.2.2) reading:

Fusion welding may be substituted for, or used in combination with, riveting or bolting to connect or assemble the component parts of steel beams, girders, lintels, trusses, columns and other structural steel used in building construction if done under rigid inspection and specification, in accordance with the rules of the Board. These Rules shall also apply to gas cutting.

NOTE: Where a reference in parenthesis appears after the Administrative Code Section, it refers to the former Section of the New Building Code.

Rule 1. Application For Permits.

1.1 No person shall perform gas or electric welding on structures or parts thereof erected or to be erected within the City of New York except as provided in these Rules and in conformity with C26-211.0 of the Administrative Code (2.3.2).

1.2 The commencement of any structural welding work is forbidden until an application for a permit to perform such work is filed with and approved by the superintendent. The superintendent shall be notified in writing at least 48 hours prior to the date when the structural welding work is to commence. C26-172.0 of the Administrative Code (2.1.1.12).

Rule 2. Definitions.

2.1 ARC WELDING. A fusion welding process wherein the welding heat is obtained from electric arc formed between the base metal and metal electrode.

2.2 BASE METAL. The metal upon which the weld or cut is made.

2.3 BUTT WELD. A butt weld is a weld whose throat lies in a plane disposed approximately 90 degrees with respect to the surfaces of at least one of the parts joined. The size of a butt weld shall be expressed in terms of its net or unreinforced throat dimension in inches. C26-158.0 of the Administrative Code (1.149).

2.4 CONTINUOUS WELD. A weld which is uninterrupted throughout the length of the joint.

2.5 CRATER. An unfilled concave depression in the fusion area of an arc weld resulting from penetration of the welding arc into the metal thereunder.

2.6 FILLER METAL. Metal especially prepared for addition to the weld. This term shall apply to this material only before deposition.

2.7 FILLET WELD. A fillet weld is a weld of approximately triangular cross section, whose throat lies in a plane disposed (inclined) approximately 45 degrees with respect to the surfaces of the parts joined. The size of a fillet weld shall be expressed in terms of the width in inches of its adjacent fused sides. C26-158.0 of the Administrative Code (1.149).

2.8 FLAT WELD. A weld made by the fusion welding process on a horizontal plane or one inclined not over 45 degrees to the horizontal, the weld being made from the upper side of the parts joined.

2.9 FUSION WELDING. Fusion welding is the process of joining metal parts in the molten, or molten and vapor states, without the application of mechanical pressure or blows. Under these rules fusion welding is restricted to arc and gas welding processes. C26-75.0 of the Administrative Code (1.67).

2.10 GAS CUTTING. Gas cutting is the process of severing ferrous metals by means of the chemical behavior of oxygen, in the presence of ferrous metals at high temperatures, to produce a kerf, or cut, of uniform width without burning the edges of the kerf or cut. C26-77.0 of the Administrative Code (1.69).

2.11 GAS WELDING. A fusion welding process in which the heat of welding is supplied by the combustion of oxygen and acetylene or other fuel gas in a suitable torch. Filler metal may be melted from a welding rod. Under these rules, gas welding is restricted to the oxy-acetylene process wherein filler metal is added.

2.12 HORIZONTAL WELD. A weld made by the fusion welding process on a plane vertical or inclined less than 45 degrees with the vertical, the linear direction of the weld being horizontal or inclined not more than 45 degrees to the horizontal.

2.13 LAYER. A stratum of weld metal of a fusion weld and consisting of one or more interwoven beads.

2.14 OVERHEAD WELD. A weld made by the fusion welding process on a horizontal plane or one inclined not over 45 degrees to the horizontal, the weld being made from the underside of the parts joined.

2.15 OVERLAP. A condition of lack of fusion where the deposited metal has overflowed the fused area of metal.

2.16 PENETRATION. The linear distance that the deposited metal penetrates below the original surface of the base metal.

2.17 ROOT. A root is the zone at the bottom of the cross-sectional space provided to contain a fusion weld. C26-312. (CL) of the Administrative Code (1.122).

2.18 SLOT WELD. A weld made in an enclosed or partially enclosed opening formed in one of the parts of a lap joint.

2.19 SUPERINTENDENT. Wherever the word "Superintendent" appears in these Rules, it shall mean the Superintendent of Housing and Buildings of the borough having jurisdiction.

2.20 TACK WELD. A weld of random size or shape intended only to fix a member or part thereof of a structure, in correct position preparatory to final welding, and shall not be considered to transmit stress.

2.21 THROAT. The minimum thickness of a weld along a straight line passing through the root. Throat of a fillet weld is the distance along a line from the root to the hypothenuse at right angles thereto, of the largest isosceles triangle which can be constructed in the cross section of the fillet weld. The throat of a butt weld shall be equal to the thickness of the thinner part joined. C26-53.0 of the Administrative Code (1.144).

2.22 UNDERCUT. A condition wherein the base and weld metal is melted away leaving a depression, the surface of which lies below the designed surface contour of the joint.

2.23 VERTICAL WELD. A weld made by the fusion welding process on a plane vertical or inclined less than 45 degrees with the vertical, the linear direction of the weld being vertical or inclined not more than 45 degrees to the vertical.

2.24 WELD DIMENSIONS. The dimensions of a weld shall be expressed in terms of its size and length. C26-158.0 of the Administrative Code (1.149).

2.25 WELD LENGTH. Shall be considered to be the unbroken length of the full cross-section of the weld exclusive of the length of any craters. C26-158.0 of the Administrative Code (1.149).

Rule 3. Design and Supervision.

3.1 The licensed architect or licensed professional engineer designing or supervising the construction of a welded structure shall be experienced and skilled in such work. C26-515.0 (c) (8.6.2.3.3).

3.2 PERMISSIBLE UNIT STRESSES.

In the design of welded structures or parts thereof the stress at every connection must be accurately calculated and the required amount and the exact type and location of weld and filler metal with respect to the parts joined be specified.

3.2.1 Welded joints shall be so proportioned that the maximum stresses shall be less than the following amounts in pounds per square inch:

Shear on section through the throat of a weld	11,300
Tension on section through the throat of a weld	13,000
Compression on section through the throat of a weld	15,000

Maximum fiber stresses due to bending shall not exceed the maximum values allowed above for tension and compression respectively. C26-368.0b (6) of the Administrative Code (7.4.5.6).

3.2.2 Stress on a fillet weld shall be considered as shear for any direction of the applied stress.

3.2.3 Adequate provision shall be made for bending stresses due to eccentricity in the disposition or section of base metal parts.

3.2.4 The allowable compressive strength mentioned in these Rules is not intended to prevent butt welds being used across the entire section to transmit the total compressive stress in compressive flanges of beams, girders, truss plates or compression blocks or other members protected against lateral deflection even though such stress exceeds 15,000 lbs. per sq. in., but not exceeding the maximum allowable compressive stress in the parts joined.

3.3 WORKING STRESSES FOR WINDLOADS. When the stress in any member due to wind is less than 33⅓% of the stress due to live and dead loads, it may be neglected. For combined stresses due to wind and other loads, the permissible working stresses may be increased 33⅓%, provided the section thus found is at least that required by the dead and live loads alone. For stresses due to wind only, the permissible working stress shall be the same as for live and dead loads. C26-372.0, 373.0 and 374.0 of the Administrative Code (7.4.8).

3.4 WELDED GIRDERS. In welded girders the connection of component parts of flanges to each other and of flanges to webs shall be by continuous or intermittent fillet welds designed to transmit the stress. C26-520.0 (d) of the Administrative Code (8.6.2.8.4).

3.5 Girders shall be proportioned either by their moments of inertia or by the flange-area method; in the latter method, when applied to a welded girder having no holes in the web, 1/6 of the web area may be considered a part of the area of each flange. Stiffeners may be either angles or flat plates, welded to the web and flanges by welds designed to transmit the stresses.

3.6 BEAMS. The use of continuous beams and girders, shall be permitted provided their welded connections be designed to transmit the stresses involved in continuous beam construction and columns are designed for the moment added by such construction. At the ends of non-continuous beams, the connections shall be designed to avoid excessive secondary stresses due to bending.

3.7 WELDED COLUMNS. C26-520.0 (e) of the Administrative Code (8.6.2.8.5). Fillet welds connecting the component parts of a built-up column may be either continuous or intermittent. If intermittent, the length of each weld at the ends of the column shall be equal to the least width of the column. The length of the intervening welds shall be at least one and one-half inches, spaced at most four inches in the clear. The size, length and spacing of the fillet welds shall be such as to provide the same strength, per unit of column length, as the allowable shearing stresses in structural steel for power driven rivets. Lattice bars and tie plates shall be welded so as to obtain strength equal to that specified in C26-368.0b (6) of the Administrative Code (7.4.5.4). Shearing stresses.

3.7.1 Where column splices are welded, welds must be provided equal in strength to the shear of the standard column splice.

3.8 WELDED BUTT JOINTS. The edges of base metal parts, one-quarter inch or more in thickness, transmitting stress by means of butt welds shall be beveled. For single and double "V" joints, the bevel of each part shall be at least 30 degrees. For single and double bevel joints, the bevel shall be at least 45 degrees.

Before welding, the root edge or face of one part shall be separated from the root edge or face of the other part by not less than 1/16 inch nor more than ¼ inch.

Butt welds shall be reinforced by depositing additional metal on the weld to a height extending beyond the surface of the thinnest part joined. The height of such reinforcement shall be at least the following percentages of the thickness of the thinnest part joined: 20 percent for single "V" and single bevel butt welds, and 12½ percent on each side, for double "V" and double bevel butt welds. C26-520.0(f) of the Administrative Code (8.6.2.8.6).

3.9 FILLET WELDS. The length of any fillet weld shall be made not less than four times the weld size or else the size of the weld shall be considered not to exceed ¼ of the length for purposes of calculating strength under these rules.

3.10 WELDS IN SLOTS OR HOLES. When welding inside a slot or hole in a plate or other part, in order to join same to an underlying part, fillet welding may be used along the wall or walls of the

slot or hole, but the latter shall not be filled with weld metal or partially filled in such manner as to form a direct weld-metal connection between opposite walls, except that fillet welds along opposite walls may overlap each other for a distance of one-fourth of their size. No slot or hole shall be less in width or diameter than 1½ times its depth.

3.11 FIELD RIVETED, BOLTED AND WELDED CONNECTIONS. C26-521.0 of the Administrative Code (8.6.2.9).

3.11.1 In tier structures less than 125 feet high, in which the height is less than two and one-half times the minimum horizontal dimension, all column splices and field connections may be bolted.

3.11.2 In structures in which the height is over 100 feet and is more than two and one-half times the minimum horizontal dimension, and in structures 100 feet or less in height in which the height is more than four times the minimum horizontal dimension, column splices and connections to columns shall be riveted or welded.

3.11.3 In structures over 125 feet in height and in all structures of a special character, connections of beams and girders to columns, and beams and girders bracing columns shall be riveted or welded. Column splices in structures 200 feet or more in height shall be riveted or welded. Column splices in tier structures less than 200 feet high (except as provided in the preceding paragraph) may be bolted.

3.11.4 All other field connections may be bolted (except that, in all structures, the connections for supports for running machinery or other moving loads shall be riveted or welded).

3.11.5 Within existing structures steel work for alterations, or additions (except to the main structural framework), which do not affect existing column splices, connections and other riveted or welded work, may be bolted.

3.12 COMPLETION OF WORK.
Upon the completion of all structural welding operations, the licensed architect or licensed professional engineer responsible for the design of the structure shall certify to the Superintendent that the fabrication and welding of such structure have been carefully inspected and that the requirements of his design and these Rules have been fulfilled in every respect by the contractor who has done the welding.

Rule 4. Board of Examiners for Welders.

4.1 The Board of Examiners for Welders provided for in C26-209.0 of the Administrative Code (2.3), shall be appointed by the Commissioner of Housing and Buildings from members of the staff of the Department as recommended by the Superintendents. All certificates of fitness issued shall be uniform for the five Boroughs. There shall be a separate certificate for gas welding and for electric arc welding, which certificates shall not be interchangeable and shall apply specifically to the type of work to be done and shall be issued in accordance with Rule 5.

4.2 WELDERS TO BE QUALIFIED. No person shall perform welding work on any structural member of a structure without having obtained a certificate of qualification from the Board of Examiners for Welders. C26-211.0 of the Administrative Code (2.3.2).

4.2.1 Before a certificate of qualification may be issued authorizing a person to perform welding work on any structural member of a structure, the person applying for such certificate shall have submitted to and satisfactorily passed an examination to determine his qualifications, conducted by Board of Examiners for Welders to be appointed by the Commissioner. A certificate of qualification shall be issued to each applicant having proved his qualifications and upon the payment of a fee of Two Dollars. Such certificate shall continue in effect for a period of one year unless sooner revoked or suspended and to be effective thereafter shall be renewed annually. The annual renewal fee shall be One Dollar.

4.2.2 No person shall be eligible for a certificate of qualification to perform welding work as provided in this section unless he is a citizen of the United States of America.

4.2.3 The Superintendent may revoke or suspend a certificate of qualification of any person, if workmanship on any structural welding is such as to indicate incompetency or negligence which might endanger a structure or result in injury to humans.

Rule 5. Qualification Test for Welders.

5.1 These qualification tests shall be conducted by the Board of Examiners for Welders or its representative but, in the discretion of the Board of Examiners for Welders documentary or other evidence, or both, that the applicant has passed the qualification test, conducted by a standard testing laboratory or an inspection by the Superintendent or his representative may be accepted as satisfactory proof of the applicant's fitness to make structural welds in accordance with Rule 5.4. Welders performing work outside New York City may be qualified under this rule. C26-381.0 of the Administrative Code (8.1.2).

5.2 Qualification for arc welding shall not constitute qualification for gas welding, and vice versa. Qualification for welding with bare electrodes shall not constitute qualification for welding with flux-coated electrodes, and vice versa.

5.3 The foregoing provisions are not intended to bar an applicant from further trial in case of one or more failures, or to require an operator who has passed the tests to qualify anew for every job he may undertake.

5.4 QUALIFICATION REQUIREMENTS.

5.4.1 Before issuance of a certificate of fitness by the Board of Examiners for welders the applicant shall have passed the qualification tests prescribed as follows:

5.4.2 The minimum qualification requirements shall be the welding of test specimens of the type shown in Fig. 2 and specified in Rule 5.4, each specimen to be tested for failure in a reliable tension testing machine and to develop ultimate resistance not less than 80 kips if welded with filler metal of grade 2, 4, 10 or 15; or 67 kips if welded with filler metal of grade 20, 30 or 40.

5.4.3 Two specimens shall be welded in the downward or flat welding position, two in the vertical welding position and if the operator is to perform overhead welding, two in the overhead welding position.

5.4.4 The form of test specimen shall be as shown in Fig. 2, consisting of four steel bars or plates connected by four approximately equal

fillet welds. The specifications of the bar steel shall conform to Rule 7. The welding edges of the splice bars shall be cut flat and square and any burrs shall be removed. The bars shall be clamped securely together and tack welded in proper position with the splice bars centered on the main bars and the faces of the main bars in true planes, in preparation for the test welding. Welding shall be performed with the same process (arc or gas), the same welding procedure, and the same kind of electrodes or welding rods to be used in the work for which the operator is being tested; the diameter of electrodes or rods shall be the largest to be used in the work, for which the applicant proposes to qualify.

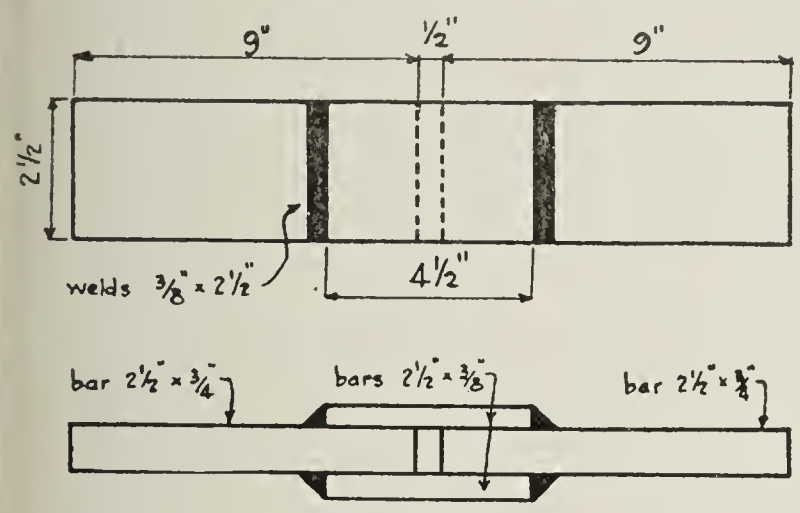


FIG. 2

Welds shall be made as nearly as possible to the designed dimensions, and in conformity with the practices set forth in Rule 6; at every cross-section the weld size in each direction shall be within 1/16 in. of the prescribed 3/8 in.

Rule 6. Quality of Welds.

The quality of welds permitted under these rules shall conform to the following requirements:

6.1 The Quality of Test Welds and Construction Welds shall fulfill all requirements with regard to shape and internal quality.

6.1.1 All lap welds shall indicate good penetration to the root of the weld and good fusion at both sides of the bead.

6.1.2 All fillet welds shall show absence of undercutting, proper shape of the bead, lack of overlaps and proper fusion.

6.1.3 All butt welds shall show good fusion without overlapping or undercutting.

6.2 UNDERSIZE WELDS. Undersize or undercut welds shall be built up by welding to conform to the weld cross-section called for in the drawings and specifications. The surface of previously deposited welds shall be cleaned of oxides or slag before any reinforcing weld metal is applied.

6.3 Shape.

6.3.1 Welds shall conform in shape to those shown on Figs. 3a and 4a and shall not be undersized.

6.3.2 Surfaces of weld shall be reasonably smooth and uniform in contour. Weld metal along the toe of the weld shall not overlap the base metal surface but shall form an intimate contact therewith as shown in Figure 3.

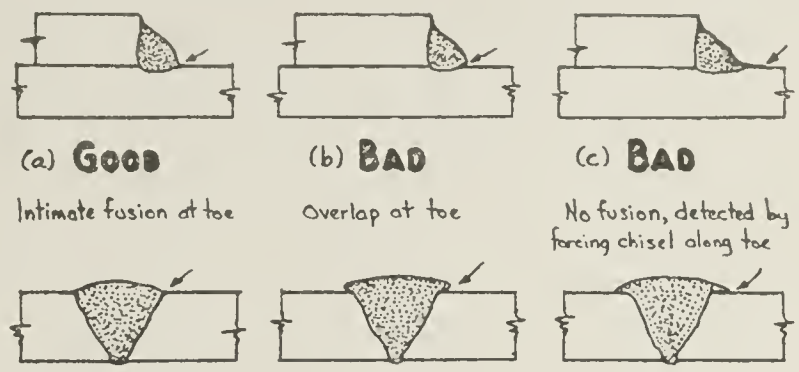


FIG. 3

6.3.3 INTERNAL QUALITY. The weld metal shall be sound throughout and shall be free from oxides, non-metallic inclusions and gas pockets. The weld metal shall be thoroughly fused with the base metal along all surfaces and edges of union, and shall penetrate into the root of the weld, as shown in Fig. 4a.

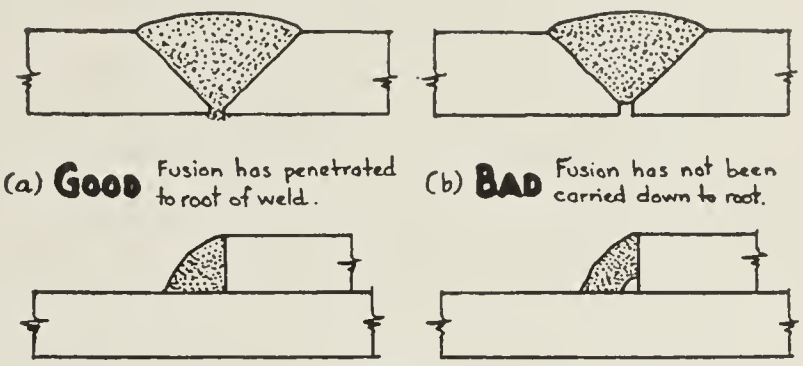


FIG. 4

6.3.4 WELD ENDS. The ends as well as the body of the welds shall conform to all the requirements of Rule 6.

Rule 7. Specifications and Tests of Welding Materials.

7.1 Structural steel shall conform to A.S.T.M. Specifications A-7-36 or A-9-36.

7.2 Filler metal (electrodes or welding rods) shall conform to all requirements of A.S.T.M. Specifications A205-37.T and the superintendent may accept certified test results from a reputable manufacturer that tests have been made in conformance with these specifications.

Rule 8. Gas Cutting of Structural Steel.

C26-526.0 (a) to (g) of the Administrative Code (8.6.3.2.1-7 inc.).

8.1 Contractors desiring to do gas cutting shall be required to satisfy the Superintendent as to their ability to produce satisfactory gas cuts.

8.1.1 Gas cutting shall be done by one experienced in this work and under the continual supervision, as provided in 9.1.

8.2 Gas cutting on any member while it is carrying stress is prohibited (except for detail cutting to correct minor fabricating errors where the removal of metal resulting from such detail cutting would leave unimpaired the required strength of the members to be cut).

8.2.1 Any field cutting of structural members to provide openings or to remove portions of flanges shall not be done, unless provided for in the design.

8.3 Gas cut edges shall be smooth and regular in contour.

8.4 Gas cutting may be used in the preparation of base metal parts for welding provided the edges are thoroughly cleaned after cutting so as to expose clean steel.

8.5 Gas cutting to replace the milling of surfaces is prohibited.

8.6 Gas cutting of holes in a member designed without provision therefor is prohibited.

8.7 The radii of re-entrant gas cut fillets shall be as large as possible and at least one inch. To determine the net area of members so cut, one-eighth inch shall be deducted from the gas cut edges.

Rule 9. Supervision and Inspection.

9.1 Any welding to be done on a structure or any part thereof shall be performed under the supervision of a representative of a standard testing agency or an inspecting agency responsible to the owner or licensed architect or licensed engineer. Such agency shall be acceptable to the Superintendent.

9.2 The agency as provided for in 9.1 shall take adequate means to assure that the preparing, gas cutting, assembling and welding of the joints of the structure conform to the design and that the resulting structure is free from deficiencies and injurious defects. He shall keep and submit daily to the licensed architect or licensed professional engineer responsible for the work adequate records of the progress of the work, of difficulties experienced, and of his decision of acceptance and rejection. His records shall allocate a definite and personal responsibility for his acceptance of every weld as to size, location, type of filler metal used and quality of workmanship, and shall evidence that no weld called for in the design has been omitted. He shall require that each welder stamp his identification symbol on his work, and the inspector after inspecting each weld shall do likewise.

9.2.1 He shall inspect for defects and irregularities, plate cracks adjacent to or behind welds crater cracks or cracks in the weld metal.

9.2.2 He shall gauge all welds for deficiency of throat or other critical cross-section.

9.2.3 He shall carefully observe and reject undercutting, overlap or lack of fusion at edges of weld, lack of penetration, or porosity, location of craters, size and shape of bead, and order occasional chipping to determine penetration and correct all or any irregularities of workmanship contrary to the design.

9.3 The contractor who is to do welding shall submit to the Superintendent a statement that the work will be done in accordance with these rules and the Administrative Code and shall include in such statement, the detailed procedure he proposes to follow, which shall include the following:

That each welder or group of welders shall be under the continual supervision of an experienced foreman.

That only welders qualified under these rules be employed. Each welder shall exhibit, when required, his Certificate of Qualification.

That each welder shall be provided with proper gauges to check his work.

That the foreman shall be able to read blueprints and shall lay out and allocate the work each welder is to perform and he shall carefully observe the burn-off of the electrode; the fusion, and penetration of crater; the formation of the bead; and the sound of the arc.

That only the base metal and filler metal conforming to the job specifications and these rules be used.

That the welding equipment furnished shall have proper characteristics to allow good work.

That whenever deemed necessary by the Superintendent, such tests of the finished welds, shall be made as required by him.

Rule 10. Workmanship on Welded Structures.

10.1 The arrangement of the joints to be welded shall be such as to enable the operator to have an unobstructed view of the surfaces to be welded at all times during the welding operation.

10.2 Welds found deficient in dimensions, but not in quality may be enlarged by additional welding. Where a deficient weld renders the weld inaccessible or has caused new conditions which would make reinforcement dangerous or ineffectual, the weld shall be removed and original conditions restored or in lieu thereof a revised design, correcting this condition shall be submitted to the superintendent. Any weld found deficient in quality, size, or made contrary to the requirements of these rules shall be removed by chipping or melting and shall be remade. The weld metal shall be removed throughout its depth to clean base metal. A cracked weld shall be removed throughout its entire length.

The cutting or chipping of a weld shall not extend into the base metal. In removing welds, care shall be taken not to burn or otherwise injure the base metal and after melting the exposed base metal shall be cleaned by chipping and wire brushing.

10.3 Surfaces to be welded shall be free from mill scale, rust, paint or other foreign matter. A thin coat of linseed oil or its equivalent over the surfaces to be welded need not be removed. These provisions shall apply to new structures and where new steel is to be welded to steel in any existing structure.

Structural steel shall not be painted on any areas where shop or field welding is to be performed, except that a coat of linseed oil without pigment may be used for temporary protection. However, structural members which have been painted, may be welded, provided that the paint is completely removed from the areas to be welded. Parts which are welded in the shop, to be erected by bolts or rivets, shall receive the usual painting if any is required after the shop welding is finished. Parts to be field welded shall receive a coat of linseed oil after shop work is completed, and after erection and field welding, they shall be given two coats of acceptable metal protection if painting is required. C26-522.0 of the Administrative Code (8.6.2.10).

10.4 Where rivets are under load there shall be no welding at the connections between structural members so riveted unless precautions are taken to prevent loss of tension of rivet in a manner approved by the superintendent. See 3.11.5.

10.5 In assembling and during welding, the component parts of a built up member shall be held by sufficient clamps, or other adequate means shall be employed for temporarily fastening the members together and bracing the framework until the joints are welded. This shall consist of erection bolts or positive devices imparting sufficient strength and stiffness to resist all temporary weights and lateral forces, including wind.

For all welded structures, erection bolts, or equivalent means shall be employed for temporarily supporting the members, and existing loads, and for insuring proper alignment.

The temporary support of girders carrying columns or other heavy loads shall be made rigid by such means as shall be designed by the licensed architect or licensed professional engineer in charge and approved by the Superintendent.

In tier building erection, members shall not be erected more than two tiers, or more than one-column length above any column connections yet unwelded.

Rule 11. Metal Chimneys and Tanks.

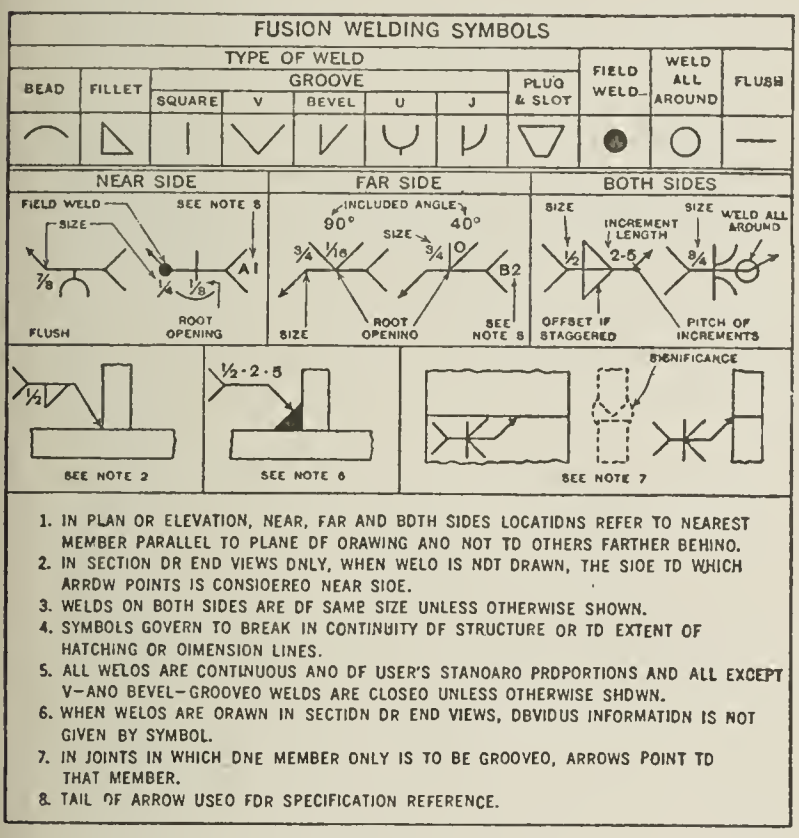
Metal Chimneys and Tanks and all materials entering into their construction, when welded, shall conform to these Rules.

APPENDIX.

The following is not to be considered as part of the Rules for Fusion Welding and Gas Cutting, but is printed for general information only:

I. Weld Symbols.

To provide for uniformity when plans are filed with the superintendent symbols for fusion welding and a method of showing them on drawing shall be as shown in figure 1.



Note: All dimensions in inches.

FIG. 1

II. Sizes, Chemical Composition and Tests of Filler Metal.

Standard sizes of filler metal are as follows: 1/16, 3/32, 1/8, 5/32, 3/16, 7/32, 1/4, 5/16 and 3/8 in. in diameter. In the case of coated or covered filler metal, the standard sizes refer to the diameter of the core wire.

CHEMICAL COMPOSITION.

The filler metal shall be capable of depositing metal conforming to the following requirements as to chemical composition:

Phosphorus, max., per cent	0.04
Sulfur, max., per cent	0.04

CHEMICAL ANALYSIS.

For arc-welding electrodes, the sample for analysis shall be prepared as follows: A specimen of standard base metal (see Table 1 below) of sufficient size, shall be prepared, and a pad of five superimposed layers of arc metal deposited thereon. The fifth or top layer shall be ground or machined away and discarded. The fourth layer shall be carefully milled off and used for the analysis specified.

For gas-welding rods, the sample for analysis may be prepared as described in preceding paragraph, except that three layers shall be considered sufficient and the top layer used for the analysis, or analysis may be made of the welding rod. In the latter case, ten rods shall be selected at random from the lot, and milled in such manner as to represent the entire cross-section.

Table 1.—Tensile Requirements for Deposited Metal.

Grade	Base Metal	Treatment of Welded Specimen *a*	All-Weld Tension Test: Tensile Strength, min., lb. per sq. in.	All-Weld Tension Test: Elongation in 2 in., min., per cent
No. 2..	Firebox quality steel plate, tensile strength 55,000 lb. per sq. in., min.; or Steel for bridges, tensile strength 60,000 lb. per sq. in., min., with carbon not over 0.25 per cent and manganese not over 1.00 per cent., or equivalent steels.	stress-relieved	80 000	20*b*
		non-stress-relieved	80 000	15*b*
No. 4..	same as for Grade No. 2	stress-relieved	75 000	20*b*
		non-stress-relieved	75 000	15*b*
No. 10.	same as for Grade No. 2	stress-relieved	60 000	25
		non-stress-relieved	60 000	20
No. 15.	same as for Grade No. 2	stress-relieved	60 000	20
		non-stress-relieved	60 000	17
No. 20.	same as for Grade No. 2	stress-relieved	52 000	10
		non-stress-relieved	55 000	7
No. 30.	same as for Grade No. 2	stress-relieved	45 000	7
		non-stress-relieved	47 000	5
No. 40.	same as for Grade No. 2	stress-relieved	45 000	5
		non-stress-relieved	47 000	3

a Stress-relieving where called for in these specifications is for the purpose of developing the fundamental properties of the weld metal unaltered by locked-up stress. Values obtained from stress-relieved welded specimens are about 5 per cent lower in tensile strength and 10 to 20 per cent higher in ductility than those of non-stress-relieved specimens. The fact that a filler metal test requires stress-relief signifies only that it must develop the strength required regardless of stress-relief, and not that stress-relief must always be used in actual work. Stress-relieving shall be within the range of 1100 to 1200 F. for 1 hr. per 1 in. of thickness. Gas-welded specimens may be heat-treated at higher temperatures than the temperature specified above for stress-relief.

b It is immaterial how these high physical properties are obtained, that is, whether by carbon-steel filler metal with manganese and silicon contents or by the use of some other alloying elements, but the total amount of such other elements shall be less than 4 per cent.

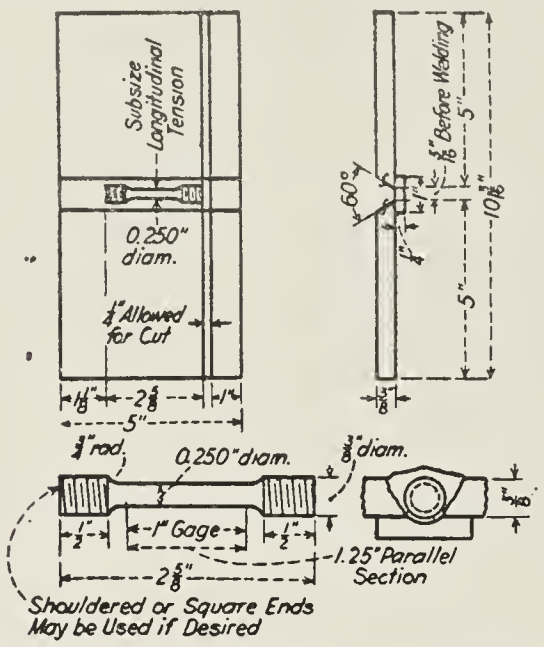
TEST SPECIMENS.

ALL WELD METAL TENSION TESTS. The deposited metal shall conform to the minimum tensile properties specified in Table 1.

SPECIMENS (Test).

From each lot of each size of filler metal, a sufficient number of electrodes or welding rods shall be selected at random and a deposited metal specimen prepared. The specimen shall be prepared in accordance with its proposed use.

For 1/16, 3/32 and 1/8 in. filler metal, a plate 3/8 in. in thickness shall be prepared as illustrated in Fig. 5 and the sub-size all-weld tension specimen prepared as shown.



NOTE 1.—The above plate shall be used for 1/8-in. filler metal.
NOTE 2.—Welds shall be deposited in either layers or beads.
NOTE 3.—Welds in vertical position shall be deposited upwards.
NOTE 4.—Electric welds shall cool to at least 100 F. between the deposition of each layer or bead.

Test Plate for 1/8-in. Diameter Filler Metal and Method of Machining Specimen.

FIG. 5

For 5/32 in. and larger sizes of filler metal, a plate 3/4 in. in thickness shall be prepared as illustrated in Fig. 6 and the tension specimen prepared as shown.

Test plates shall be so supported that warping due to welding shall not throw the finished test plate out of line by an angle of over 5 deg. If plates are warped, they shall be straightened cold before being stress-relieved where required.

SPECIAL TESTS. The Superintendent or his representative may require such additional standard tests as will properly develop the strength of the filler metal.

RETESTS. If any tension test specimen fails, additional test plates shall be prepared at the direction of the inspector.

ELECTRODES FOR MANUAL WELDING. In the case of coated or covered electrodes for manual welding, about 1 in. of the electrode shall be bare or free from coating at the one end for making contact with the holder. The arc end shall be sufficienty bare to permit easy striking of the arc, but the length of the bare portion of the arc end, measured from the end to the point where the full cross-section of the coating obtains, shall not exceed one nominal diameter.

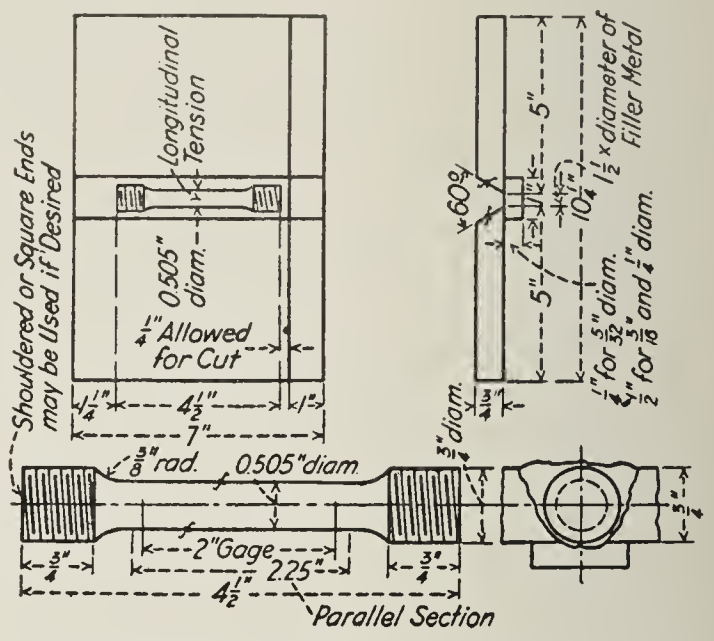
PREPARATION OF FILLER METAL.

Uncoated filler metal and the core of coated or covered filler metal shall be of uniform quality free from injurious segregation, oxides, pipe, seams or other irregularities.

On coated or covered filler metal, the coatings and coverings shall be such that they are not readily damaged by ordinary handling and shall be of commercially uniform thickness and shall present a workmanlike appearance. Coatings and coverings shall be free from injurious scabs, blisters, abnormal pockmarks, bruises or other surface defects.

The surface of gas-welding rods and bare electrodes shall be smooth and free from harmful scale, oil, or grease and shall be plain or copper finished, as specified.

Cross-sectional dimensions shall not vary from that specified by more than 3 per cent.



NOTE 1.—The above plate shall be used for filler metal 5/32-in. in diameter and larger.
NOTE 2.—Welds shall be deposited in either layers or beads.
NOTE 3.—Welds in vertical position shall be deposited upwards.
NOTE 4.—Electric welds shall cool to at least 100 F. between the deposition of each layer or bead.

Test Plate for Filler Metal 5/32-in. in Diameter and Larger and Method of Machining Specimen.

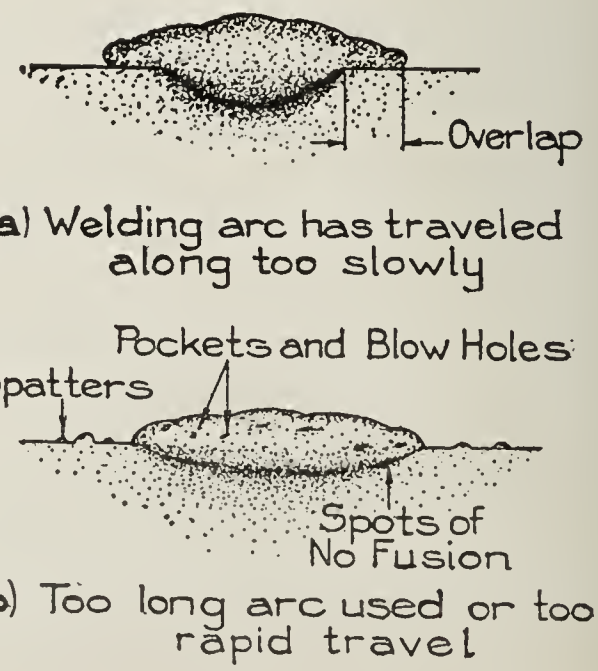
FIG. 6

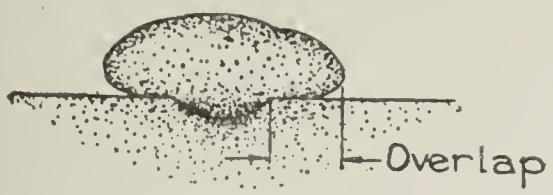
REQUIREMENTS FOR ARC WELDS

III. Bare and Lightly Coated Electrodes.

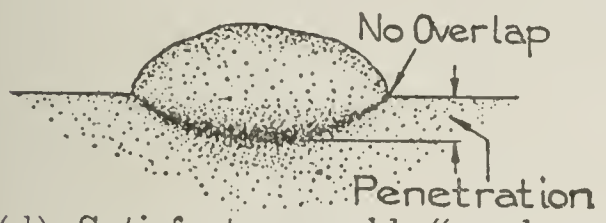
WELDING ARC. Unsound welds, insufficient penetration and overlap in general, resulting from improper arc length and amount of current and incorrect rate of travel, are prohibited. The characteristics of these different conditions are illustrated in Figs. 7 and 8.

FIG. 7



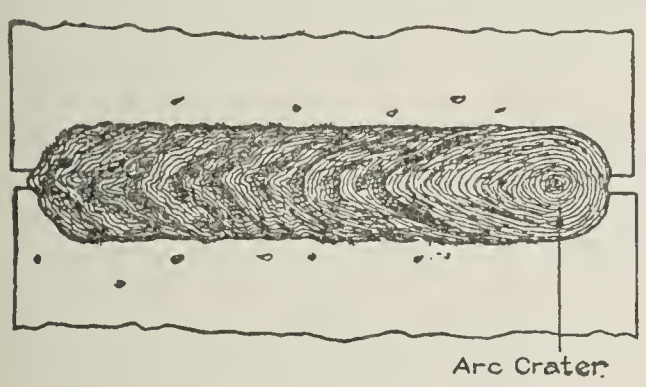


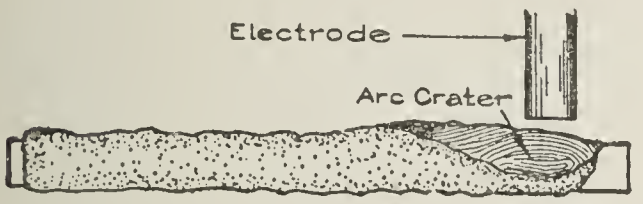
(c) Not enough heat used



(d) Satisfactory weld, "good penetration"

DEPTH OF CRATER. The depth of arc crater should not be less than 1/16 in. (see Fig. 8).





Longitudinal section of deposited metal showing penetration and arc crater.

FIG. 8

LENGTH OF ARC. In manual metal arc-welding, proper fusion, penetration and soundness of weld shall be secured by using as short an arc as can be maintained for each form of weld. A typical example of proper arc length for given thickness of base metal and for a 3/8-in. fillet weld is shown in Fig. 9. When properly manipulated, the arc will throw a steady shower of small sparks, and (in the case of bare electrodes) will be accompanied by a regular, crackling, snappy sound with fractional intervals less than one-half second between explosions. With a given current, the length of arc depends upon the arc voltage which should not exceed 20 volts.

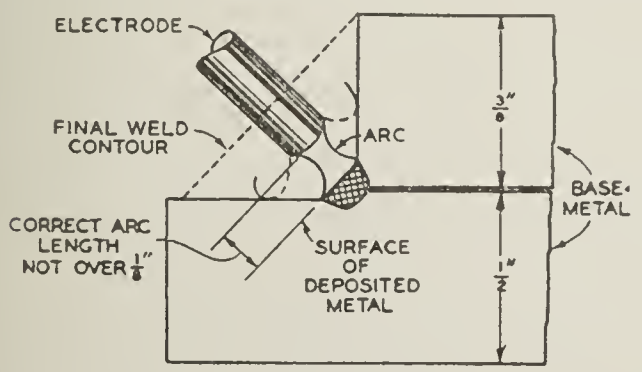


FIG. 9

CURRENT. The amount of current shall be such as will best suit the arrangement and the thickness of the base metals to be joined. Sizes and current values shall conform to those given in Table 2. In special cases other approved sizes and currents may be specified, when permitted by the Superintendent. The current and voltage used shall be measured by suitable meters, either mounted on the arc welding machine panel, or portable, for use at the point of welding. Allowance shall be made for line drop where the meters are not adjacent to the point of welding.

Table 2—Current Values and Sizes of Bare and Lightly Coated Electrodes for Various Sizes of Welds

Size of Weld In.	Minimum Number of Layers	Electrodes and Current Values
1/4	1	In all these cases use either 5/32-in. electrodes with 160-180 amps., or 3/16-in. electrodes with 180-225 amps.
3/8	1	
1/2	2	
5/8	2	
3/4	3	

MANUAL OPERATION OF ARC. The arc shall be started by drawing a long arc momentarily to preheat base metal before deposition of filler material to insure thorough fusion at start of weld, or it shall be started moving a short arc rapidly back and forward over a limited area at start.

In case of a long weld where more than one electrode is used, the arc shall be re-started about 1/4 in. to 3/8 in. ahead of the crater, going back over the crater to properly fill it and keep a uniform contour, thus insuring proper preheating as in start of weld.

On single layer welds the arc shall progress with either a straight forward motion or an oscillatory motion depending on size of joint to be filled to bring it up to proper contour and insure proper fusion in root zone.

In multi-layer welding the first layer shall be deposited by moving the arc in a straight forward motion to secure proper fusion in the root zone, while subsequent layers shall be deposited with an oscillatory motion to build up the weld to the proper contour. The first layer shall be made with an electrode small enough to get thorough penetration at the root zone.

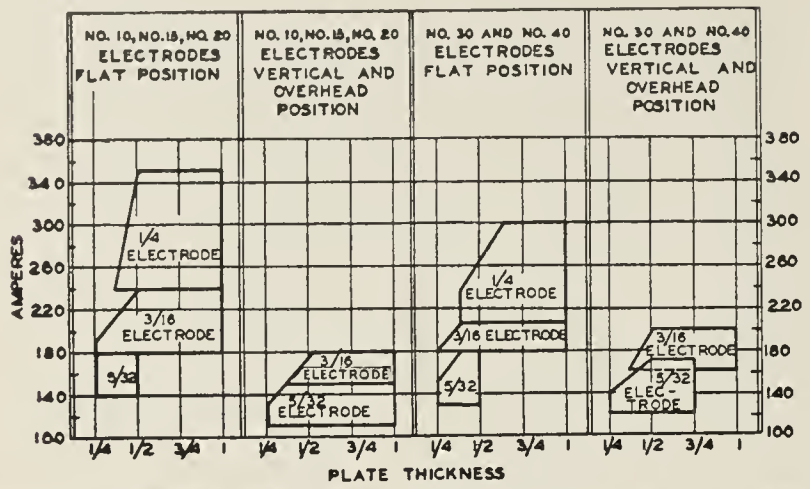
Each layer shall be thoroughly cleaned by brushing or chipping to remove all excess scale and oxides before depositing succeeding layers. The surface of each layer shall be reasonably smooth and uniform in contour.

IV. Heavily Coated Electrodes.

WELDING PROCEDURE. In making welds with heavily coated electrodes the procedure recommended by the manufacturer of the electrodes being used shall be followed, but if such instructions are not available, the procedures given below shall be followed.

CURRENT. The amount of current shall be such as will best suit the arrangement and the thickness of the base metal to be joined. The current ranges in Fig. 10 are given as a guide in selecting the best operating conditions for various electrode sizes and plate thicknesses for flat, vertical and overhead welding. In special cases, other approved sizes and amounts of current may be specified. The current and voltage used shall be measured by suitable meters, either mounted on the arc welding panel, or portable, for

use at the point of welding. Allowance shall be made for line drop where the meters are not adjacent to the point of welding.



Current Values and Sizes of Heavily Coated Electrodes for Various Plate Thicknesses for Manually Welded Operations.

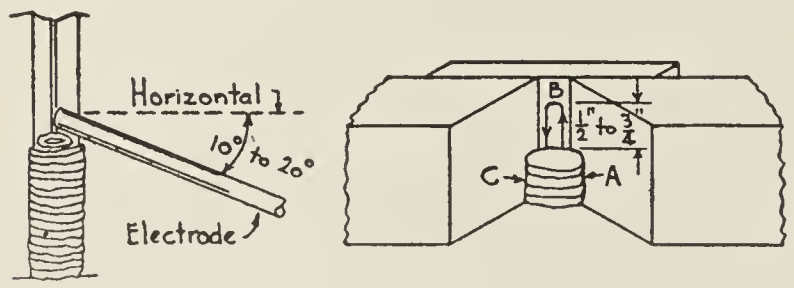
FIG. 10

WELDING PROCEDURE FOR FLAT BUTT WELDS. In making butt welds on bevel joints, weave the electrode from one side of the joint to the other. This weaving may not be necessary on the first pass. These oscillations shall be regulated so that the weld metal fuses into the side walls without directing the arc against the walls. This shall be accomplished by pointing the electrode downward and allowing the outer edges of the arc to play lightly on the walls. A stay shall be made long enough on the turns to insure complete fusion into the side walls.

The travel speed shall be regulated to limit the thickness of the layer per pass to not more than ⅛ in.

WELDING PROCEDURE FOR VERTICAL AND OVERHEAD BUTT WELDS. One-eighth (⅛)-in. and 5/32-in. diameter electrodes should be used in the vertical and overhead welding positions, but the 3/16-in. diameter may be used in vertical welding when necessary.

Vertical welds shall be made by welding upward. The first pass should be started by oscillating or weaving the electrode from side to side (Fig. 11*A*) to produce a weld metal bridge across the "V." Then the arc is to be moved rapidly upward for ½ to ¾ in. along the bottom of the "V" (Fig. 11*B*), drawing a long arc (about 30 volts), and then back down to the crater again (Fig. 11*C*), shortening the arc to its previous length. The movement up and down should require about 1/3 sec. and should be easily accomplished with a bending action of the wrist. Its purpose is to allow the molten metal in the pool to solidify and to preheat the plates ahead of the crater.

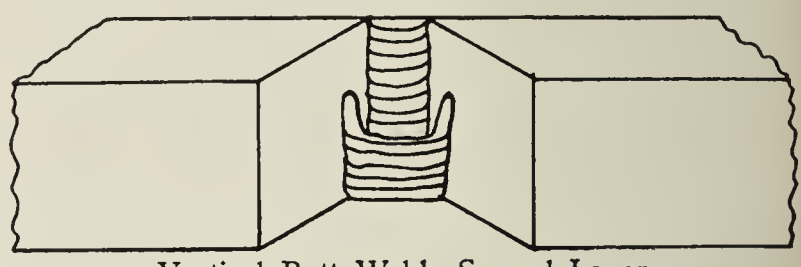


Vertical Butt Weld—First Layer.

FIG. 11

The above cycle of operation shall be repeated all the way up, each time depositing a thin layer of metal on top of the preceding layer. The travel speed on the first pass shall be regulated to limit the deposit to the equivalent of about a ¼-in. fillet weld. On succeeding passes, the thickness shall not exceed ⅛ or 5/32 in. The successive passes shall be made by this up and down technique or by successive horizontal weaving.

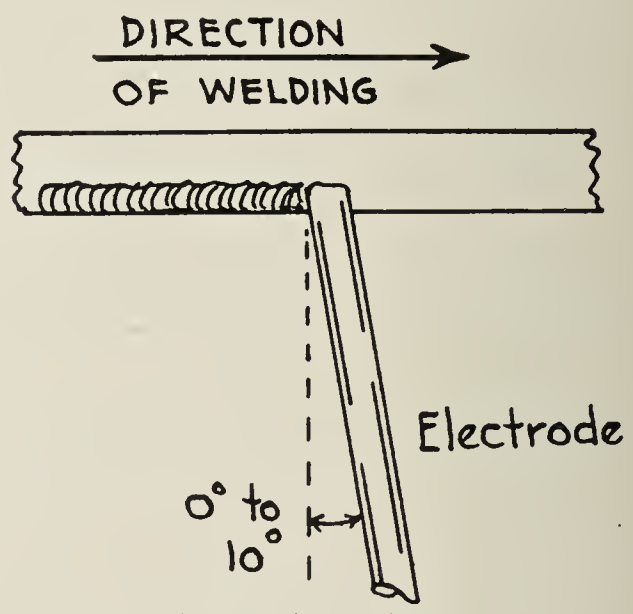
If, in making the second and succeeding passes, a procedure similar to that of the first pass shall be used, the motion (Fig. 12) to be across the pool or shelf, then upward and back at one side of the "V," then across the shelf to the other side, and up and back to the shelf again. The up and down motions shall be done rapidly, lengthening the arc while doing so. If the procedure of weaving straight across is used, it shall be similar to the above except that the up and down motion at each end of the shelf is eliminated.



Vertical Butt Weld—Second Layer.

FIG. 12

For overhead butt welds, the procedure shall be the same as that previously described for vertical welds. The electrode shall be pointed upward and sometimes leaning slightly forward, as shown in Fig. 13. A shelf on which to work shall be deposited at the start and the cycles of operation shall be the same as those for vertical welding.



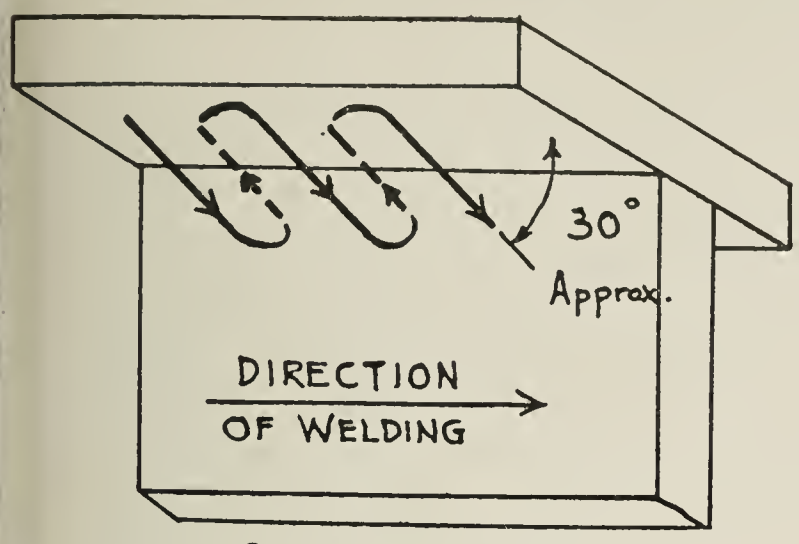
Overhead Butt Weld.

FIG. 13

WELDING PROCEDURE FOR FLAT AND OVERHEAD FILLET WELDS. For light fillet welds (¼ in. or less) and the first pass of multiple pass welds, the electrode shall be moved only in the direction of travel. The second and successive passes or heavy single-pass welds (⅜ in. for example) shall be made by weaving the electrode in a plane making an angle of about 30 degrees with the underside of the plate, as shown in Fig. 14. The solid line represents actual welding. The dotted line represents an upward skip done in about 1/3 sec.

WELDING PROCEDURE FOR VERTICAL FILLET WELDS. Vertical fillet welds shall be made in the same manner as vertical butt welds.

WELDING PROCEDURE FOR MULTI-LAYER FILLET WELDS IN ANY POSITION. In certain cases fillet welds in sizes up to ⅜ in. may be made in a single pass by holding the electrode at a suitable angle and moving it along at a uniform rate. Where the fillet weld

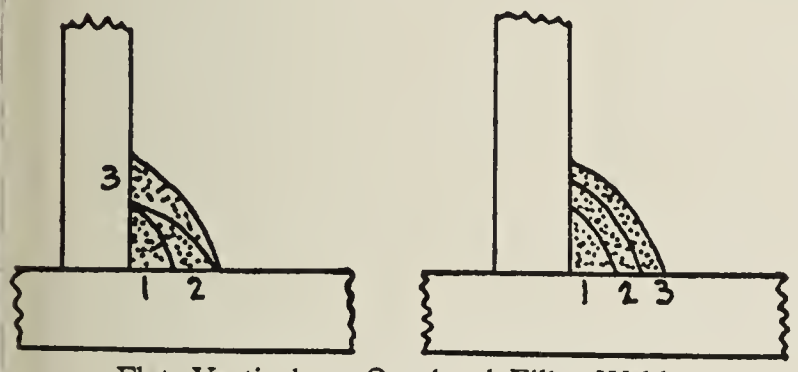


Overhead Fillet Weld.

FIG. 14

equires more than one layer, the second and subsequent ayers shall be deposited as a complete spread over the reviously deposited metal or in two or more parts as hown in Fig. 15.

ALTERNATE METHODS OF MAKING MULTI-LAYER WELDS



Flat, Vertical, or Overhead Fillet Weld.

FIG. 15

/. Requirements for Gas Welds.

WELDING FLAME. Torches may be either single or ıultiple flame. The adjustment of the welding flame hall be the same as used in the qualification tests.

The size of the inner cone or inner cones shall be regu- ıted for varying thicknesses of base metal so that the roper amount of heat and flame condition is obtained to roperly perform the welding operation. The criterion for /elding flame regulation is that the inner cone or inner ones should be of a size and character which produce suffi- ient heat to maintain the welding puddle in a quiet molten tate, and to cause fusion of the welding puddle with the ase metal.

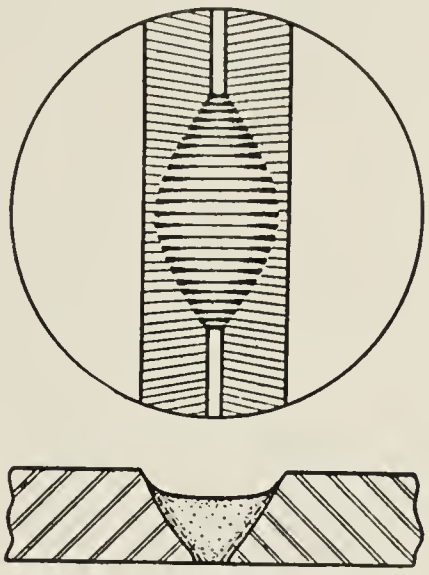
The orifice of the welding tip shall be kept clean at all mes during the welding operation so that the regular and ymmetrical inner cone or cones can be maintained.

WELDING ROD. The size of the welding rod to be sed shall be such that the rod shall be of sufficient diam- ter to maintain the welding puddle in a quiet molten state.

STARTING WELDS. In starting a weld, the base ıetal shall be heated to a dull red for a distance of from to 2 in. along the joint so that the point of welding can e brought to the fusion temperature evenly before welding od is added. If the weld is stopped for any reason, the ame precautions should be observed upon restarting.

TACK-WELDS. In making tack-welds, the same precautions should be observed as when starting welds. Where a designed weld will later be made over the tack-weld, the tack-weld shall be made with the same care as required for designed welds.

Whenever tack-welds are located where a designed weld will later be made, they shall be made according to the foregoing requirements. When encountered in the final welding operation, they shall be thoroughly fused in with the final weld. Tack-welds should be thickest at the center and should taper at both ends for convenience in carrying the regular weld over the tack-weld (see Fig. 19).



Section Through Tack-Weld

FIG. 19

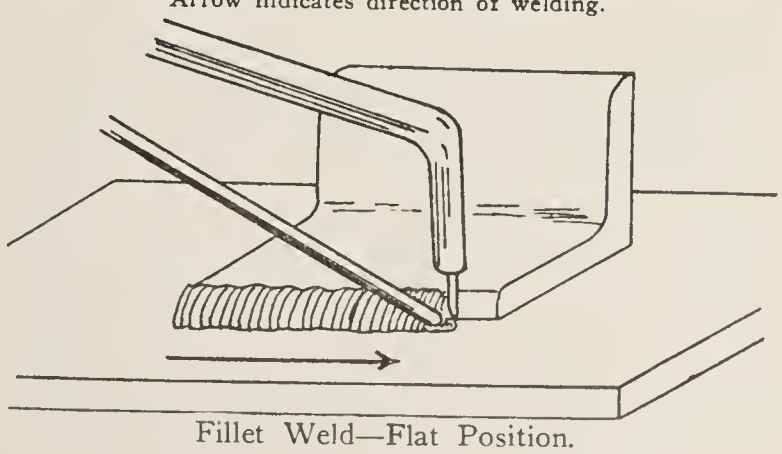
WELDING TECHNIQUE—GENERAL. The welding torch and welding rod shall be manipulated so as to maintain a definite puddle of molten weld metal without overheating either the base metal or deposited metal. The end of the welding rod shall be kept within the limits of the puddle at all times, particular care being taken not to disturb the rear edge of the puddle which might cause slag on the surface to become entrapped in the weld metal. In manipulating the flame, the tip of the inner cone shall preferably not touch either base metal, puddle or welding rod.

Either backhand or forehand technique may be employed. The various positions of welding rod and flame with respect to each other in backhand and forehand techniques are illustrated in Figs. 16 and 17.

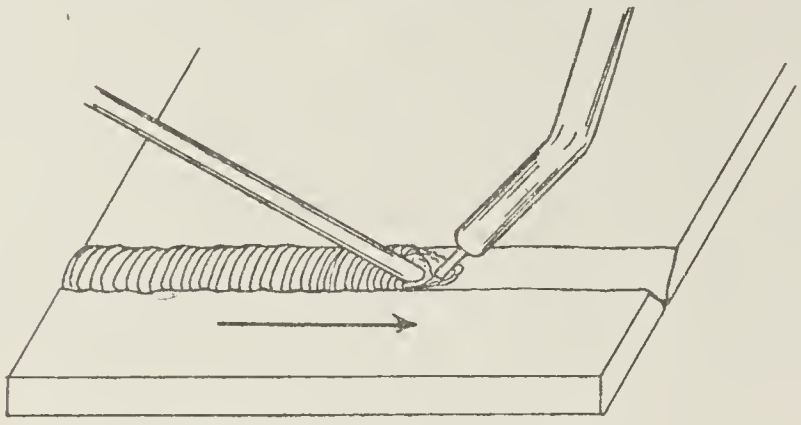
In carrying the puddle forward, the base metal surfaces just in advance of the puddle shall be prepared for fusion with the puddle by melting sufficient surface metal to remove oxides and expose sound base metal. In some cases this depth of melting may be 1/32 in. or less. Manipulation of the rod and flame in controlling the puddle shall

FIG. 16

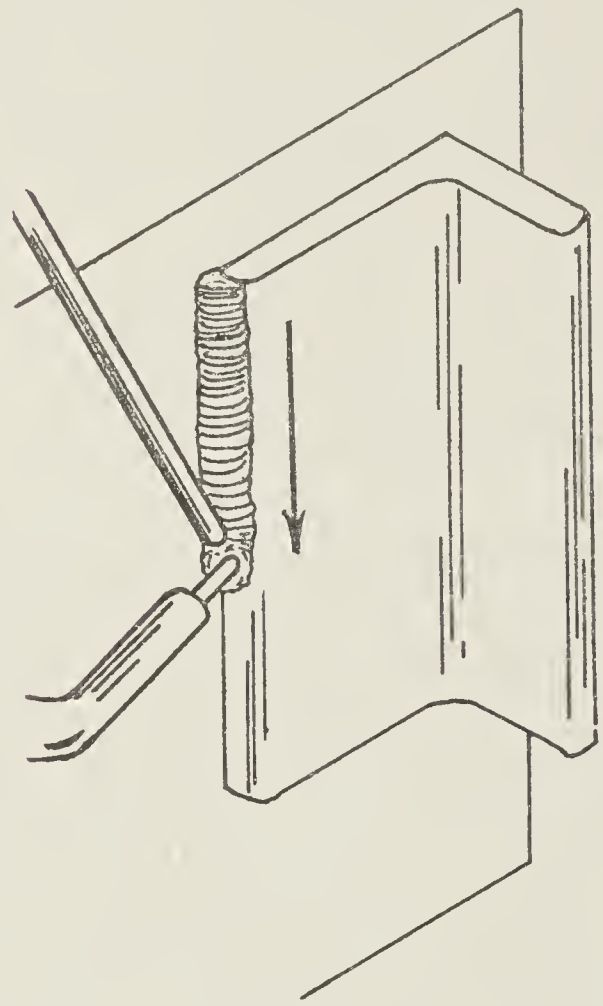
Positions of Rod and Flame in Backhand Technique.
Arrow indicates direction of welding.



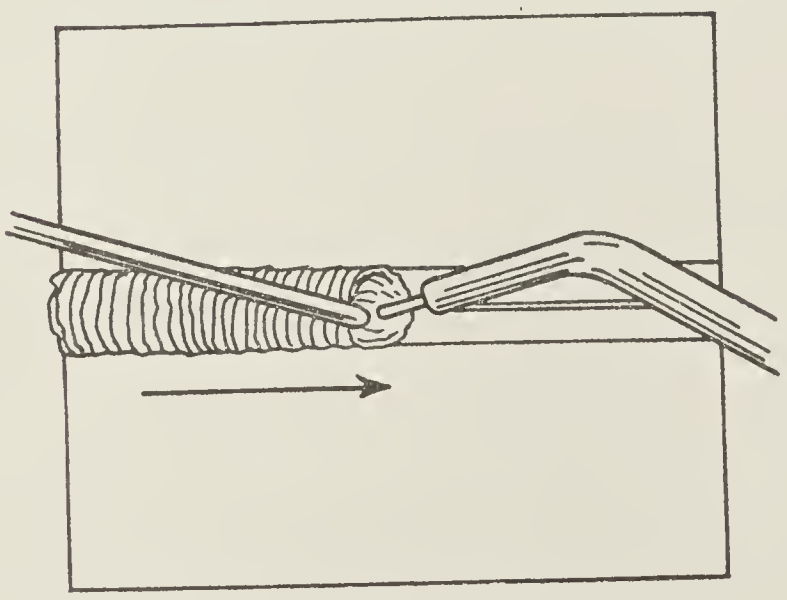
Fillet Weld—Flat Position.



Butt Weld—Flat Position.



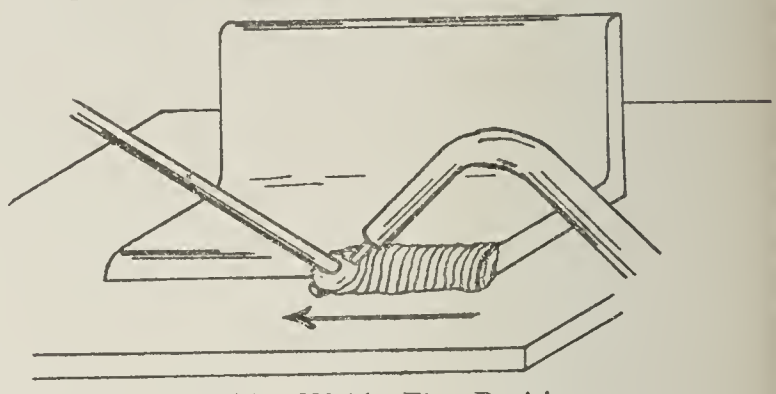
Fillet or Butt Weld—Vertical Position.



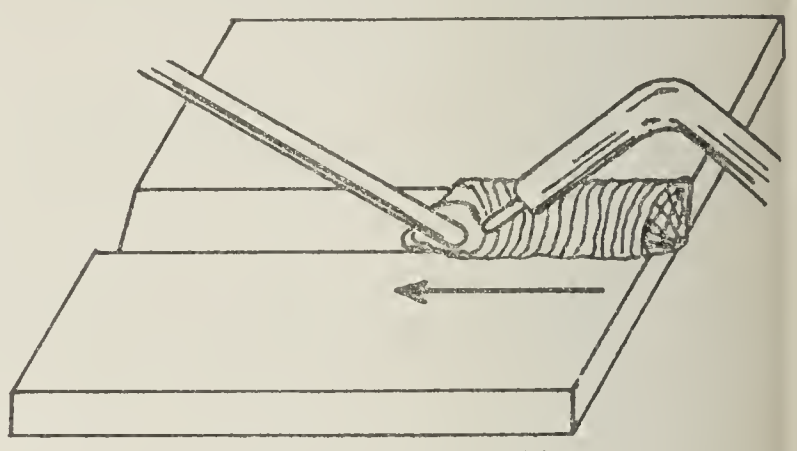
Fillet or Butt Weld—Horizontal Position.

FIG. 17

Positions of Rod and Flame in Forehand Technique.



Fillet Weld—Flat Position.



Butt Weld—Flat Position.

be such that at no time is molten metal from the puddle permitted to flow ahead until this melting has occurred.

For welding in positions other than flat, it shall be permissible to carry a fairly shallow puddle for convenience in controlling it. When using backhand technique, this shall be done by distributing the molten metal in the puddle with the end of the welding rod, providing the puddle is kept sufficiently molten so that surface oxides do not become entrapped in the weld.

FILLET WELDS. When fillet welding in the flat position, there is a tendency for the top plate to melt before the bottom plate. This shall be avoided by pointing the flame more against the lower plate as shown in Figs. 16 and 17. It is essential that fusion be secured at the inside corner or root of the joint, the welding rod and inner cone shall be manipulated so this result will be secured. If desired, the welding rod may be stirred lightly, well within the bounds of the puddle, to maintain a shallow puddle and distribute the molten metal so as to obtain readily welds of proper size and shape.

BUTT WELDS. When butt welding in the flat position, manipulation of rod and inner cone shall be such that the bottom of the vee is fused together at the same time but in advance of the upper walls of the vee so that the weight of the puddle does not cause molten metal to sag inside the joint. Where spacing of the joint exceeds 1/6 in., it is allowable to weld the bottom of the vee together in a separate operation, ½ in. to 1 in. at one time ahead of the principal point of welding.

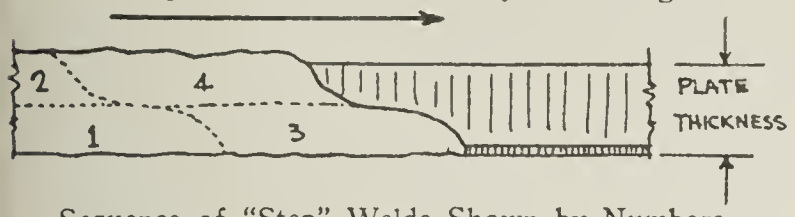
MULTI-LAYER WELDING. Multiple layer welding may be used in place of single layer welding for all positions of welding and thicknesses of metal, but especially for welds of larger size. The criterion shall be the size of puddle that can most effectively be carried by the welder for the particular position of welding. If the completion of a weld in one layer requires a puddle larger than indicated by this criterion, two or more layers shall be made.

The layers of the weld may be made continuously for the full length, or the welding may be done by the "step" method illustrated in Fig. 18.

PUBLIC HEARING

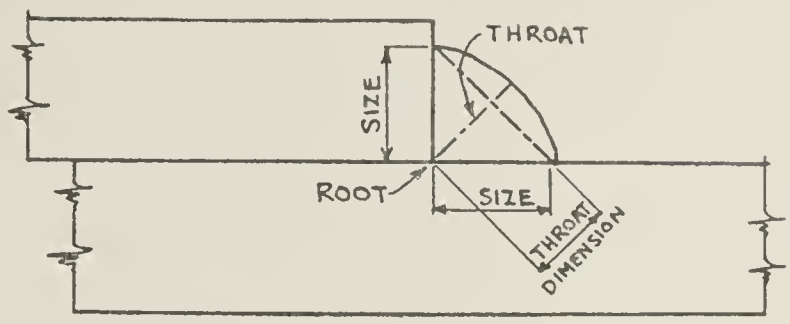
FIG. 18

"Step" Method of Multi-Layer Welding.



Sequence of "Step" Welds Shown by Numbers.

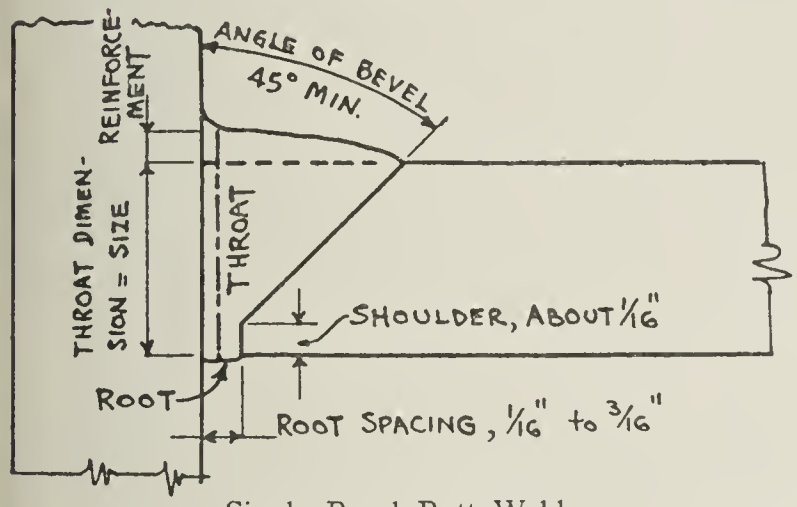
FIG. 21



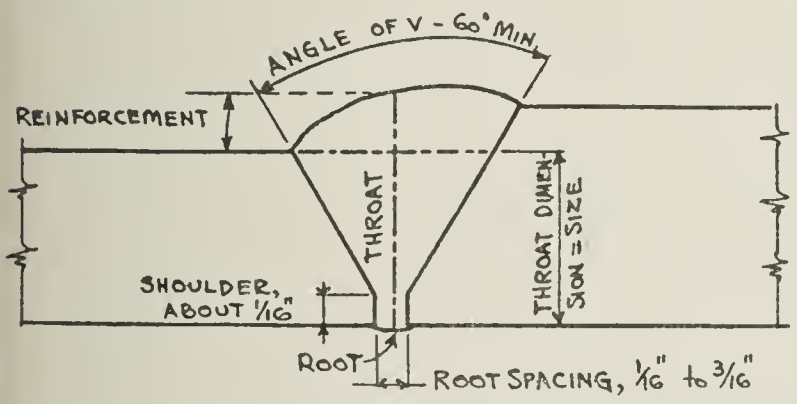
Right Fillet Weld.

VI. Illustrations of Butt and Fillet Welds.

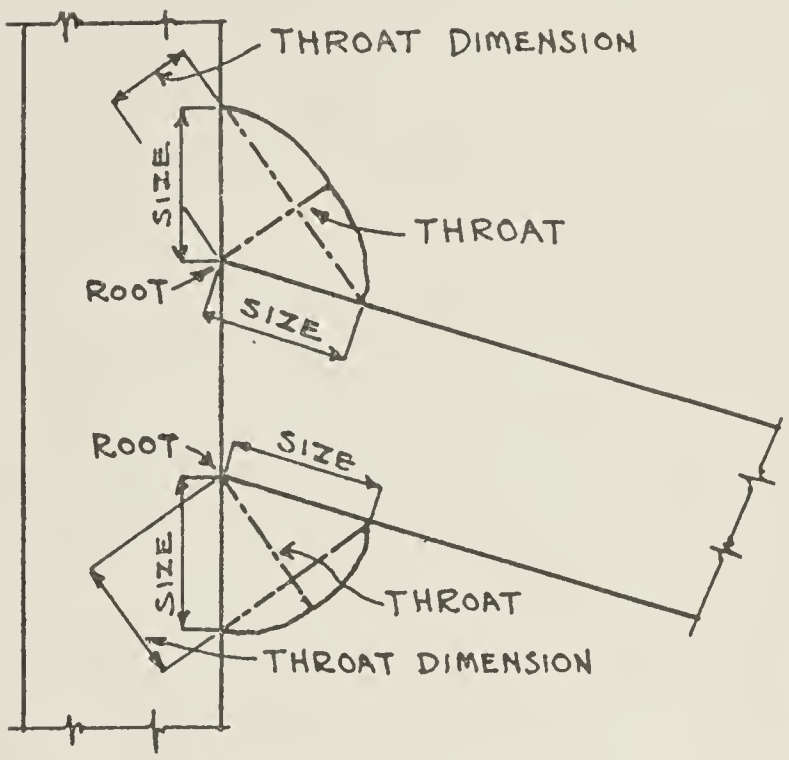
FIG. 20



Single Bevel Butt Weld.



Single-V Butt Weld.



Oblique Fillet Weld.

APPROVED APPLIANCES

APPROVED FIRELINE HOSE VALVES

TYPE A—150 LBS. WATER WORKING PRESSURE

May be installed on all 4-inch and 6-inch systems and on uppermost stories on 8-inch systems

Name	*Calendar No.*
Fairbanks Company	81-20-SA
Walworth Company	899-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Croker National Fire Prev. Eng. Co.	304-28-SA
Jenkins Brothers	779-28-SA
W. D. Allen Mfg. Co.	890-28-SA
John Simmons Co.	209-29-SA
Grinnell	651-30-SA
Elkhart	14-31-SA

TYPE B—250 LBS. WATER WORKING PRESSURE

May be installed on all standpipe systems

Name	*Calendar No.*
New York Brass Foundry Co. (Stillbech)	53-21-SA
Walworth Company	900-27-SA
W. D. Allen Mfg. Company	1151-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Jenkins Brothers	780-28-SA
Croker National Fire Prev. Eng. Co.	970-28-SA
Fairbanks Company	268-29-SA
Pratt & Cady	231-30-SA
Elkhart	15-31-SA

RULES

FACTORY EXIT RULES ADOPTED BY THE BOARD OF STANDARDS AND APPEALS FEBRUARY 23, 1927, AND AMENDED JANUARY 15, 1932.

(64-27-SR)

STANDARD FACTORY EXITS

Section 1—Fire Escapes.

Rule 1. In any building erected prior to October 1, 1913, now occupied or to be occupied as a factory, more than five stories in height and not exceeding nine stories in height, nor in any case more than 90 ft. from curb level to top floor level, one of the required means of exit or escape under Section 271-1 of the Labor Law may consist of an outside fire escape, provided that:

(a) Any such fire escape hereafter erected shall comply with all the provisions of Section 273, labor law, and in addition thereto:

(1) The balconies and stairs shall be protected on the outside by substantial railings to a height of at least 4 ft. 6 in., measured from floor of balcony or center of stair tread, constructed of bars at least one-half (½) inch in diameter, spaced not more than six (6) inches on centers, or of substantial grille work, or of screening not less than No. 10 U. S. gauge wire with not more than one and one-half (1½) inch mesh, all rigidly braced;

(2) When there is safe egress from the roof of the building to any adjoining structure, the fire escape stairway shall continue to the roof, and if there be no safe means of egress, a gooseneck ladder shall be provided from the top story balcony to the roof.

(b) Any such fire escape erected prior to October 1, 1913, shall conform in every respect with the requirements of paragraph (a) of this rule, except that balconies may be not less than 3 feet in width; the connecting stairs not less than 20 inches in width, and placed at an angle not exceeding 60 degrees if the building is not over six stories in height, otherwise at an angle of 45 degrees.

Rule 2. In any building erected prior to October 1, 1913, now occupied or to be occupied as a factory, five stories or less in height, one of the required means of exit under Section 271 of the Labor Law may consist of an outside iron fire escape, provided that:

(a) Any such fire escape hereafter erected shall comply with all the provisions of Section 273, Labor Law.

(b) Existing fire escapes shall comply with all the provisions of Section 274, Labor Law and in addition thereto

(1) The balconies shall be not less than 3 feet in width.

(2) The rails around balconies and well holes and on stairways shall be not less than 3 feet in height.

(3) Passageways on the balconies shall be not less than 14 inches in the clear.

(4) At least one opening to each balcony shall be a single fireproof casement door at least 2 feet wide and at least 6 feet in height, except that where the distance between the sill and lintel will not permit of an opening 6 feet in height, a casement door not less than 4 ft. 6 in. in height will be permitted.

Rule 3. The single fireproof casement doors leading to all fire escape balconies shall open out and shall be self-closing. An easily operated door lock with knobs on both sides of the door shall be provided.

Such fire doors may be at window sill level if fixed iron step at least two feet wide, with risers not exceeding eight (8) inches, and treads not less than eight (8) inches are provided on the inside from floor level to sills properly secured.

Rule 4 (a). Any such fire escape erected subsequent to October 1, 1913, and prior to these rules taking effect, unless previously accepted as one of the required means of exit or escape by the administrative official having jurisdiction, shall conform in every respect to the provisions of these rules.

(b) A fire escape shall not hereafter be accepted as constituting one of the required means of exit or escape under Section 271-1 of the Labor Law, in any building erected prior to October 1, 1913, now occupied or to be occupied as a factory, exceeding nine stories in height, or more than 90 feet from curb level to top floor level.

Rule 5. All fire escapes shall be maintained structurally safe, properly painted, and kept clear of all obstructions.

Section 2—Enclosure of Factory Stairways.

Rule 6. Except as herein provided, in all factory buildings five stories or less in height, erected prior to October 1, 1913, in which there are more than twenty-five persons employed above the second story, all interior stairways, serving as required means of exit, and the landings, platforms and passageways connected therewith, shall be enclosed on all sides by partitions of fire-resisting material extending continuously from the lowest point of the stairway in accordance with the following schedule:

Number of stories	Contents combustible, no sprinkler	Contents non-combustible no sprinkler	Contents combustible, and sprinkler	Contents non-combustible and sprinkler
Three	Stairways Enclosed			
Four	Stairways Enclosed	Stairways Enclosed		
Five	Stairways Enclosed	Stairways Enclosed	Stairways Enclosed	

The term "contents" as used above means articles, goods, wares and merchandise, packed, stored, manufactured or in the process of manufacture.

The term "combustible" as used above means articles, goods, wares or merchandise which will burn or support combustion.

The term "sprinkler" as used above means an adequate automatic sprinkler equipment installed and maintained in good working order on each floor.

The term "story" as used above means that part of a building between any floor and the floor or roof next above;—the first story is that part of a building which is more than 50 per cent above the floor below and the floor next above the curb or average grade level.

Where the stairways extends to the top floor of the building, such partitions shall extend to the under side of the roof boarding. That portion of the under side of the roof beams within the stair enclosure shall be covered with fire-resisting material, except in buildings with roofs of non-combustible material, in which case the partitions may stop at the under side of he roof.

Where the stairway is required to extend to the roof, the enclosure shall be so built as to form a bulkhead. The enclosure shall be ventilated by a skylight in the roof with louvres or ventilators, or exterior windows with ventilating sections at the top floor.

All openings in such partitions shall be provided with approved self-closing fire doors, except where such openings are in the exterior wall of the building.

The bottom of the enclosure shall be of fireproof material at least four inches thick unless the partition extends to the cellar bottom.

A horizontal exit, as defined in section 267 of the Labor Law, will be accepted as a compliance with this rule when both sides of the fire wall or walls are occupied on any factory floor by the same occupant.

Rule 7. Where there are occupancies on any story or part of a story involving the storage or use below the top story of the following materials and exceeding the amount specified, and there are more than 5 persons employed at manufacturing above such occupancy, the interior stairway serving as required means of egress shall be enclosed on that story with fire-resisting material from floor to under side of floor above, including any exposed stair soffits, landings and passageways; openings shall be provided with approved self-closing fire doors.

Nitrocellulose in any shape or form, 10 pounds.
Volatile inflammable oils, 1 gallon.
Volatile inflammable mixtures, 5 gallons.
Combustible mixtures, 10 gallons.
Paints, varnishes and lacquers, 10 gallons.
Upholstering or mattresses, manufacturing or repairing.
Cotton, rag and paper sorting, 1 ton.
Paper box manufacturing.

Restaurants and lunch rooms with cooking (not including tea, coffee or similar beverages).

The Board shall rule upon new occupanies as they arise and pass upon points under dispute.

When more than two stories are to be segregated, as above, the entire stairway shall be enclosed in fire-resisting material where there are more than 5 persons employed at manufacturing above the first story.

Rule 8. Required Exits and Enclosures of Stairways in Two-Story Factory Buildings.

1. Required Exits.—In every two-story factory building erected prior to October 1, 1913, in which more than five persons are employed at manufacturing, there shall be provided from each story at least two means of exit or escape from fire remote from each other, one of which from every floor above or below grade shall lead to or open on an interior stairway which shall be enclosed, as hereinafter provided, or on an exterior enclosed stairway. The other may lead to such a stairway, or to a horizontal or grade exit, or to an exterior screened stairway, or to a fire escape conforming to section 273, Labor Law, or rule 2 of these rules. Except that exit door shall be a fire door, with substantial steps to the sills properly secured when sill is more than 8 inches above the floor level; and where there is no safe egress from the roof, a gooseneck ladder shall be provided from top balcony to the roof, except on the front of buildings.

Unobstructed egress from the foot of the fire escape or exterior screened stairway shall be as required by section 273, Labor Law, or to open adjoining yard with egress to the street. No point on any floor of such building shall be more than one hundred and fifty (150) feet distant from such an exit.

Rule 9. Enclosure of Stairways.—In two-story buildings where there are occupancies on any story or part of a story involving the storage or use below the top story of any of the materials exceeding the amounts specified in Rule 7 and there are more than 5 persons employed at manufacturing above such occupancy, all interior stairways serving as required means of exit shall be enclosed from the lowest point of such stairway to the ceiling of the first floor by partitions of fire-resisting material, unless the building is provided with a wet sprinkler system, in which case such enclosure of stairways shall not be required. Such enclosures shall lead directly to a door opening outwardly to a street or road, or an open area affording unobstructed passage to a street or road. All openings in such enclosure shall be provided with fire doors equipped with self-closing devices.

All reference herein to "Enclosure of Stairways" shall be considered as applying only to required stairways.

Rule 10. Storage of Combustible Material Within Factory Stairway Enclosures.

In all factory buildings no articles or wares of any nature shall be kept or stored inside the limits of any stairway enclosure or unenclosed stairway, or on the landings, platforms or passageways connected therewith.

But this shall not prohibit the erection and maintenance of a stand to be built of incombustible material and wire glass or ¼-inch-thick plate glass for the retail sale of cigars, cigarettes and tobacco and candies in original packages or daily newspapers in the public hall or corridor on the first story of any building provided there is no open flame. All portions of the stand and any portion of any permitted accessory use to same shall be set back at least 18 inches from the outside line of travel of the required legal width of exit. Each such stand shall be provided with at least one approved 2½-gallon chemical fire extinguisher.

Section 3—Safe Egress from Roofs of Factory Buildings.

Rule 11. Interior stairways serving as required means of exit in factory buildings erected after October 1, 1913, and not exceeding five stories in height, and in buildings erected before October 1, 1913, now occupied or to be occupied as a factory, shall not be required to extend to the roof where there is no safe egress from the roof, under Sections 270, 271 and 272, Labor Law.

(a) When the roofs, or the top of the parapet wall of an adjoining building are more than eight feet below or more than five feet above the top of the parapet wall of the building in question, and there is no outside party wall fire escape, party wall exterior screened stairway, party wall balconies or bridges, or where any outside exits do not connect to adjoining buildings at roof level, or where there are no unbarred window openings five feet above the roof or parapet wall of the building in question.

(b) When the roof of the building in question has a pitch exceeding one foot in six feet of horizontal run.

Rule 12 (a). When there is no safe egress from the roof, as above described, there shall be in all cases at least a double-rung ladder at the top of the interior stairway, and within the interior stairway enclosure when stairway is enclosed. Such ladder shall be at least 18 inches in width and shall be properly secured at top and bottom. The ladder shall lead to a scuttle opening not less than 2 feet by 3 feet or be of such additional area as may be required to provide ample head room. The scuttle cover shall be hinged and of light weight construction, or be counter-balanced. An easily operated hook may be provided on scuttle cover.

(b) Where the stair bulkhead door opens within 10 feet from the open edge of the roof, an iron railing properly braced at least 3 feet high and at least 10 feet long shall be provided at the edge of roof.

SUBSTANDARD FACTORY EXITS

Section 4—Fire Escapes.

Rule 13. When in addition to the required exits from any factory or factory building, there exist other means of egress which are not entirely in accordance with the requirements of the Labor Law and the Rules of the Board of Standards and Appeals, such means of egress may be retained under the following conditions:

(a) Fire Escapes.—All substandard fire escapes on factory buildings shall be maintained, structurally safe, properly painted, and with the openings leading thereto, kept in good repair.

In lieu of a counter-balanced stairway, a drop ladder in guides with a back-drop gravity hook may be provided.

The drop ladder shall be of sufficient length to reach from the lowest balcony to the ground or safe landing place, with a passageway opening cut in the balcony rail, which rail shall be properly braced.

When such substandard fire escapes are located in a court, side or rear of a building, proper egress to a point of safety shall be provided, either to open adjoining yards, or the lowest balcony may be connected to an adjoining fire escape, exterior stairway, to the roof of adjoining extensions, or other means of egress satisfactory to the authorities having jurisdiction.

Substandard fire escapes shall be kept clear of all obstructions, shall not be used for fire drills, and shall not be considered as a basis for increase in occupancy.

Section 5—Stairways and Bridges.

Rule 14. Interior Stairways.—All interior stairways not conforming to the requirements of the Labor Law or rules of the Board of Standards and Appeals may be retained, provided that egress to same is maintained unobstructed, halls are properly lighted, and all landings, passageways, etc., are maintained free and unobstructed. An easily operated panic bolt or other similar device may be installed at street exit door.

Rule 15. Exterior Screened Stairways.— Exterior screened stairways not serving as a required means of egress shall be maintained structurally safe and properly pointed, exits thereto and all platforms and passageways thereof shall be maintained unobstructed, and egress from termination shall be provided as required for substandard fire escapes in subdivision a.

Rule 16. Horizontal Bridges.—Horizontal bridges and party wall balconies between buildings shall be maintained structurally safe and properly painted, and access thereto and all passageways thereof shall be maintained unobstructed.

Rule 17. No sign of any character shall be placed at openings leading to these substandard exits.

RULES

SMOKING IN FACTORIES

Adopted by the Board of Standards and Appeals, August 12, 1918.

RULE 1. PERMIT.

(a) **Prohibition.** No person shall smoke, or carry a lighted cigar or cigarette in any factory as defined in Article 1, Section 2, of the State Labor Law, nor in any portion of a factory, within the City of New York, except in such protected portions or special classes of occupancies as are specified in Rule 2 of these rules, and then only after the issuance of a permit by the administrative official.

It shall be the joint and several duty of the owner and of the lessee or lessees of the building containing such factory or factories to cause to be posted in each and every entrance hall, stair hall or room throughout the building, as well as in every elevator-car, in English, and also in such other language or languages as the administrative official shall direct, a notice of such prohibition, and the penalty for its violation.

(b) **Application.** Application for such permit shall be made only by the owner of the building on suitable blank forms to be furnished by the administrative official.

(c) **Time Limit.** Such permit shall be for a definite period, not exceeding one year, and shall not be renewed upon expiration until a reinspection of the premises for which it is issued has been made for the purpose of determining whether existing conditions warrant a renewal.

(d) **Conditions.** The permit shall state the conditions under which, the hours between which, and the place or places in such factory where smoking may be permitted, and this permit shall be framed and kept posted in a conspicuous place in the factory.

(e) **Revocation.** Violation of any of the conditions specified in the permit, in addition to incurring such penalties as are prescribed by law, shall be full and sufficient cause for the revocation of such permit by the administrative official, and he shall not again issue a permit for the same premises until at least one year has elapsed.

RULE 2. PERMISSIBLE CASES.

Smoking may be permitted in:—

(a) Factories engaged in the manufacture of cigars, cigarettes, or smoking tobacco, when necessary for the efficient conduct of the business, provided that:

(1) No smoking other than that for sampling, testing and experimental purposes is carried on.

(2) Such smoking is conducted in a room provided especially for that purpose, separated from the rest of the building by fireproof or fire-resisting partitions, with all openings therein protected by self-closing fire doors, and, further, unless the building is of fireproof construction or equipped with an approved automatic sprinkler system, the floor and ceiling of such room shall be covered with fire-retarding material.

(3) Such chemical fire extinguishers as the administrative official may direct are installed.

(4) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

(b) Factories devoted entirely to one of the following occupancies:

Blacksmithing or horseshoeing;
Boiler making;
Brick, terra cotta or artificial stone works;
Forge shops;
Foundries;
Iron, steel, brass or copper works;
Machine shops;
Smelting;
Stone or monumental works;

provided that in any case:

(1) The building is not of wooden construction;

(2) Such chemical fire extinguishers as the administrative official may direct are installed;

(3) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

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BULLETIN
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CITY OF NEW YORK

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DIRECTORY

BOARD OF STANDARDS AND APPEALS
HARRIS H. MURDOCK, Chairman

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CHARLES M. BLUM
CHIEF JOHN J. MCELLIGOTT
EDWARD V. BARTON, *Chief Clerk*

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OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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Minutes of Regular Meeting, February 23, 1938 at 2 P. M., Affecting Calendar Numbers 345-32-BZ, 370-30-BZ, 499-31-BZ, 318-30-BZ, 404-31-BZ, 377-31-BZ, 88-36-BZ, 76-38-A-WF, 77-38-A, 80-38-A, 92-38-A, 97-38-A, 102-38-A, 75-38-A-WF, 70-38-A, 83-38-A, 82-38-A, 90-38-A, 465-37-A, 85-37-A, 30-38-S, 310-37-S, 477-37-SA and 478-37-SA.

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All hearings are held in Room 1013, Municipal Building Borough of Manhattan.

HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

DOCKET

New cases filed up to February 22, 1938

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92-38-A.....H.B.M.....308 West 34th street, south side, 157 ft. west of Eighth avenue (Block 757, Lot 43), Borough of Manhattan, Alt. 243-38.

93-38-BZ.....H.B.Q.....27-11 30th (Grand) avenue, northwest corner of 29th street (Block 575, Lots 21 and 22), Long Island City, Borough of Queens, Decision.

94-38-BZ.....H.B.Q.....89-02 to 89-12 166th street, southwest corner of 89th avenue (Block 866, Lot 72), Jamaica, Borough of Queens, Decision.

95-38-BZ.....H.B.Q.....136-28 to 136-38 39th avenue, south side, 262.60 ft. east of Main street (Block 4980, Lot 14), Flushing, Borough of Queens, Decision.

96-38-SM.....H.B.....Johns - Manville Corrugated Transite, Material.

97-38-A.....H.B.Bx.....679 East 235th street, north side, 180 ft. west of White Plains road (Block 4996, Lot 11), Borough of The Bronx, Alt. 771-37.

98-38-A.....H.B.....Interpretation of Sec. 4, paragraph 15, M.D. Law, General Resolution.

98-38-SA.....H.B.....Conran System of Mono Rail Nozzles, Appliance.

100-38-BZ.....H.B.M.....11-17 West 35th street, north side, 200 ft. west of Fifth avenue and 12-14 West 36th street, south side, 219 ft. west of Fifth avenue (Block 837, Lots 31, 32, 33, 34, 54 and 55), Borough of Manhattan, Drop Curb Applic. 15-38.

101-38-S.....D.B.B. & H.B.B.....375-387 Kent avenue and 24-36 South Sixth street, southeast corner (Block 2468, Lots 6 and 9), Borough of Brooklyn, 18281-L.D., 18282-L.D., 18283-L.D. and decision.

102-38-A.....H.B.Bx.....2165 Ryer avenue and 231-239 East 181st street, northwest corner (Block 3157, Lot 59), Borough of The Bronx, N.B. 670-37.

103-38-BZ.....H.B.M.....42-56 Sutton place south, from East 54th street to East 55th street, 425-457 East 54th street and 418-432 East 55th street (Block 1366, Lots 16, 19 and 33), Borough of Manhattan, Decision.

104-38-A.....F.D.....28-46 Roebling street, northwest corner of North Ninth street (Block 2306, Lot 18), Borough of Brooklyn, 74095-L.C.

105-38-A.....H.B.B.....1088-1092 Hancock street, south side, 40 ft. west of Evergreen avenue (Block 3395, Lot 31), Borough of Brooklyn, Applic. 20832-37.

106-38-A.....H.B.Bx.....1001 Jerome avenue, west side, 381 ft. 11¼ in. north of Anderson avenue (Block 2504, Lot 141), Borough of The Bronx, F.P. Slip Applic. 296-37.

107-38-A.....F.D.....2100-2110 Bronx Park East, east side from Maran place to Lydig avenue (Block 4286, Lot 22), Borough of The Bronx, 10722-L.C.

108-38-A.....H.B.B.....8801-8901 Shore road, east side from 88th street to 89th street (Block 6058, Lot 1), Borough of Brooklyn, Applic. 20833-37.

109-38-A.....F.D.....264-268 West 40th street, south side, 75 ft. east of Eighth avenue (Block 789, Lot 75), Borough of Manhattan, 11059-L.C.

110-38-BZ.....H.B.Bx.....East side of Jerome avenue, 232.36 ft. south of East Tremont avenue (Block 2853, Lot 15), Borough of The Bronx, N.B. 501-16.

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345-32-BZ.....D.B.Q.....North side of 47th avenue, 91 ft. east of Cross Island boulevard (Block 1299, part of Lot 105), Bayside, Borough of Queens, N.B. 1276-32.

370-30-BZ.....H.B.Q.....173-02 to 173-04 Horace Harding boulevard, 61-02 to 61-06 Fresh Meadow road, southwest corner and 61-01 to 61-05 173rd street (Block 6901, Lot 37), Flushing, Borough of Queens, Applic. 5433-37.

DESIGNATIONS: **H.B.**—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

CALENDAR

COURT DECISIONS

Matter of Aaron Bring Chevrolet Co., Inc., v. Murdock et al.—April 28, 1936, board upheld decision of commissioner of buildings that selling cars on an open lot was contrary to the zoning resolution prohibition against storage of more than 5 cars and contrary to the exception which permits "a salesroom." Cal. No. 63-36-A, premises 2018-32 Stillwell avenue and 2559-2563 86th street, N. W. corner, Borough of Brooklyn. Justice Conway reversed board (N.Y.L.J., July 8, 1937) holding: "The word 'room' cannot be confined to a space in a building. It includes an open lot used for the sale of automobiles. Moreover, in the provision of the zoning resolution the word 'salesroom' seems to imply a meaning other than the ordinary one of a room in a building. It occurs there as an express exception to the affirmative prohibitory provisions restricting the use of private property and the same general principle which requires a strict construction of the prohibition requires a broad construction of the exception to the prohibition. It is not for the courts but for the legislative authorities to limit and narrow the meaning."

Appellate Division, First Department, affirmed order of Special Term (N.Y.L.J., February 14, 1938).

* * *

Arverne Bay Construction Co. v. Thatcher, supt. &c.—Motion for summary judgment dismissing the complaint is denied. The plaintiff is not precluded by the determination in the certiorari proceeding which was instituted to review the ruling of the Board of Standards and Appeals denying a variance under section 21 of the Building Zone Resolution. In the present action the plaintiff does not seek a variance but rather a declaration that the Building Zone Resolution, in so far as it affects the plaintiff's property, is unreasonable, discriminatory or confiscatory and therefore without constitutional sanction. Since this constitutional question could not have been raised in the certiorari proceeding (Matter of Levy v. Board of Standards and Appeals, *267* N.Y. 347; Matter of Dillon v. O'Shaughnessy, Pres. &c., *222* App. Div., *772*), the defense of *res adjudicata* is unavailable to the defendant. (Justice Steinbrink, N.Y.L.J., December 21, 1936).

Mr. Justice Dodd upheld plaintiff's contention, stating in part: "* * * because of the offensive conditions to which I have alluded, in my opinion, the property will not be properly or profitably suitable for residential purposes for many years to come. My conclusion upon the above facts as found, is that the constitutional rights of the plaintiff have been invaded in that the zoning ordinance is confiscatory, arbitrary and unreasonable when enforced in reference to plaintiff's property." (N.Y.L.J., May 29, 1937).

The Appellate Division reversed the judgment of Special Term on the law (N.Y.L.J., February 14, 1938). The opinion stated in part:

"It must be conceded, upon the undisputed facts in this case, that this property cannot, presently or in the immediate future, be profitably used for residential purposes. But the court cannot for that reason substitute its judgment for the judgment of the zoning authority and set the ordinance aside as beyond the police power of the city legislature. * * * The question of what is beneficial to the public welfare is a legislative question (Matter of Wulfsohn v. Burden, 241 N.Y. 288) and cannot be interfered with by the courts unless the discretion exercised 'has no foundation in reason and is a mere arbitrary or irrational exercise of power having no substantial relation to public health, the public morals, the public safety or the public welfare in its proper sense.' (Euclid v. Ambler Co., *272* U.S. 365, cited in Nectow v. Cambridge, *277* U.S. 183.) Looking at this property from the point of view of the immediate future, we might say that the regulation has no relation to public welfare, health, safety or morals. But such a view would be narrow and provincial. If zoning boards were to take such a view, all regulations would, of necessity, be haphazard and temporary. The position of this respondent if no better nor worse than owners of property on either side of these premises for several city blocks. * * * The respondent urges that its property is worthless as restricted. It is assessed at a substantial sum and the fact that its value would be increased by removing the restriction is not controlling. * * * This property has remained undeveloped since it ceased to be used as farm land. In my opinion the regulation will ultimately create a desirable residential community. The action of the regulating authority indicates that it has taken a long-term view of the situation. * * * In my opinion this regulation is designed to promote the health, welfare, safety, and morals of the entire community. Consequently, the incidental present hardship must be borne by the respondent together with other owners similarly situated. The plaintiff's pleadings and proof do not show that he has a remediable grievance. (People ex rel. Arverne Bay Construction Co. supra.)"

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MARCH 1, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, March* 1, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 339-37-BZ—Application, July 1, 1937, under section 21 of the building zone resolution, of Lawrence M. Rothman, applicant, on behalf of Patsy Perro, owner, to permit in a business use district the conversion of occupancy of a building occupied as garage for five (5) motor vehicles, stores, club rooms and offices so as to use the garage portion as a garage for more than five (5) motor vehicles and motor vehicle repair shop; premises 635-637 Morris Park avenue, west side, 35.9 ft. south of Unionport road (Block No. 4011, Lot No. 23), Borough of The Bronx.

CAL. NO. 200-37-BZ—Application, May 3, 1937, under section 21 of the building zone resolution, of Otto J. Sambach, applicant, on behalf of Howdah Securities Corporation, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 103-39 Springfield boulevard, northeast corner of 104th avenue (Block No. 2046, Lot No. 7), Queens Village, Borough of Queens.

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CAL. NO. 336-37-BZ—Application, July 1, 1937, under section 7h of the building zone resolution, of Francis L. Shea, applicant, on behalf of American Newspapers, Inc., owner, to permit in a retail use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 322-328 West 57th street, south side, 275 ft. west of Eighth avenue (Block No. 1047, Lot Nos. 44 and 46), Borough of Manhattan.

CAL. NO. 472-37-BZ—Application, September 30, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of John Castagna and Salvatore Castagna, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 2761-2773 Cropsey avenue, north side, 6 ft. 9⅞ in. west of 28th avenue and 196 28th avenue (Block No. 6915, Lot No. 51), Borough of Brooklyn.

CAL. NO. 507-37-BZ—Application, October 26, 1937, under section 7h of the building zone resolution, of John J. Beatty, applicant, on behalf of Tilyou Realty Company, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 1621-1627 Surf avenue and 2927-2947 West 17th street, northeast corner (Block No. 7062, Lot No. 34 and part of Lot No. 38), Borough of Brooklyn.

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MARCH 1, 1938, 2 P. M.

Appeals from Administrative Orders.

88-38-A—750-760 St. Anns avenue, east side, 71 ft. north of East 156th street (Block No. 2618, Lot No. 1), Borough of The Bronx.

104-38-A—28-46 Roebling street, northwest corner of North 9th street (part of 2nd floor); (Block No. 2306, Lot No. 18), Borough of Brooklyn.

105-38-A—1088-1092 Hancock street, south side, 40 ft. west of Evergreen avenue (Block No. 3395, Lot No. 31), Borough of Brooklyn.

106-38-A—1001 Jerome avenue, west side, 381 ft. 11¼ in. north of Anderson avenue (Block No. 2504, Lot No. 141), Borough of The Bronx.

108-38-A—8801-8901 Shore road, east side, from 88th street to 89th street (Block No. 6058, Lot No. 1), Borough of Brooklyn.

109-38-A—264-268 West 40th street, south side, 75 ft. east of 8th avenue (Block No. 789, Lot No. 75), Borough of Manhattan.

115-38-A—133-143 East 16th street, north side, 183 ft. 4 in. east of Irving place (Block No. 872, Lot Nos. 27, 30, 31, 32 and 57), Borough of Manhattan.

91-38-A—202-208 11th avenue and 545-547 West 24th street, northeast corner (Block No. 696, Lot Nos. 2-8), Borough of Manhattan.

111-38-A—2109 Virgil place, north side, 100 ft. east of Olmstead avenue (Block No. 3612, Lot No. 26), Borough of The Bronx.

114-38-A—390-396 East 153rd street, south side, 25 ft. west of Melrose avenue (Block No. 2399, Lot Nos. 20, 21, 22 and 23), Borough of The Bronx.

107-38-A—2100-2110 Bronx Park East, east side, from Maran place to Lydig avenue (Block No. 4286, Lot No. 22), Borough of The Bronx.

117-38-A—2780 Jerome avenue, east side, 200 ft. north of East 196th street (Block No. 3318, Lot Nos. 16 to 19 inclusive), Borough of The Bronx.

Appliance Submitted for Approval.

78-38-SA—Weco Flush Fill Pipe Terminal for Fuel Oil.

Material Submitted for Approval.

96-38-SM—Johns-Manville Corrugated Transite.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, March 1, 1938*, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 120-33-BZ—Application of Eadie, Nunley and Eadie, applicants, on behalf of Harry Hugger, owner, reopened and restored to the calendar May 4, 1937, under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a motor vehicle repair shop, and, also, a gasoline service station (previously dismissed for lack of prosecution); premises 2030 Hylan boulevard, southwest corner of Hamden avenue (Block No. 3688, Lot No. 9), Grant City, Borough of Richmond.

CAL. NO. 166-37-BZ—Application, April 13, 1937, under section 7h of the building zone resolution, of Mary B. Roberts, applicant and lessee, on behalf of Lawida Corporation, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the use

of a plot of ground for the parking and storage of more than five (5) motor vehicles and, also, for used car sales; premises 4485-4519 Broadway, northwest corner of West 192nd street (Block No. 2180, Lot Nos. 633, 635 and part of Lot No. 646), Borough of Manhattan.

CAL. NO. 429-37-BZ—Application, September 2, 1937, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Morris Roth, owner, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station; premises 47-11 108th street and 108-09 48th avenue, northeast corner (Block No. 2003, Lot No. 84), Corona, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MARCH 4, 1938, 10 A. M.

SPECIAL MEETING.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Friday morning, March* 4, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 1-37-BZ—Application, January 4, 1937, under section 7h of the building zone resolution, of Oscar Goldschlag, applicant, on behalf of Pondrand Amusement Co., Inc., owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution; reopened and restored to calendar January 11, 1938); premises 67-02 62nd street, west side, 125.11 ft. north of 68th avenue (Block No. 3620, Lot No. 7), Ridgewood, Borough of Queens.

CAL. NO. 404-37-BZ—Application, August 12, 1937, under section 21 of the building zone resolution, of Harold Borgwald, applicant, on behalf of Marie Catherine Russell, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4825 White Plains road, southwest corner of East 243rd street (Block No. 5109, Lot Nos. 1 and 3), Borough of The Bronx.

CAL. NO. 536-37-BZ—Application, November 12, 1937, under sections 7e and 21 of the building zone resolution, of Wortmann and Iser, applicants, on behalf of Station W Postal Bldg. Corporation, owner, to permit partly in a business use district and partly in a residence use district the conversion of occupancy of an existing building to a storage garage for more than five (5) motor vehicles and, also, the omission of the required rear yard; premises 158-162 West 83rd street, south side, 150 ft. east of Amsterdam avenue (Block No. 1213, Lot No. 58), Borough of Manhattan.

CAL. NO. 545-37-BZ—Application, November 16, 1937, under section 21 of the building zone resolution, of Boris W. Dorfman, applicant, on behalf of Wayington Corporation, owner, to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use (stores); premises 862-874 Washington avenue and 175-185 Eastern parkway, northwest corner (Block No. 1179, Lot No. 108), Borough of Brooklyn.

CAL. NO. 535-37-BZ—Application, November 10, 1937, under section 21 of the building zone resolution, of Sidney H. Kitzler, applicant, on behalf of Nostmont Garage, Inc., owner, to permit partly in a business use district and partly in a residence use district the extension (a proposed basement story) of a garage for more than five (5) motor vehicles (previously granted by the board but not erected); the inclusion of stores in a garage for more than five (5) motor vehicles (previously granted by the board) and, also, the omission of the division wall between these two (2) garages for more than five (5) motor vehicles so as to create one (1) unit garage; premises 956-978 Nostrand avenue, west side, from Sullivan place to Montgomery street, 291-301 Sullivan place and 412-416 Montgomery street (Block No. 1305, Lot Nos. 40, 46, 47, 48, 50 and 52), Borough of Brooklyn.

CAL. NO. 539-37-BZ—Application, November 16, 1937, under section 21 of the building zone resolution, of Samuel A. Rosenberg, applicant, on behalf of Vito Cirillo, owner, to permit in a business use district the extension and, also, the conversion of occupancy of an existing building to a refrigeration plant; premises 1237-1243 McDonald avenue, east side, 180 ft. south of Avenue J (Block No. 6524, Lot No. 71), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MARCH 4, 1938, 2 P. M.

SPECIAL MEETING.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Friday afternoon, March* 4, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 170-37-BZ—Application, April 14, 1937, under section 21 of the building zone resolution, of William R. McVay, applicant, on behalf of Hermine Corlis, owner, to permit in a business use district the erection and maintenance of a gasoline

service station; premises 79-05 Little Neck road, southeast corner of Union turnpike (Block No. 12, Lot Nos. 4, 5 and 6), Floral Park, Borough of Queens.

CAL. NO. 334-37-BZ—Application, June 30, 1937, under sections 7h and 21 of the building zone resolution, of L. C. James, applicant, on behalf of The New York Central Railroad Company, owner, to permit in a business use district the parking and storage of more than five (5) motor vehicles; premises 412-414 Lexington avenue, west side, opposite East 43rd street (Block No. 1280, Lot No. 54), Borough of Manhattan.

CAL. NO. 496-37-BZ—Application, October 20, 1937, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Mary E. Dimmerling, Frederick C. Berger and Elsie M. Boesch, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 59-17 to 59-25 108th street and 60-01 to 60-03 Penrod street, northeast corner (Block No. 1965, Lot Nos. 54 to 62 inclusive), Corona, Borough of Queens.

CAL. NO. 528-37-BZ—Application, November 5, 1937, under sections 7c and 21 of the building zone resolution, of Jacob Morgenthaler, applicant, on behalf of Jacob Morgenthaler's Sons, owner, to permit in a business use district the alteration of a garage for more than five (5) motor vehicles (granted by the board) by the removal of a portion thereof and the extension over the plot of an existing gasoline service station with the conversion of a portion of the premises to a brake testing station; premises 164-176 Fourth avenue and 334-344 Douglass street, southwest corner (Block No. 420, Lot No. 34 and part of Lot No. 37), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MARCH 8, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, March* 8, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 491-37-BZ—Application, October 13, 1937, under section 21 of the building zone resolution, of Sidney H. Kitzler, applicant, on behalf of Asness Bros., owners, to permit in a business use district the extension of an existing gasoline service station and, also, the inclusion of a brake testing station; premises 429-439 Crescent street and 1044-1048 Liberty avenue, southeast corner (Block No. 4198, Lot No. 7), Borough of Brooklyn.

CAL. NO. 581-37-BZ—Application, December 8, 1937, under section 7b of the building zone resolution, of Joseph Schafran, applicant, on behalf of Anna Endler and Max Endler, owners, to permit partly in a business use district and partly in a residence use district the alteration and conversion of occupancy of an existing dwelling to an undertaking establishment and funeral parlor; premises 356 East 200th street (Bedford Park boulevard), south side, 93.80 ft. east of Marion avenue (Block No. 3284, Lot No. 62), Borough of The Bronx.

CAL. NO. 599-37-BZ—Application, December 17, 1937, under sections 7h and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of DeWitt Holding Corporation, owner, to permit for a temporary period of not more than two (2) years partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises 1663-1681 St. Nicholas avenue, west side, 14 ft. 5 in. north of Fairview avenue and 59-61 Hillside avenue (Block No. 2170, Lot No. 129), Borough of Manhattan.

CAL. NO. 601-37-BZ—Application, December 20, 1937, under section 21 of the building zone resolution, of Van Wart and Ackerman, applicants, on behalf of Fred F. French Investing Company, Inc., owner, to permit in a residence use district the alteration and conversion of occupancy of an existing residence building to business use (executive management office); premises 332-334 East 42nd street, south side, 341 ft. 8 in. east of Second avenue (Block No. 1334, Lot Nos. 38 and 38½), Borough of Manhattan.

CAL. NO. 184-29-BZ—Application of Murray Klein, applicant, on behalf of Low Housing Corp., lessee, for Maccalso, Inc., owner, reopened under new proposal January 25, 1938, under sections 7h and 21 of the building zone resolution, to permit for a temporary period of not more than two (2) years in a business use district the storage and parking of more than five (5) motor vehicles and accessory gasoline tanks and pumps for sale of gasoline (previously granted by the board for a garage for more than five (5) motor vehicles—garage not built); premises 42-46 West 66th street, south side, 375 ft. west of Central Park West (Block No. 1118, Lot Nos. 48, 49 and 50), Borough of Manhattan.

CAL. NO. 528-25-BZ—Application of Joseph M. Lonergan, applicant, on behalf of Estate of Morris Erde, owner, reopened November 3, 1937 for consideration re extension of permit, under section 7f of the building zone resolution, to permit for a temporary period of not more than two (2) years the maintenance

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of a poultry slaughter house in a residence use district; premises 227 Bay 37th street, east side, 285 ft. north of Cropsey avenue (Block No. 6892, part of Lot No. 16), Borough of Brooklyn.

CAL. NO. 598-37-BZ—Application, December 16, 1937, under sections 7d and 21 of the building zone resolution, of Patrick Quilty, Acting Chief Engineer, for Department of Water Supply, Gas and Electricity, City of New York, owner, to permit in a residence use district the erection and maintenance of a laboratory building; premises 349-367 Park place, northeast corner of Underhill avenue (Block No. 1160, part of Lot No. 1), Borough of Brooklyn.

CAL. NO. 430-37-BZ—Application, September 2, 1937, under sections 7b, 7c and 21 of the building zone resolution, of Goelet Realty Company, applicant and lessee, on behalf of Robert Walton Goelet, owner, to permit partly in a retail use district and partly in a restricted retail use district the erection and maintenance of a motion picture theatre; premises 384-390 Park avenue and 51-67 East 53rd street, northwest corner (Block No. 1289, Lot No. 36), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

MARCH 8, 1938, 2 P. M.

Appeals from Administrative Orders.

72-38-A—73-79 Henry street and 75-85 East Broadway, northwest corner (Block No. 282, part of Lot No. 3), Borough of Manhattan.

77-38-A—2091 Broadway, west side, 106.10 ft. north of West 72nd street (Block No. 1164, Lot No. 34), Borough of Manhattan.

Variation of Labor Law.

30-38-S—235 Grand street, north side, 149 ft. 2 in. east of Driggs avenue (Block No. 2382, Lot No. 30), Borough of Brooklyn.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, March* 8, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 366-37-BZ—Application, July 15, 1937, under sections 7h and 21 of the building zone resolution, of F. Oscar Larsen, applicant and lessee, on behalf of Queens boro Investing Company and Jackson Avenue Corporation, owners, to permit partly in a business use district and partly in a residence use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 37-05 75th street, 37-04 76th street and 75-10 37th avenue, south side, between 75th street and 76th street (Block No. 465, Lot Nos. 30, 31, 35, 38, 40 and 42), Jackson Heights, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MARCH 11, 1938, 10 A. M.

SPECIAL MEETING.

Appeal from Administrative Order.

76-38-A-WF—126-02 Northern boulevard, northeast corner of 126th street (Block No. 1820, Lot No. 1), Corona, Borough of Queens.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Friday morning, March* 11, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 626-37-BZ—Application, December 30, 1937, under section 21 of the building zone resolution, of John M. Baker, applicant, on behalf of New York Dugan Bros., Inc., owner, to permit in a residence use district the conversion of occupancy of an existing dwelling to the storage of bakery products and, also, the parking of more than five (5) motor vehicles; premises 222-02 to 222-18 99th avenue and 99-01 222nd street, southeast corner (Block No. 1737, Lot Nos. 1, 6 and 9), Queens Village, Borough of Queens.

CAL. NO. 519-37-BZ—Application, November 4, 1937, under sections 7c and 21 of the building zone resolution, of William C. Summerfeld, applicant, on behalf of Kathleen M. McCormick, owner, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a gasoline service station; premises 751-753 East 149th street, northeast corner of Concord avenue (Block No. 2641, Lot No. 42), Borough of The Bronx.

CAL. NO. 557-37-BZ—Application, November 26, 1937, under section 21 of the building zone resolution, of David Feifer, applicant, on behalf of Silbo Realty Corporation, owner, to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling from residence to business use; premises 723 West 177th street, northeast corner of Fort Washington avenue (Block No. 2176, Lot No. 1), Borough of Manhattan.

CAL. NO. 151-37-BZ—Application, April 3, 1937, under sections 7h and 21 of the building zone resolution, of Walter D. Wilkes, applicant and lessee, on behalf of South Brooklyn Railway Company, owner, to permit for a temporary period of not more than two (2) years partly in a residence use district and partly in a business use district the parking and

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storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution; reopened and restored to calendar February 15, 1938); premises 365-373 Ralph avenue, northeast corner of Pacific street (Block No. 1431, Lot No. 1), Borough of Brooklyn.

CAL. NO. 408-37-BZ—Application, August 19, 1937, under section 21 of the building zone resolution, of Alfred H. Eccles, applicant, on behalf of Jackson Avenue Corporation, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 75-13 to 75-21 Roosevelt avenue, 37-64 to 37-70 76th street, northwest corner and 75-12 to 75-20 37th road (Block No. 1286, Lot No. 66), Jackson Heights, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MARCH 11, 1938, 2 P. M.

SPECIAL MEETING.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Friday afternoon, March* 11, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 348-37-BZ—Application, July 6, 1937, under section 7h of the building zone resolution, of Adam Schliessman, applicant and lessee, on behalf of Irving Wilson Voorhees, owner, to permit for a temporary period of not more than two (2) years in a business use district the parking and storage of more than five (5) motor vehicles; premises 77-03 to 77-09 Roosevelt avenue, north side, 100 ft. west of 78th street (Block No. 1288, Lot No. 39A), Jackson Heights, Borough of Queens.

CAL. NO. 228-37-BZ—Application, May 19, 1937, under section 21 of the building zone resolution, of Jack Z. Cohen, applicant, on behalf of Abraham Rudder, owner, to permit in a business use district the establishment of a saw or planing mill; premises 1389-1393 Rockaway parkway, east side, 280 ft. 4 in. south of Farragut road (Block No. 8166, Lot No. 14), Borough of Brooklyn.

CAL. NO. 396-37-BZ—Application, August 6, 1937, under sections 7c and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Mabel C. McCurrach, owner, to permit partly in a business use district and partly in a residence use district the maintenance of an extension (erected without Building Department permit) to an existing factory building; premises 1873-1885 Eastern parkway, west side, 57 ft. north of Atlantic avenue and 19 Olive place (Block No. 1570, Lot Nos. 7, 8, 9 and 31), Borough of Brooklyn.

CAL. NO. 620-37-BZ—Application, December 27, 1937, under section 21 of the building zone resolution, of Otto J. Sambach, applicant, on behalf of Standard Milling Company, owner, to permit in a residence use district the conversion of occupancy of an existing warehouse building to a factory building; premises 40 Corlears street and 730-738 Water street, northeast corner (Block No. 264, Lot No. 70), Borough of Manhattan.

CAL. NO. 413-37-BZ—Application, August 23, 1937, under section 7h of the building zone resolution, of Jacob Berger, applicant and lessee, on behalf of Estate of Samuel A. Potter, owner, to permit in a business use district for a temporary period of not more than two (2) years the parking and storage of more than five (5) motor vehicles; premises 50-10 Roosevelt avenue, 50-07 Queens boulevard, 44-20 51st street and 44-05 50th street (Block No. 505, Lot Nos. 6, 12 and part of Lot No. 21), Sunnyside, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MARCH 15, 1938, 10 A. M.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, March* 15, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 431-37-BZ—Application, September 2, 1937, under section 21 of the building zone resolution, of James J. Millman, applicant, on behalf of T. H. Fraser Mortgage Co., owner, to permit in a business use district the conversion of occupancy of an existing wet wash laundry to a garage for more than five (5) motor vehicles and gasoline service station; premises 5813-5823 20th avenue and 2001-2011 59th street, northeast corner (Block No. 5507, Lot No. 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MARCH 15, 1938, 2 P. M.

Appeal from Administration Order

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, March* 15, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

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CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent, applicants, on behalf of Maude B. Mowry, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MARCH 22, 1938, 2 P. M.

Appeal from Administrative Order.

80-38-A—147-08 46th avenue and 46-05 Parsons boulevard, southeast corner (Block No. 5452, Lot No. 3), Flushing, Borough of Queens.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, March 22*, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 345-32-BZ—Application of Alphonsus Casey, applicant, on behalf of Patrick J. Reilly, owner, reopened February 23, 1938, for consideration as to extension of permit —re Application, previously granted on condition, under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station for a temporary period; premises north side of 47th avenue, 91 ft. east of Cross Island boulevard (Block No. 1299, part of Lot No. 105), Bayside, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MAY 3, 1938, 10 A. M.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May 3*, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 324-37-BZ—Application, June 29, 1937, under section 21 of the building zone resolution, of Joseph M. Lonergan, applicant, on behalf of Mathilda Litchman and Bruno Bernabo, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4727-4729 Third avenue, west side and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

WEDNESDAY MORNING, FEBRUARY 23, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

430-37-BZ.

APPLICANT—Goelet Realty Company (lessee), for Robert Walton Goelet, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7b, 7c and 21 of the building zone resolution, to permit partly in a retail use district and partly in a restricted retail use distrrict the erection and maintenance of a motion picture theatre.

PREMISES AFFECTED—384-390 Park avenue and 51-67 East 53rd street, northwest corner (Block No. 1289, Lot No. 36), Borough of Manhattan.

APPEARANCES—

For Applicant: John Regan.

For Opposition: Wm. K. Dick, and T. P. Dailey.

ACTION OF BOARD—Laid over to March 8, 1938 at 10 A. M. upon request of applicant's representative.

493-37-BZ.

APPLICANT—Messrs. Nugent and Nugent, for Maude B. Mowry, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—71-20 to 71-32 Roosevelt avenue and 40-02 to 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

APPEARANCES—

For Applicant: Daniel F. Nugent and Maude B. Mowry.

For Opposition: Michael Meyerowitz, Henry Waas, Joseph Smid, Joseph Knazik and others.

ACTION OF BOARD—Laid over to March 15, 1938 at 2 P.M. for report of committee. No further argument.

314-36-BZ.

APPLICANT—Margaret Farrell (lessee), for Estate of Margaret Rowan, owner

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7h and 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—619-623 East 163rd street, north side, 60 ft. west of Cauldwell avenue and 606-608 Teasdale place (Block No. 2621, Lot Nos. 29, 30, 31, 18 and 20), Borough of The Bronx.

APPEARANCES—
For Applicant: Edmond B. Butler, Mr. Farrell and Paul T. O'Keefe.
For Opposition: Earl J. Gallant and Jack Kaminoff.
For Administration: Charles Tilgner, Board of Education and M. Michaelowitz, Department of Parks.
ACTION OF BOARD—Application granted on condition.
THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—
(314-36-BZ)

WHEREAS, Margaret Farrell, for Estate of Margaret Rowan, owner, filed October 23, 1936, an application under the building zone resolution to permit partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises: 619-623 East 163rd street, north side, 60 ft. west of Cauldwell avenue and 606-608 Teasdale place (Block No. 2621, Lot Nos. 29, 30, 31, 18 and 20), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 23, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that East 163rd street is in a business use district; Teasdale place is in a residence and business use district; Cauldwell avenue is in a residence and business use district and 3rd avenue is in a business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered September 24, 1936, re Zone Viol. No. 123-35, reads:

"In answer to your letter of September 23, would say that the zone inspector reports that as the above location is partly in a busines district and partly in a residence district the parking or storage of one hundred (100) motor vehicles would be prohibited and zone violation No. 123 of 1935 is pending therefor."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 75 ft. on East 163rd street, 67.5 ft. on Teasdale place and a depth of 150 ft. The north part of the plot extends into the residence use district for a distance of 50 ft.; the remainder of the plot is in a business use district. It is proposed to use the plot for parking and storage of more than five (5) motor vehicles; and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board, in order to be informed prior to the hearing; and

WHEREAS, the board deemed that applicant had substantiated his basis of appeal under section 21 of the building zone resolution and was, therefore, entitled to relief.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under sections 7h and 21, for a temporary term of two years from the date of this action, permitting the plot under appeal now known as lot 18, with a frontage of 67 ft. 5 in. on Teasdale place and a depth of 130 ft. to be used for the parking and storage of more than five (5) motor vehicles, *on condition* that there shall be erected on the interior lot lines, where walls of adjacent buildings do not occur, substantial woven wire fences, including the lot line of the reapportioned lot No. 29 for its entire width of 75 ft., so that there shall be no entrance from this lot across lot 29 to East 163rd street; that a similar fence shall be erected along the street line of Teasdale place, with only one opening 12 ft. in width opposite the existing curb cut 12 ft. in width; that the lot shall be generally graded and covered with proper surfacing materials to prevent dusting and surface drainage; that signs shall be limited to a neat sign on the entrance to Teasdale place, excluding all other signs; that during the term of this variance, the plot shall be used for no other purpose other than as herein permitted for parking and storage; that no building shall be erected on the premises, except that there may be erected near the entrance to Teasdale place, a building not over one story in height to be used as an office and shelter for the attendant; that such portable fire-fighting appliances shall be installed as the commissioner shall direct; that all permits shall be obtained and all work completed within two months from the date of this action.

119-37-BZ.
APPLICANT—Arthur W. Renander, for William J. Jung, Florence V. Jung and Frederick W. Erdtmann, receiver for Nathaniel C. Hendrickson, et al, owners.
SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles.
PREMISES AFFECTED—89-17 to 89-27 162nd street, east side, 190.70 ft. south of 89th (Shelton) avenue and 89-26 to 89-30 163rd street, west side, 242.27 ft. south of 89 (Shelton) avenue (Block No. 836, Lot Nos. 30, 32 and 61), Jamaica, Borough of Queens.
APPEARANCES—
For Applicant: Arthur W. Renander.
For Opposition: None.
ACTION OF BOARD—Application granted on condition.
THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—
(119-37-BZ)

WHEREAS, Arthur W. Renander, for William J. Jung and Florence V. Jung, owner, filed March 18, 1937, an application under the building zone resolution to permit in a business use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises: 89-17 to 89-27 162nd street, east side, 190.70 ft. south of 89th (Shelton) avenue and 89-26 to 89-30 163rd street, west side, 242.27 ft. south of 89th (Shelton) avenue (Block No. 836, Lot Nos. 30, 32 and 61), Jamaica, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 23, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 162nd street is in a business and residence use district; 163rd street is in a business and residence use district and 89th (Shelton) avenue is in a residence and business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered February 19, 1937, reads:

"Your request for a certificate of occupancy to use premises: 89-17 to 89-27 162nd street, east side, 190.70 ft. south of 89th (Shelton) avenue and No. 89-26 to 89-30 163rd street, west side. 242.27 ft. south of 89th (Shelton) avenue (Block No. 836, Lot Nos. 32, 30 and 61), for parking more than five cars, is hereby *denied* as said premises are in a business zone and, therefore, such use would be in violation of subdivision 15, section 4, of the building zone resolution."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 113 ft. on 162nd street, 75 ft. on 163rd street and a depth of 217 ft. It is proposed to use the plot for transient parking only, of more than 5 motor vehicles, for a temporary period of not more than two (2) years; and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board in order to be informed prior to the hearing; and

WHEREAS, the board deemed that applicant had substantiated his basis of appeal under section 7h of the building zone resolution and was, therefore, entitled to relief.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted,* under section 7h for a temporary period of two years from the date of this action, as to lots 30 and 32, with a frontage of 112.5 ft. on 162nd street and a depth of 127 ft., for transient parking of more than five motor vehicles, *on condition* that the plot shall be leveled substantially to the grade of 162nd street and shall be surfaced with steam cinders or other suitable material, properly bound to prevent dusting and graded to permit surface drainage; that there shall be erected on the interior lot lines, substantial woven wire fence continuously where walls of adjoining buildings do not occur; that a similar fence shall be erected along the street line of 162nd street with not over two openings therein, each opening not to exceed 12 ft.; that during the continuation of this variance, the plot shall be used for no other use; that no building shall be erected thereon except a small building not over one story in height, erected near the entrance, for an office and shelter for the attendant; that no signs shall be erected on the premises other than a neat sign at the entrance, advertising the parking use and the rates charged; that lights for illumination, if erected, shall have metal reflectors and be so placed as to reflect toward the center of the property and away from adjoining occupancies; that no entrance to this plot shall be made to lot 61 in the rear, facing 163rd street; that such portable fire-fighting appliances shall be installed as the commissioner shall direct; that all permits shall be obtained and all work completed within three months from the date of this action.

1218-22-BZ.

APPLICANT—Horace V. Shick, for General Cigar Co., Inc., owner.

SUBJECT—Application reopened under new proposal July 7, 1937 (re decision of the commissioner of buildings) under sections 7e and 21 of the building zone resolution, to permit in a business use district the conversion of occupancy of a private garage for fifteen (15) motor vehicles—owner's only—(previously granted by the board) to a public garage for more than five (5) motor vehicles and motor vehicle repair shop on a street between two (2) intersection streets in which portion there exists an entrance to a public school.

PREMISES AFFECTED—36-40 Stone avenue and 305-313 MacDougal street, northwest corner (Block No. 1528, Lot No. 44), Borough of Brooklyn.

APPEARANCES—

For Applicant: Edward F. X. Ryan and Emil Pieper

For Opposition: Kathryn Hasenbolg.

For Administration: Charles Tilgner, Board of Education.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(1218-22-BZ)

WHEREAS, the application originally filed October 13, 1922, to permit in a business use district the erection and maintenance of a garage for more than five motor vehicles affecting premises 36-40 Stone avenue and 305-313 McDougal street, northwest corner (Block No. 1528, Lot No. 44), Borough of Brooklyn, was granted by the board December 19, 1922, on certain conditions and owner requested a reopening of the case and an amendment of the resolution; and

WHEREAS, this application was reopened by vote of the board, July 7, 1937; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 23, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Stone avenue is in a business use district; MacDougal street is in a residence and business use; Sumpter street is in a residence and business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered September 16, 1937, re App. No. 8607-1937, reads:

> "Proposed conversion of a private garage for 15 motor vehicles (owner's only) located in a business use district to a public garage for more than 5 motor vehicles, service station and automobile repair shop, is contrary to Art. II, Sec. 4-A of the Zone Resolution."

and

WHEREAS, the building is of non-fireproof construction one and two stories in height, with a frontage of 75 ft. on Stone avenue and 100 ft. on MacDougal street, occupied as a garage for more than five motor vehicles used by the owner of the premises in his own business; it is proposed to occupy the premises as a garage for more than 5 motor vehicles in conjunction with an automobile sales agency, there being an entrance to a Public School on MacDougal street between the same intersecting streets as the premises in question; and

WHEREAS, a committee of the board has seen the premises and is familiar with the general conditions, which they deem justifies an amendment of previous resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted on December 19, 1922, so that as amended it shall read:

> *"Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted on condition* that the capacity of this proposed garage be limited to fifteen automobiles, the property of the owner of these premises and to be used in the conduct of his business; that the garage be erected in accordance with the plans on file in this appeal, garage portion to be limited to one story in height, the rear portion of building, two stories, and living quarters over the office; that the garage portion of the structure be separated from the office portion by wall of approved masonry; that vehicular entrance be limited to one opening, and restricted to Stone avenue; that any windows on MacDougal street shall have the sills at least six feet above the sidewalk level; that the stairs from the living quarters empty directly on the street with no connections to garage; that the front elevations be finished in face brick, with architectural terra cotta or stone trimmings.
>
> *Resolved further, that in the event the above permitted use is discontinued and the owner desires to use the premises for an automobile agency, such use shall be permitted, on condition that the building shall at no time be used as a public garage as generally understood and that its use shall be confined solely to the storage of cars dealt in or owned by such agency and may include the minor repairing of such cars for the purpose of general adjustment but excluding all repairs requiring the use of heavy machinery or anvils, but not excluding a greasing lift of the hydraulic type;*

and that in the event this use is changed as herein permitted, all permits shall be obtained within two months from the date of this action."

383-37-BZ.

APPLICANT—Lama and Proskauer, for Estate of A. J. Sweeney, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7c and 21 of the building zone resolution, to permit in a business use district the alteration and extension of an existing garage for more than five (5) motor vehicles; the inclusion of a gasoline station in part of the existing garage and its extension across the entire Clarendon road front of the lot.

PREMISES AFFECTED—2178-2188 Clarendon road, south side, 100 ft. east of Flatbush avenue (Block No. 5187, Lot Nos. 14, 16 and 114), Borough of Brooklyn.

APPEARANCES—

For Applicant: Nathaniel M. Gallin, Alfred A. Lama and Harry E. Godfry.

For Opposition: M. Richard Tamny, Henry Schob, Mary Bly and others.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Absent 0

THE RESOLUTION—

(383-37-BZ)

WHEREAS, Lama and Proskauer, for state of A. J. Sweeney, owner, filed July 29, 1937, an application under the building zone resolution to permit in a business use district the alteration and extension of an existing garage for more than five (5) motor vehicles; the inclusion of a gasoline station in part of the existing garage and its extension across the entire Clarendon road front of the lot; premises: 2178-2188 Clarendon road. south side, 100 ft. east of Flatbush avenue (Block No. 5187, Lot Nos. 14, 16 and 114), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, February 23, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Clarendon road is in a business use district; Vandeveer place is in a business and residence use district; East 23rd street is in a residence and business use district and East 22nd street is in a business and residence use district; and

WHEREAS, the decision of the commissioner of buildings, rendered July 29, 1937, Application No. 6899-1937, reads:

"1. Proposed extension of a public garage for more than 5 motor vehicles in a business use district, proposed gasoline service station in a business use district and proposed alteration of a portion of garage to serve as portion of a gasoline service station contrary to Art. II, of the building zone resolution."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 99 ft. 10 in. on Clarendon road, 40 ft. 9 in. on Vandeveer place and a distance of approximately 220 ft. along the west lot line. On the northwest portion of the plot (a triangular shaped area having a frontage of 49 ft. 10 in. on Clarendon road and a distance of 110 ft. 1 in. along the west lot line) there are located three (3) stores—the remainder of the plot being occupied by a one story building having a frontage of 50 ft. on Clarendon road and 40 ft. 9 in. on Vandeveer place, used as a motor vehicle repair shop and garage for more than 5 motor vehicles. It is proposed to demolish the 3 existing stores; to remove the westerly wall of the garage, for a depth of 100 ft. from Clarendon road, and part of the street wall of the garage on Clarendon road and to establish on the Clarendon road front of the plot a gasoline service station having a frontage of 99 ft. 10 in. and a depth of 22 ft. 10 in. and, also, to extend the area of the existing garage westerly so as to cover the remaining portion of the above described triangular shaped area at the northwest portion of the premises in question; and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board in order that the board might be informed prior to the hearing; and

WHEREAS, the board deemed that its discretion to grant should not be exercised under the provisions of section 7, subdivision c of the building zone resolution and that the applicant did not substantiate his basis of appeal under section 21 of the building zone resolution, practical difficulties and unnecessary hardship.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed* and that the application be and it hereby is *denied.*

Adjourned, 1:00 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

WEDNESDAY AFTERNOON, FEBRUARY 23, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the regular meeting of the board held on Tuesday morning, February 15, 1938 and the minutes of the regular meeting of the board held on Tuesday afternoon, February 15, 1938, were approved as printed in Bulletin No. 8, Vol. XXIII.

BUILDING ZONE CASES

345-32-BZ.

APPLICANT—Alphonsus Casey, for Patrick J. Reilly, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re application (decision of the superintendent of buildings) under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station for a temporary period.

PREMISES AFFECTED—North side of 47th avenue, 91 ft. east of Cross Island boulevard (Block No. 1299, part of Lot No. 105), Bayside, Borough of Queens.

APPEARANCES—

For Applicant: Alphonsus Casey.

ACTION OF BOARD—Application reopened and set for hearing March 22, 1938, at 2 P. M.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0
Absent 0

370-30-BZ.

APPLICANT—Bernard J. Sieban, for Sophie M. Sieban, owner.

SUBJECT—Application for consideration—reopening and restoration to calendar—re application (decision of acting borough superintendent, Department of Housing and Buildings), under section 21 of the building zone resolution, to permit in a business district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—173-02 to 173-04 Horace Harding boulevard, 61-01 to 61-05 173rd street and 61-02 to 61-08 Fresh Meadow road, Flushing, Borough of Queens.

APPEARANCES—
For Applicant: Herbert I. Bayevsky.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

499-31-BZ.

APPLICANT—Austin W. Magee, for Ernest Reiss, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re application (decision of the commissioner of buildings) under section 7f of the building zone resolution, permitting in a business use district the maintenance of a gasoline service station for a temporary period.

PREMISES AFFECTED—262-18 Hillside avenue (formerly 262-10), southwest corner of 263rd street (Block No. 4528, Lot Nos. 31, 32 and 33), Floral Park, Borough of Queens.

APPEARANCES—
For Applicant: Austin W. Magee.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO EXTEND PERMIT—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(499-31-BZ)

WHEREAS, this application affecting premises 262-18 Hillside avenue (formerly 262-10) southwest corner of 263rd street (Block No. 4528, Lot Nos. 31, 32 and 33), Floral Park, Borough of Queens, was granted by the board, April 1, 1932, resolution amended January 14, 1936 and September 15, 1936 and owner requested an extension of the temporary period.

Resolved, that the resolution adopted by the board on April 1, 1932, as amended by resolution adopted January 14, 1936 and September 15, 1936, be and it hereby is *amended*, only so far as it has reference to the period of this permit, so that as amended this portion of the resolution shall read:

"*granted* under section 7f for a temporary period of two years from the date of this amended resolution *on condition* that in all other respects the resolution adopted on April 1, 1932, as amended September 15, 1936 shall be complied with."

318-30-BZ.

APPLICANT—A. Nicola Co. and Richard O'Leary, for Edward F. McNally, owner.

SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the superintendent of buildings) under sections 7c and 21 of the building zone resolution, permitting partly in a business use district and partly in an unrestricted use district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles.

PREMISES AFFECTED—441-451 89th street and 8814-8824 Fifth avenue, northwest corner (Block No. 6065, Lot Nos. 32 and 35), Borough of Brooklyn.

APPEARANCES—
For Applicant: Andrew Nicola and R. O'Leary.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO EXTEND TIME—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(318-30-BZ)

WHEREAS, this application affecting premises 441-451 89th street and 8814-8824 Fifth avenue, northwest corner (Block No. 6065, Lot Nos. 32 and 35), Borough of Brooklyn, was granted by the board November 5, 1930, on certain conditions and applicant requested an extension of time to obtain permits and complete work.

Resolved, that the resolution adopted by the board on November 5, 1930 be and it hereby is *amended*, only so far as it has reference to obtaining permits and completing work, so that as amended this portion of the resolution shall read:

"that all permits shall be obtained and all work completed within one year from the date of this amended resolution."

404-31-BZ.

APPLICANT—Ferdinand Savignano, for Aljon Realty Company, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—6413-6423 Fort Hamilton parkway and 951-961 65th street, northeast corner (Block No. 5743, Lot No. 40), Borough of Brooklyn.

APPEARANCES—
For Applicant: Arnold Lederer.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—
(404-31-BZ)

WHEREAS, the application affecting premises 6413-6423 Fort Hamilton parkway and 947-957 65th street, northeast corner (Block No. 5743, Lot No. 40), Borough of Brooklyn, was granted by the board on January 29, 1932, on certain condition, amended April 15, 1932, May 10, 1932, July 19, 1932, March 19, 1935. May 21, 1935, June 18, 1935, May 11, 1937 and November 23, 1937, and the owner, through his architect, now requests a further amendment to eliminate the reference to a two year period relative to the widening of Fort Hamilton parkway.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted January 29, 1932, as amended by resolutions of April 15, 1932, May 10, 1932, July 19, 1932, March 19, 1935, May 21, 1935, June 18, 1935 and May 11, 1937, so that as amended it will read:

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application for a gasoline service station be and it hereby is *granted on condition* that the outside walls of the present buildings located on the easterly side of property and which buildings extend from 65th street to the northerly lot line shall be faced with light-colored tile or enamel brick in panel design to the top of parapet; that the southerly half of premises on Fort Hamilton parkway for a distance of about 50 ft. shall be developed as an open arcade, one story in height, the office to be located at center rear of this arcade; office building to be faced with light-colored tile or enameled brick in the same manner as for buildings previously mentioned; parapet walls of proposed arcade under this modification to be faced with attractive tile or masonry finish, all columns of arcade to be faced with light-colored enamel brick or tile of the same design and material as the face of office in the arcade; the arcade portion of the gasoline station to terminate not more than 20 ft. easterly from the building line of Fort Hamilton parkway; any pumps erected on the premises shall be set back not less than 10 ft. from the building line; there shall be erected along the building line of Fort Hamilton parkway and 65th street, where not occupied by structures, a concrete curbing not less than 6 in. in height with rounded top and 12 in. in width, with two openings therein to Fort Hamilton parkway one toward the north 22 ft. in width and one toward the south 30 ft. in width, and one opening on 65th street, 30 ft. in width toward the west; that opposite such openings curb cuts may be constructed of similar widths and in addition there may be a curb cut 18 ft. in width on 65th street opposite entrance to the rear accessory building to the east; that no part of any curb cut along Fort Hamilton parkway shall be nearer than 7 feet to the northerly lot line nor nearer than 10 feet to the corner formed by the intersection of Fort Hamilton parkway and 65th street and no part of any curb cut along 65th street shall be nearer than 12 feet to the corner formed by the intersection of Fort Hamilton parkway and 65th street; advertising signs as to the nonconforming use shall be confined to the illuminated globes of the gasoline pumps; that there may be also erected within the building line two illuminated signs, the supports for which shall be within the building line, located where indicated on plans filed February 18, 1935, one toward the northerly property line along Fort Hamilton parkway and one on 65th street, *on condition* that these signs shall advertise only the brand of gasoline sold; that the curbs required to be erected on the building line, as heretofore described may be omitted pending the widening of the roadway of Fort Hamilton parkway, *on further condition* that all roof signs shall be eliminated and all signs eliminated other than those herein permitted; that three grease racks or pits may be installed; that in the event that the owner desires to change the use of the five (5) car garage, which was a permitted use in a business district, prior to the adoption of this resolution, to a battery service, that such change may be made without being in conflict with the terms of this resolution provided that no repairing of motor vehicles shall be carried on; that the sign advertising such battery service shall be a neat sign not exceeding 2 ft. 6 in. by 5 ft. attached to the front of the existing garage building; that nothing herein contained shall otherwise modify the resolution adopted by the board on January 29, 1932, as amended by resolution adopted March 19, 1935, except as follows—That in the event the owner desires to reconstruct the accessory building and five-car garage by removing the overhead canopy and office bay and reconstructing the new front wall as indicated on revised plans marked "Received April 12, 1937," so as to also enclose the greasing racks within the accessory building, such construction may be permitted, *on condition* that the plans and design as shown thereon is substantially carried out: that no open greasing pits or lifts shall be installed; that a wall on the northerly interior lot line shall be extended to the building line of Fort Hamilton avenue for a height of not less than four (4) feet; that any additional gasoline pumps installed shall be not nearer than 15 feet to any building line and that in all other respects the resolutions adopted by the board as amended shall be complied with, except that in addition to other requirements no roof signs or signs extending above the parapet of the building shall be permitted; that working drawings shall be submitted to the board and approved by the chairman in behalf thereof before same are filed with the commissioner of buildings; that all permits required shall be obtained and all work completed within one year from May 11, 1937.

377-31-BZ.
APPLICANT—Abraham Farber, for Substantial Homes Co., Inc., lessee.
SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the superintendent of buildings), under sections 7-b and 21 of the building zone resolution, to permit in a residence use district extending from a business use district the alteration and change of occupancy from residence use to a business use.
PREMISES AFFECTED—2-14 Lenox road, southeast corner of Flatbush avenue (Block No. 5083, Lot No. 17), Borough of Brooklyn.
APPEARANCES—
For Applicant: Abraham Farber.
ACTION OF BOARD—Application reopened and time extended.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO EXTEND TIME—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—
(377-31-BZ)

WHEREAS, this application affecting premises 2-14 Lenox road, southeast corner of Flatbush avenue (Block No. 5083. Lot No. 17), Borough of Brooklyn, was granted by the Board, November 10, 1931 on certain conditions; and

WHEREAS, it appears that the variance granted in resolution of November 10, 1931 has not been completely carried out and that the most easterly store front on Lenox road has not been constructed as permitted in the board's resolution and that the owner now desires to construct such store front.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted on condition* that the building shall be limited to one story in height, built of masonry construction, the front elevation to be constructed of face brick with architectural terra cotta or stone trim; that the use of the proposed store which will be partly in the residence and partly in the busines use districts shall be for mercantile shops or stores or executive offices, prohibiting fish markets, delicatessen shops or meat markets; that no merchandise shall be exposed or displayed outside the building line; that any advertising signs displayed in the residence use portion of the property shall be confined to the plate glass windows of the store fronts or the facade of the building; that all permits required shall be obtained and all work involved thereby completed with *six months* from the date of this action.

88-36-BZ.

APPLICANT—Arthur H. Haaren, for Kesbec, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business district the erection and maintenance of a motor vehicle repair shop (for the testing of brakes) on an existing gasoline service station.

PREMISES AFFECTED—3170-3178 Broadway and 28-34 Tieman place, southeast corner (Block No. 1981, Lot No. 65), Borough of Manhattan.

APPEARANCES—

For Applicant: Arthur H. Haaren.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(88-36-BZ)

WHEREAS, this application affecting premises 3170-3178 Broadway and 28-34 Tieman place, southeast corner (Block No. 1981, Lot No. 65), Borough of Manhattan, was granted by the board July 7, 1936, on certain conditions, resolution amended September 15, 1936, March 16, 1937 and September 14, 1937, and applicant requested a further amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted on September 15, 1936 as amended September 14, 1937 so that as amended it shall read:

"Granted under section 21, permitting the rearrangement of the existing gasoline service station as indicated on revised plans marked 'Received February 17, 1937' *on condition* that the building shall be constructed of fireproof materials except that the roof beams, roof boarding, window frames and sash, door frames and doors may be of wood, providing the ceilings throughout are fire-retarded in accordance with the rules of the Board of Standards and Appeals and that the roof weather surfacing shall be of non-flammable material; that the room for heater shall be separated from the balance of the accessory building by fireproof construction, enterable only from the exterior of the building; that in the event an air pressure machine is installed in the boilerroom, a ventilating duct shall be constructed through the roof of the building; that automobile repairing permitted on the plot shall be restricted to brake testing, brake adjusting, repairing of brakes, to be carried on in the space indicated on the revised plans marked 'Received February 17, 1937'; except that the portion of the accessory building where such work is proposed to be carried on may be omitted provided the lot line walls are constructed of the height required herein and the surface of the ground paved with cement or colprovia; and, permitting this portion of accessory building to be later constructed and the use herein permitted carried on therein, provided that such portions of the accessory buildings are constructed within two years from the date of this amended resolution; that the entire plot where not covered by accessory buildings shall be paved either with cement or Colprovia; that gasoline pumps shall be relocated, so that no gasoline pump is nearer to the street building line than 10 feet as indicated on plan marked 'Received February 17, 1937'; that the curb cuts to Broadway and Tieman place shall not exceed those now existing; that there shall be erected along the southerly interior lot line and easterly interior lot lines where walls of accessory building do not occur, a wall not less than 7 feet in height of masonry to match construction of accessory building; that no portable gasoline pump shall be used on or from the premises; that no signs shall be permitted other than on the illuminated globes of the gasoline pumps and permanent signs attached to the facade of the accessory building, excluding all roof signs and temporary signs, but permitting a post standard to be erected within the Broadway building line near the intersection of Tieman place, supporting a sign which may be illuminated, advertising only the brand of gasoline on sale, providing such sign does not extend beyond the building line for a distance of more than *seven* feet; that lights for illumination shall be by means of post standards with metal reflectors arranged to reflect downwardly; that plans marked 'Received February 17, 1937' are hereby *approved,* as being in substantial compliance with this resolution as to arrangement and design; that all work involved shall be completed within one year."

APPEALS FROM ADMINISTRATIVE ORDERS

76-38-A-WF.

APPLICANT—Welldone Sign Corporation, for General Outdoor Advertising Co., lessee re erection of sign; 126-08 Northern Boulevard Corporation, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings (Queens).

PREMISES AFFECTED—126-02 Northern boulevard, northeast corner of 126th street (Block No. 1820, Lot No. 1), Corona, Borough of Queens.

APPEARANCES—

For Applicant: E. Lubin.

For Opposition: L. C. Squire for N. Y. Worlds Fair 1939, Inc.

ACTION OF BOARD—Laid over to March 11, 1938, at 10 A. M. on request of appellant's representative.

77-38-A.

APPLICANT—Peter Copeland for Jaurale Corporation, adjoining owner.

OWNER OF PREMISES—Wood, Dolson Company, Inc.

SUBJECT—Appeal from a decision of the acting borough superintendent, department of housing and build-

ings (Manhattan) re Revocation of approval of alteration application No. 4582-37 for the erection of a marquee on front of building.

PREMISES AFFECTED—2091 Broadway, west side, 106.10 ft. north of West 72nd street (Block No. 1164, Lot No. 34), Borough of Manhattan.

APPEARANCES—

For Applicant: Peter Copeland, John E. Carroll and Mr. Wood.

For Opposition: Martin Lippman and F. A. Wyckoff.

For Administration: Fred Dahlen, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to March 8, 1938, at 2 P. M. for report and decision of the board.

80-38-A.

APPLICANT—Otillie Miller, adjoining owner.

OWNERS OF PREMISES—Harry A. Wagner and Joseph Quigg.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings (Queens)—re Revocation of Certificate of Occupancy.

PREMISES AFFECTED—147-08 46th avenue and 46-05 Parsons boulevard, southeast corner (Block No. 5452, Lot No. 3), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: E. H. Gale, Adolph Lievendag and James A. Miller.

For Opposition: Arthur H. Haaren, John G. Coleman, Harry A. Wagner, Richard J. Commerford and John Herlitz.

ACTION OF BOARD—Laid over to March 22, 1938 at 2 P. M. for report of committee. No further argument.

92-38-A.

APPLICANT—Louis Allen Abramson, for Vinellis, Inc., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings (Manhattan).

PREMISES AFFECTED—308 West 34th street, south side, 157 ft. west of Eighth avenue (Block No. 757, Lot No. 43), Borough of Manhattan.

APPEARANCES—

For Applicant: Robert Jahelka.

For Administration: Fred Dahlen, Department of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn after a hearing.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

97-38-A.

APPLICANT—Henry Nordheim, for Walfrey Holding Corporation, owner.

SUBJECT—Appeal from an order of the acting borough superintendent of buildings (The Bronx).

PREMISES AFFECTED—679 East 235th street, north side, 180 ft. west of White Plains road (Block No. 4996, Lot No. 11), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry Nordheim.

For Administration: M. Harris, Department of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn after a hearing.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

102-38-A.

APPLICANT—George G. Miller, for Gabriel Besner, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings (The Bronx).

PREMISES AFFECTED—2165 Ryer avenue and 231-239 East 181st street, northwest corner (Block No. 3157, Lot No. 59), Borough of The Bronx.

APPEARANCES—

For Applicant: George G. Miller.

For Administration: M. Harris, Plan Examiner, Department of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn after a hearing.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

75-38-A-WF.

APPLICANT—Marie V. Dobran, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings (Queens).

PREMISES AFFECTED—111-66 Corona avenue, south side, 97.79 ft. west of Colonial avenue (Block No. 1972, west part of Lot Nos. 53 and 56), Corona, Borough of Queens.

APPEARANCES—

For Applicant: Cornelius G. De Loca.

For Opposition: L. C. Squire for N. Y. Worlds Fair 1939, Inc.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(75-38-A-WF)

WHEREAS, Marie V. Dobran, owner, filed February 8, 1938 an application pursuant to th eresolution adopted by the Board of Estimate and Apportionment on September 27, 1937, regulating the World's Fair District, for the approval of the operation of a cabaret as defined in section 8 of the World's Fair Resolution and for the approval of the erection of signs in violation of sections 1 and 4 of the World's Fair Resolution; and

WHEREAS, the decision of the Borough Superintendent, Department of Housing and Buildings, dated February 7, 1938, on App. No. 5017-1937, reads as follows:

"Be advised that application which you made to this department for issuance of certificate of occupancy to cover use of premises known as 111-66 Corona avenue, Corona, Borough of Queens, for cabaret purposes, is hereby *denied*, as this location is situated within a district zoned for 'business.' which is within the World's Fair Area, and for the following reasons:

1. Cabaret is not permitted. Sec. 8, World's Fair Resolution;
2. Signs proposed are in violation of Sec. 4, World's Fair Resolution;
3. Signs proposed are in violation of Section 1, World's Fair Resolution."

and

WHEREAS, the building is one story, 20 ft. in height, 36.6 ft. by 65 ft. in area; of frame construction; located in a business use district; erected in 1935 and occupied throughout as a restaurant; and

WHEREAS, the applicant contends this property is located in an isolated section of Corona and there is no one that would be disturbed or affected by the operation of a cabaret and restaurant at this location; immediately adjoining the premises to the east is a gasoline station; that the building was erected in September of 1935 and has been operated as a restaurant, bar and grill since its erection; that the restaurant, bar and grill has been approved by all of the various departments of the State of New York, having jurisdiction thereof, including the Alcoholic Beverage Control Board; that the operation and maintenance of the premises as a restaurant and cabaret will not interfere in any way with the operation and conduct of the World's Fair area; that the decision should be reversed and permission to the applicant for the operation of the cabaret and the maintenance of such signs as are indicated on the plans should be granted; and

WHEREAS, the board is empowered to act upon this application under the resolution adopted by the Board of Estimate and Apportionment on September 27, 1937, regulating the World's Fair District; and

WHEREAS, the board deemed that the application should be granted, subject to proper conditions.

Resolved, that the decision of the Borough Superintendent, Department of Housing and Buildings, on Applic. No. 5017-1937, be and it hereby is *modified,* and that the appeal be and it hereby is *granted* as to signs, *on condition* that only such signs shall be erected as are indicated on the plans filed with this appeal consisting of stainless steel letters attached directly to the front of the building and reading as indicated on plans filed with this appeal, provided such sign is not illuminated, and *denied* as to the cabaret.

70-38-A.

APPLICANT—S. Millman and Son, for Lucille Sculnick, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent, department of housing and buildings (Brooklyn).

PREMISES AFFECTED—1620 Avenue M, south side, 20 ft. west of East 17th street (Block No. 6745, Lot No. 9), Borough of Brooklyn.

APPEARANCES—

For Applicant: D. Millman.

For Administration: Assistant Engineer Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(70-38-A)

WHEREAS, S. Millman and Son, for Lucille Sculnick, owner, filed February 4, 1938, an appeal from a decision of the Acting Borough Superintendent, Department of Housing and Buildings (Brooklyn), affecting premises 1620 Avenue M, south side, 20 ft. west of East 17th street (Block No. 6745, Lot No. 9), Borough of Brooklyn; and

WHEREAS, the decision of the Acting Borough Superintendent, dated February 4, 1938, on App. No. 21125-37, reads as follows:

"8. Bearing walls for (3) story building with business use on 2 floors contrary to Art. 13, Sect. 257 (3a) Old Code. Proposition Denied."

and

WHEREAS, the building is three (3) stories, 34 ft. in height, 20 ft. by 55 ft. in area, of ordinary brick construction, erected in 1916; occupied as follows: cellar—storage, no persons; 1st floor—restaurant; 2nd floor—one family; 3rd floor—one family; and

WHEREAS, it is proposed to occupy the building as follows: cellar—same; 1st floor—two stores; 2nd floor—restaurant; 3rd floor—one family; and

WHEREAS, the applicant contends it is proposed to install additional steel girders and columns at the 2nd tier of beams so as to make the necessary change in load of 2nd floor; no change in load is contemplated for the 3rd floor, which will remain as dwelling occupancy; that the revenue derived from the present occupancy is insufficient to meet the running expenses of the building; that the character of the block has so changed that taxes and assessments are based upon the general view of the buildings adjacent, which demand that the second floor be used as a business floor rather than for living purposes; that other buildings in the block have made the same change as herein proposed; that to make the building comply with the building code for the proposed occupancy would cause unnecessary hardship both from the standpoint of initial expense and necessarily long tie-up of the conduct of his business; and

WHEREAS, an inspection was made by a committee of the board; and

WHEREAS, the chairman reported in behalf of the committee that, in view of the thickness of the walls which are party walls, a precedent should not be established to permit the proposed second floor occupancy unless the requirement of the building code are fully complied with.

Resolved, that the decision of the Acting Borough Superintendent, on Applic. No. 21125-37, be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

83-38-A.

APPLICANT—Samuel Roth, for Rose Katine, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings (The Bronx).

PREMISES AFFECTED—2436 Valentine avenue, east side, 101.88 ft. north of East 184th street (Block No. 3147, Lot No. 5), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry G. Harris.

For Administration: M. Harris, Plan Examiner, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(83-38-A)

WHEREAS, Samuel Roth, for Rose Katine, owner, filed on February 10, 1938, an appeal from a decision of the acting borough superintendent, Department of Housing and Buildings, The Bronx, affecting premises 2436 Valentine avenue, east side, 101.88 ft. north of East 184th street (Block No. 3147, Lot No. 5), Borough of The Bronx; and

WHEREAS, the decision of the acting borough superintendent on Alt. Applic. 845-37, reads as follows:

"2. Objection not removed: No apartment in any Class "A" multiple dwelling shall be used for a rooming house. Sec. 82, Mult. Dwelling Law. See proposed arrangement of rooms in cellar, 1st and 2nd floors. Furthermore, same is contrary to Sec. 480, Building Code. Note—frame building."

and

WHEREAS, the building is two stories, 25 ft. in height, 22 ft. by 75 ft. in area, of frame construction, located in a residence 1½ times "B" area district, erected in 1920 and occupied as follows: Cellar—boilerroom, storage, no persons; basement—dwelling, one family; 1st floor—dwelling, one family; 2nd floor—dwelling, one family, for which no certificate of occupancy has been issued; and

WHEREAS, the applicant contends that it is proposed to provide additional rooms in each of the two apartments of the existing frame Class A multiple dwelling without extending the envelope thereof; there are five rooms and

bath in the basement; 1st floor now has six rooms and bath; plans propose ten rooms and two baths; 2nd floor now has seven rooms and bath; it is proposed to provide 11 rooms and two baths; Section 82, M.D.L. does not restrict the additional rooms in an apartment, but merely the letting thereof and inasmuch as the owner of the premises has filed an affidavit to the effect that the altered building will not be used for a rooming house but in conformity with Sec. 82 M.D.L.; that the building will not be extended in any manner in violation of Sec. 480, building code, as the plans indicate; that the occupancy of the cellar rooms is permitted by the Tenement House Department.

Resolved, that the decision of the acting borough superintendent, in acting on Alt. App. 845-37, be and it hereby is *reversed* and that the appeal be and it hereby *is granted, provided* that the rooms on each floor shall be included in one apartment complying with the Multiple Dwelling Law in all respects.

82-38-A.

APPLICANT—Philip Bardes, for J. Arthur Kennedy & Son, Inc., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings (Brooklyn).

PREMISES AFFECTED—60-64 Commerce street, east side, 175 ft. north of Richards street and 53-57 Seabring street (Block No. 511, Lot Nos. 16, 18, 36, 37 and 38), Borough of Brooklyn.

APPEARANCES—

For Applicant: Philip Bardes.

For Administration: Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(82-38-A)

WHEREAS, Philip Bardes, for J. Arthur Kennedy & Son, Inc., owner, filed on February 10, 1938, an appeal from a decision of the Acting Borough Superintendent, Department of Housing and Buildings, Brooklyn, affecting premises 60-64 Commerce street, east side, 175 ft. north of Richards street and 53-57 Seabring street (Block No. 511, Lot Nos. 16, 18, 36, 37 and 38), Borough of Brooklyn; and

WHEREAS, the decision of the Acting Borough Superintendent, dated February 16, 1938, on App. No. 781-38, reads as follows:

"1. As building is over 12,000 sq. ft. in area, facing on 2 streets, sprinkler system must be provided, as building is a non-fireproof building. Sec. 72-1e of Building Code. (Similar restriction in New Code, Sec. 4.2.1.)."

and

WHEREAS, the building is one story, 17 feet in height, 75 ft. x 200 ft. in area, of non-fireproof construction, located in an unrestricted use district, erected in 1937 and occupied throughout as a public garage for more than five motor vehicles, for which no certificate of occupancy has been issued; and

WHEREAS, the applicant contends that this appeal is made because of the great cost involved in the installation of a sprinkler system; that a tank could not be erected on the roof in view of the wood truss construction and the hip roof; that the building faces on two streets, has large openings on both streets; that the building will be occupied by the owner for the storage of his trucks.

Resolved, that the decision of the Acting Borough Superintendent on App. No. 781-38 be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that a one-source sprinkler system shall be installed which shall comply with the requirements of the Building Code; that there shall also be installed sprinkler heads spaced not more than ten (10) feet apart under the bottom chords of the trusses; that if this sprinkler system is so installed, a standpipe system need not be required.

90-38-A.

APPLICANT—Preferred Utilities Company, Inc., for John T. Smith, owner.

SUBJECT—Appeal from an order and decision of the fire commissioner.

PREMISES AFFECTED—17-27 East 72nd street, northwest corner of Madison avenue (Block No. 1387, Lot Nos. 12 and 14), Borough of Manhattan.

APPEARANCES—

For Applicant: Frank Glanz.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(90-38-A)

WHEREAS, Preferred Utilities Company, Inc., for John T. Smith, owner, filed on February 15, 1938, an appeal from an order and a decision of the fire commissioner, affecting premises 17-27 East 72nd street, northwest corner of Madison avenue (Block No. 1387, Lot Nos. 12 and 14), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, No. 10778-LC, issued January 20, 1938, reads as follows:

"1. Relocate remote control outside of boiler room.

"2. Provide inspection door for tank enclosure as per Fuel Oil Rules."

and

WHEREAS, the decision of the fire commissioner, dated January 21, 1938, reads as follows:

"A search of our records indicates that the following order is pending against the above premises:

"Order No. 10778-LC—Issued January 20, 1938.

"'1. Relocate remote control outside of boiler room.

"'2. Provide inspection door for tank enclosure as per Fuel Oil Rules.'

"The foregoing will not operate to prevent the issuance and service of additional orders in the future if they are deemed necessary."

and

WHEREAS, the building is 16 stories (150 ft.) in height, 104 ft. by 130 ft. in area; of fireproof construction; equipped with a standpipe system; erected in 1937; located in a residence and retail district; occupied throughout as a multiple dwelling for which Certificate of Occupancy No. 22777 was issued September 15, 1937; and

WHEREAS, applicant contends as to Item 1, that it is impractical to install the switch outside of boiler room, as it will encroach in the public corridor used by tradesmen, mechanics and servants, causing such persons to bump and come in contact with same; further, if switch is located in this corridor, such persons could very easily pull switch and cut off the oil burners; as to Item 2 Access openings have been provided without doors, at the top of the enclosure wall; these openings are 24 in. square and have iron ladders up to same both inside and outside of wall; swing doors could be placed at these openings and thereby meet the requirements of the Law; however, they would be useless and in the way of access; the hand rails of ladders are located inside of the openings, making it difficult to secure such doors.

Resolved, that the decision of the fire commissioner and

Order No. 10778-LC, be and they hereby are *modified* and that the appeal be and it hereby is *granted* as to Item 2 thereof, permitting the installation of the enclosing wall around the oil storage tank with openings and walls as shown on plans filed with this appeal; and *denied* as to Item 1.

465-37-A.

APPLICANT—John F. LeBeau, for Mergenthaler Linotype Co, owner.

SUBJECT—Application for consideration—reopening and amendment—re appeal from a decision of the acting borough superintendent of buildings (Brooklyn).

PREMISES AFFECTED—7-57 Hall street and 297-313 Park avenue, northeast corner, 2-60 Ryerson street and 248-254 Flushing avenue (Buildings N, D, G, F, AF, AD, AC, AA, AH, L, K, I, AG and M); (Block No. 1876, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: John F. LeBeau.

For Administration: Timothy J. Meagher, Department of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(465-37-A)

WHEREAS, John F. LeBeau, for Mergenthaler Linotype Co., owner, filed September 28, 1937, an appeal from an order and a decision of the commissioner of buildings, affecting premises 7-57 Hall street, 297-313 Park avenue, 2-60 Ryerson street and 248-254 Flushing avenue (Buildings N, D, G, F, AF, AD, AC, AA, AH, L, K, I, AG and M); (Block No. 1876, Lot No. 1), Borough of Brooklyn; and

WHEREAS, the order of the building commissioner No. 15263-LF, dated March 22, 1937, reads as follows:

"1. Extend the 4 in. standpipe to cover the entire area of Buildings AC, AD, AF, F, G, D, M, K, AG, and also portions of N and I at basement level, and also Bldgs. K and M at 1st story level, and in Buildings G, F, AF, AD, AC, 1st, 2nd, 3rd, 4th and 5th stories. Sections 580-1, Chap. 5, Code of Ordinances."

and

WHEREAS, the decision of the commissioner of buildings, dated September 27, 1937, reads as follows:

"In reply to your letter of September 17th, 1937, advising that you have been retained by the owners to appeal from requirements of Order No. 15263-LF, and that you are unable to do so due to the fact that the Board of Standards and Appeals will not accept an appeal for the reason that the time limit, thirty (30) days, had elapsed, and request dismissal and re-issuance of the above order.

You are advised that the order cannot be dismissed or re-isused. Therefore, your request is denied."

and

WHEREAS, this appeal was granted by the board, January 11, 1938, on certain conditions; and

WHEREAS, the applicant received a further objection dated February 15, 1938, from the Acting Borough Superintendent of Buildings reading as follows:

"1. Plans should be drawn ⅛ in. or ¼ in. to a foot as per Rule No. 1.

6. All new standpipe risers must extend above roof and be provided with approved roof outlets as per rules 74 and 75, section 581, chapter 5, Code of Ordinances.

7. Provide two new siamese connections as per rule 69 for the two new standpipe risers.

8. Provide a two-way tee and emergency control valve on each new riser as per rule 59."

and

WHEREAS, the applicant requested that this application be reopened and the resolution of January 11, 1938 be amended as to the objections 1, 6, 7 and 8.

Resolved, that the resolution adopted by the board on January 11, 1938 be and it hereby is *amended,* so that as amended it shall read:

"*Resolved,* that the order of the commissioner of buildings, No. 15263-LF, be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that such standpipe risers as are not within the stairways, shall be protected with fire-retarded material to the satisfaction of the superintendent of buildings; that the sprinkler system and fire alarm service and watchman service shall be maintained as described in compliance with the requirements therefor; that the buildings shall not be increased in height or area; that the existing protection in fire walls, consisting of sliding doors and fire curtains shall be maintained.

Resolved further, as to the decision of the Acting Borough Superintendent of February 15, 1938, *that the requirements of item* 1 *as to the scale at which the plans for the standpipe system shall be drawn may be modified, permitting the plans to be drawn at a scale of* 1 *inch equals* 20 *ft.; that the new standpipe risers need not extend above the roof, provided the existing risers extending to the existing roof outlets shall be maintained; that the requirement for two additional siamese connections, as per rule* 69 *may be waived on condition that the existing siameses on each street front shall be maintained; that the requirements for two-way tee and emergency control valve on each new riser as required under rule* 59 *may be waived so long as this building remains under one ownership and all standpipe risers are cross-connected."*

85-37-A.

APPLICANT—Ferdinand Savignano, for East River Savings Bank, Owner.

SUBJECT—Application for consideration—reopening and amendment—re appeal from a decision of the commissioner of buildings.

PREMISES AFFECTED—2241-2243 Church avenue (2239 displayed), northside 329.13 ft. East of Flatbush avenue (Block No. 5089, Lot No. 64), Borough of Brooklyn

APPEARANCES—

For Applicant: Arnold Lederer.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(85-37-A)

WHEREAS, this appeal affecting premises 2241-2243 Church avenue (2239 displayed), north side, 329.13 ft. east of Flatbush avenue (Block No. 5089, Lot No. 64), Borough of

Brooklyn, was granted by the board March 16, 1937, on certain conditions, and applicant requested an amendment of the resolution as to occupancy of the 2nd story.

Resolved, that the resolution adopted by the board on March 16, 1937, be and it hereby is *amended,* only so far as it has reference to the occupancy of the 2nd floor, so that as amended the resolution shall read:

"*Resolved,* that the decision of the commissioner of buildings in acting on Applic. No. 17921-36, dated February 19, 1937, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* permitting the second story of the building to be used for restaurant purposes *or for club-rooms on condition* that a floor load computation shall be submitted to the commissioner of buildings and approved, for a floor load not less than 75 lbs. per superficial foot; that both stairways shall be enclosed with fire-retarding material throughout the entire length; that there shall be installed within the stair enclosure of the primary means of exit, roof scuttle and double-rung ladder leading thereto; that the windows on the westerly lot line, overlooking the adjoining garage, shall be made fireproof self-closing; and that the window and door indicated from the kitchen to the easterly street court shall be made fireproof self-closing; that the third floor may be used as a billiard parlor, provided the floor computation is filed and approved, for 75 lbs. live load per superficial foot; that the occupancy of the second floor shall not exceed *70* persons and that the occupancy of the third floor shall not exceed 20 persons."

VARIATIONS OF LABOR LAW

30-38-S.

APPLICANT—Jack Z. Cohen, for 229-235 Grand Street Corporation, owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the commissioner of buildings.

PREMISES AFFECTED—235 Grand street, north side, 149 ft. 2 in. east of Driggs avenue (Block No 2382, Lot No. 30), Borough of Brooklyn.

APPEARANCES—

For Applicant: Larry Meltzer.

For Administration: Timothy J. Meagher, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to March 8, 1938 at 2 P. M. for applicant to submit new plans.

310-37-S.

APPLICANT—Herman Doctor, for Plymouth Rock Provision Co., Inc., owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the commissioner of buildings.

PREMISES AFFECTED—1560 Boone avenue, east side, 150 ft. south of East 173rd street and 1565-1569 West Farms road (Block No. 3014, Lot No. 17), Borough of The Bronx.

APPEARANCES—

For Applicant: Herman Doctor.

For Administration: F. C. Autenrieth, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(310-37-S)

WHEREAS, Herman Doctor, for Plymouth Rock Provision Co., Inc., owner, filed on June 24, 1937, an application for a variation of the Labor Law as cited in an order and a decision of the commissioner of buildings, affecting premises 1560 Boone avenue, east side, 150 ft. south of East 173rd street, and 1565-1569 West Farms road (Block No. 3014, Lot No. 17), Borough of The Bronx; and

WHEREAS, the order (No. 248-35), issued by the commissioner of buildings on March 30, 1935, reads as follows:

"Inspection shows the following to be necessary to make the above premises comply with the requirements of the Labor Law:

"1. Arrange iron bars on windows at south side of building on the 2nd story, so as to be readily movable or removable from both sides in such a manner as to afford the free and unobstructed use of such windows for the purposes of egress, as per Section 272 of the Labor Law."

and

WHEREAS, the decision of the commissioner of buildings, dated May 24, 1937, reads as follows:

"In reply to your letter of the 22nd inst., in which you request the rescindment of the above captioned fire prevention order, you are informed that this Department cannot rescind the order in view of the fact that the Corporation Counsel has rendered an opinion to the effect that Subdivision 3 of Section 272 of the Labor Law applied to all windows in a factory building. Your request therefore must be denied."

and

WHEREAS, the building in question is 1 story (15 ft.) in height, on Boone avenue, 50 ft. by 240 ft. in area; of non-fireproof construction; erected in 1926; occupied throughout for packing and preparing of meat products; 25 persons; and

WHEREAS, the applicant contends that there are 14 windows affected by the order; the windows in question are constructed of stationary steel sash, provided with one movable light 14 in. by 20 in., and are located 3 ft. 10 in. above floor level, as shown on plans filed with this application and dated February 16, 1938; that it will be practically impossible to use these windows as a means of egress even though the iron bars were removed; exits consist of two (2) sets of double doors opening directly to the street on the Boone avenue side of building; that 7 ft. aisles are maintained extending the entire length of building.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the labor law, and that the application be and it hereby is *granted* and that the order of the commissioner of buildings, No. 248-35, be and it hereby is *modified,* waiving the requirement for removal of the existing iron bars on the lot line windows, as shown on plans filed with this application, *on condition* that all the portion of the building occupied for factory purposes shall have unobstructed access to the two means of exit, namely, the door on court to Boone avenue and the fireproof enclosed stairway to West Farms road.

APPLIANCES SUBMITTED FOR APPROVAL

477-37-SA.

APPLICANT—Automatic Spray Co., owner.

SUBJECT—Automatic Paint Sprayer, approval of.

APPEARANCES—

For Applicant: None

ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(477-37-SA)

WHEREAS, the Automatic Spray Co., owner, filed October

8, 1937, an application with the Board of Standards and Appeals for approval of its device known as the Automatic Paint Sprayer; and

WHEREAS, this device was submitted to the Engineer of the board for test and report; and

WHEREAS, the report of the Engineer of the board supplemented by that of the representatives of the Division of Combustibles was substantially as follows:

"These guns consist of two parts; a lower part made of metal or glass, which contains approximately a quart of fluid. Screwed on to the top of this container is a metal cap through which a tube projects to within almost the bottom of the container. The top of this tube is equipped with a nozzle having a very fine orifice. Also attached to the cover is an air tube equipped with a trigger.

When the air from this air tube is released, it blows over the orifice of the nozzle, picks up the fluid and atomizes same.

The operation of this spray gun was tested with lacquer, and it was found that it functioned as designed.

As a result of this inspection and test, it is recommended that the automatic paint sprayer manufactured by the Automatic Spray Company be approved when installed with approved type air compressors and tanks."

and

WHEREAS, there has also been filed for approval under Cal. No. 478-37-SA the Eureka Paint Sprayer controlled by the same people under a different corporate name.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Automatic Paint Sprayer, when installed with approved type air compressors and tanks on condition that the device shall bear a label or decalcomania reading:

APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. NO. 477-37-SA.

478-37-SA.

APPLICANT—Eureka Pneumatic Spray Co., owner.
SUBJECT—Eureka Paint Sprayer, approval of.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.
THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(478-37-SA)

WHEREAS, the Eureka Pneumatic Spray Co., owner filed October 8, 1937, an application with the Board of Standards and Appeals for approval of its device known as the Eureka Paint Sprayer; and

WHEREAS, this device was submitted to the engineer of the board for test and report; and

WHEREAS, the report of the engineer of the board supplemented by that of the representatives of the Division of Combustibles was substantially as follows:

'These guns consist of two parts; a lower part made of metal or glass, which contains approximately a quart of fluid. Screwed on to the top of this container is a metal cap through which a tube projects to within almost the bottom of the container. The top of this tube is equipped with a nozzle having a very fine orifice. Also attached to the cover is an air tube equipped with a trigger.

When the air from this air tube is released, it blows over the orifice of the nozzle, picks up the fluid and atomizes same.

The operation of this spray gun was tested with lacquer, and it was found that it functioned as designed.

As a result of this inspection and test, it is recommended that the automatic paint sprayer manufactured by the Eureka Pneumatic Spray Company, be approved when installed with approved type air compressors and tanks."

and

WHEREAS, there has also been filed for approval under Cal. No. 477-37-SA the Automatic Paint Sprayer controlled by the same people under a different corporate name.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Eureka Paint Sprayer when installed with approved type air compressors and tanks on condition that the device shall bear a label or decalcomania reading:

APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. NO. 478-37-SA.

Adjourned, 5:45 P. M

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

SPECIAL MEETING

FRIDAY MORNING, FEBRUARY 25, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

APPEAL FROM ADMINISTRATIVE ORDER
622-37-A.
APPLICANT—Benjamin Saltzman, Assistant Engineer, Department of Buildings, for Edwin H. Thatcher, Commissioner, Department of Buildings.
OWNER—Henry Felsenstein.
SUBJECT—Application for revocation of permits and certificates of occupancy—re premises partially converted from a storage garage to a gasoline service station in a residence use district.
PREMISES AFFECTED—2042-2044 Ocean avenue, west side, 470 ft. south of Avenue O (Block No. 6766, Lot No. 36 and part of Lot No. 38), Borough of Brooklyn.
APPEARANCES—
For Applicant: Benjamin Saltzman, Jessie Ginsberg and Helen E. Hannon.
For Owner: David Steckler, Amy Wren and Henry Felsenstein.
For Administration: Mr. Di Antonio, Fire Department.
ACTION OF BOARD—Laid over to March 15, 1938 at 2 P. M. for report and decision by Board. No further argument.

MINUTES

BUILDING ZONE CASE

64-38-BZ.
APPLICANT—Matthew W. DelGaudio, for Rose Ianotta, owner.
SUBJECT—Application (re decision of acting borough superintendent) under section 7b of the building zone resolution, to permit the extension, from a business use district into a residence use district, of proposed stores.
PREMISES AFFECTED—262-264 East 204th street, south side, 103.25 ft. west of Mosholu parkway south (Block No. 3309, Lot Nos. 59 and 106), Borough of The Bronx.
APPEARANCES—
For Applicant: Matthew W. DelGaudio.
For Opposition: None.
ACTION OF BOARD—Application granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(64-38-BZ)

WHEREAS, Matthew W. DelGaudio, for Rose Ianetta, owner, filed February 3, 1938, an application under the building zone resolution to permit the extension, from a business use district into a residence use district of proposed stores; premises: 262-264 East 204th street, south side, 103.25 ft. west of Mosholu parkway south (Block No. 3309, Lot Nos. 59 and 106), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, February 25, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone restriction show that East 204th street is in business and residence use districts; Mosholu parkway south is in a residence use district and East 203rd street is in a residence use district; and

WHEREAS, the decision of the Commissioner of Buildings, rendered January 22, 1938 (App. No. 989-1937), reads:

"1. Proposed building to be occupied by stores located partly in residence district and partly in business district is contrary to Art. 2, Sect. 3 of Amended Building Zone Resolution of the City of New York."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 50 feet and a depth of 68 ft. 9 in. A small irregular area (having a frontage of approximately 9.7 feet on East 204th Street) at the northwest corner of the plot is in the residence use district the remainder of the plot is in a business use district. It is proposed to erect upon the plot a one story building, having a frontage of 50 feet and a depth of 55 feet at 1st story and a depth of 68 feet 11 inches at the cellar level; the 1st story will be used for 3 stores; upon the easterly store it is proposed to superimpose a 2 story dwelling now located upon the opposite side of the street. Part of the cellar story will be used for a 5 car garage with exit to Valentine avenue across lot 106, block 3309, which is under same ownership as lot 59, block 3309 (the lot in question); and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board in order that it might be informed prior to the hearing; and

WHEREAS, the board deemed that the provisions of Section 7, subdivision b of the building zone resolution, under which this application was made, empowered the board to exercise its discretion and to grant this application under such conditions as would safeguard the character of the more restricted district.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under Section 7-B thereof, to permit the variation within the residential area to be used for business purposes in conjunction with the proposed building to be erected on the plot, *on condition* that this business use shall be restricted to one story above grade and that no advertising sign shall be erected on the side walls of this building facing the east or on the roof of that portion of the building; that nothing herein contained shall be deemed to prevent the raising of the building in height and its use above the first story for residential purposes; that all permits required shall be obtained and all work completed within one year from the date of this action.

Recessed, 1:10 P. M.; reconvened, 3:00 P. M.; adjourned 4:50 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

SPECIAL MEETING

FRIDAY AFTERNOON, FEBRUARY 25, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

1-38-SR.
SUBJECT—Proposed Rules for Fusion Welding and Gas Cutting.
APPEARANCES—J. Scharf, K. Hubach, E. A. Doyle, L. D. Llewellyn, W. A. White, I. Krauz, H. Novins, L. Ball, H. H. Snyder, W. R. Vich, Aubrey Weymouth, N. C. Hoyles, Mr. Davis, Benj. Saltzman, Dept. of Housing and Buildings, Brooklyn; R. Q. Hannan, Dept. of Housing and Buildings, Richmond; Jos. E. Herman, Dept. of Housing and Buildings, Manhattan, and Charles Tilgner, Board of Education.
ACTION OF BOARD—Rules adopted. (See pages 267 to 278).
THE VOTE TO ADOPT RULES—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

Adjourned, 2:55 P. M.

EDWARD V. BARTON, Chief Clerk.

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

RULES

RULES FOR FUSION WELDING AND GAS CUTTING.

RULES COVERING THE SPECIFICATIONS FOR DESIGN, FABRICATION AND INSPECTION OF FUSION WELDED STRUCTURES AND THE QUALIFICATIONS OF WELDERS AND SUPERVISORS.

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS FEBRUARY 25, 1938.
EFFECTIVE MARCH 21, 1938.

[Cal. No. 1-38-SR]

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Board of Standards and Appeals on Friday, February 25, 1938, at 2 P. M., Room 1013, Municipal Building, on Proposed Rules for Fusion Welding and Gas Cutting.

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, paragraph 2, of the Charter of the City of New York and C26-514.0 of the Administrative Code (8.6.2.2).

SCOPE.

These rules are supplementary and additional to the requirements for Fusion Welding as permitted under C26-514.0 of the Administrative Code (8.6.2.2) reading:

Fusion welding may be substituted for, or used in combination with, riveting or bolting to connect or assemble the component parts of steel beams, girders, lintels, trusses, columns and other structural steel used in building construction if done under rigid inspection and specification, in accordance with the rules of the Board. These Rules shall also apply to gas cutting.

NOTE: Where a reference in parenthesis appears after the Administrative Code Section, it refers to the former Section of the New Building Code.

Rule 1. Application For Permits.

1.1 No person shall perform gas or electric welding on structures or parts thereof erected or to be erected within the City of New York except as provided in these Rules and in conformity with C26-211.0 of the Administrative Code (2.3.2).

1.2 The commencement of any structural welding work is forbidden until an application for a permit to perform such work is filed with and approved by the superintendent. The superintendent shall be notified in writing at least 48 hours prior to the date when the structural welding work is to commence. C26-172.0 of the Administrative Code (2.1.1.12).

Rule 2. Definitions.

2.1 ARC WELDING. A fusion welding process wherein the welding heat is obtained from electric arc formed between the base metal and metal electrode.

2.2 BASE METAL. The metal upon which the weld or cut is made.

2.3 BUTT WELD. A butt weld is a weld whose throat lies in a plane disposed approximately 90 degrees with respect to the surfaces of at least one of the parts joined. The size of a butt weld shall be expressed in terms of its net or unreinforced throat dimension in inches. C26-158.0 of the Administrative Code (1.149).

2.4 CONTINUOUS WELD. A weld which is uninterrupted throughout the length of the joint.

2.5 CRATER. An unfilled concave depression in the fusion area of an arc weld resulting from penetration of the welding arc into the metal thereunder.

2.6 FILLER METAL. Metal especially prepared for addition to the weld. This term shall apply to this material only before deposition.

2.7 FILLET WELD. A fillet weld is a weld of approximately triangular cross section, whose throat lies in a plane disposed (inclined) approximately 45 degrees with respect to the surfaces of the parts joined. The size of a fillet weld shall be expressed in terms of the width in inches of its adjacent fused sides. C26-158.0 of the Administrative Code (1.149).

2.8 FLAT WELD. A weld made by the fusion welding process on a horizontal plane or one inclined not over 45 degrees to the horizontal, the weld being made from the upper side of the parts joined.

2.9 FUSION WELDING. Fusion welding is the process of joining metal parts in the molten, or molten and vapor states, without the application of mechanical pressure or blows. Under these rules fusion welding is restricted to arc and gas welding processes. C26-75.0 of the Administrative Code (1.67).

2.10 GAS CUTTING. Gas cutting is the process of severing ferrous metals by means of the chemical behavior of oxygen, in the presence of ferrous metals at high temperatures, to produce a kerf, or cut, of uniform width without burning the edges of the kerf or cut. C26-77.0 of the Administrative Code (1.69).

2.11 GAS WELDING. A fusion welding process in which the heat of welding is supplied by the combustion of oxygen and acetylene or other fuel gas in a suitable torch. Filler metal may be melted from a welding rod. Under these rules, gas welding is restricted to the oxy-acetylene process wherein filler metal is added.

2.12 HORIZONTAL WELD. A weld made by the fusion welding process on a plane vertical or inclined less than 45 degrees with the vertical, the linear direction of the weld being horizontal or inclined not more than 45 degrees to the horizontal.

2.13 LAYER. A stratum of weld metal of a fusion weld and consisting of one or more interwoven beads.

2.14 OVERHEAD WELD. A weld made by the fusion welding process on a horizontal plane or one inclined not over 45 degrees to the horizontal, the weld being made from the underside of the parts joined.

2.15 OVERLAP. A condition of lack of fusion where the deposited metal has overflowed the fused area of metal.

2.16 PENETRATION. The linear distance that the deposited metal penetrates below the original surface of the base metal.

2.17 ROOT. A root is the zone at the bottom of the cross-sectional space provided to contain a fusion weld. C26-312. (CL) of the Administrative Code (1.122).

2.18 SLOT WELD. A weld made in an enclosed or partially enclosed opening formed in one of the parts of a lap joint.

2.19 SUPERINTENDENT. Wherever the word "Superintendent" appears in these Rules, it shall mean the Superintendent of Housing and Buildings of the borough having jurisdiction.

2.20 TACK WELD. A weld of random size or shape intended only to fix a member or part thereof of a structure, in correct position preparatory to final welding, and shall not be considered to transmit stress.

2.21 THROAT. The minimum thickness of a weld along a straight line passing through the root. Throat of a fillet weld is the distance along a line from the root to the hypothenuse at right angles thereto, of the largest isosceles triangle which can be constructed in the cross section of the fillet weld. The throat of a butt weld shall be equal to the thickness of the thinner part joined. C26-53.0 of the Administrative Code (1.144).

2.22 UNDERCUT. A condition wherein the base and weld metal is melted away leaving a depression, the surface of which lies below the designed surface contour of the joint.

2.23 VERTICAL WELD. A weld made by the fusion welding process on a plane vertical or inclined less than 45 degrees with the vertical, the linear direction of the weld being vertical or inclined not more than 45 degrees to the vertical.

2.24 WELD DIMENSIONS. The dimensions of a weld shall be expressed in terms of its size and length. C26-158.0 of the Administrative Code (1.149).

2.25 WELD LENGTH. Shall be considered to be the unbroken length of the full cross-section of the weld exclusive of the length of any craters. C26-158.0 of the Administrative Code (1.149).

Rule 3. Design and Supervision.

3.1 The licensed architect or licensed professional engineer designing or supervising the construction of a welded structure shall be experienced and skilled in such work. C26-515.0 (c) (8.6.2.3.3).

3.2 PERMISSIBLE UNIT STRESSES.

In the design of welded structures or parts thereof the stress at every connection must be accurately calculated and the required amount and the exact type and location of weld and filler metal with respect to the parts joined be specified.

3.2.1 Welded joints shall be so proportioned that the maximum stresses shall be less than the following amounts in pounds per square inch:

Shear on section through the throat of a weld	11,300
Tension on section through the throat of a weld	13,000
Compression on section through the throat of a weld	15.000

Maximum fiber stresses due to bending shall not exceed the maximum values allowed above for tension and compression respectively. C26-368.0b (6) of the Administrative Code (7.4.5.6).

3.2.2 Stress on a fillet weld shall be considered as shear for any direction of the applied stress.

3.2.3 Adequate provision shall be made for bending stresses due to eccentricity in the disposition or section of base metal parts.

3.2.4 The allowable compressive strength mentioned in these Rules is not intended to prevent butt welds being used across the entire section to transmit the total compressive stress in compressive flanges of beams, girders, truss plates or compression blocks or other members protected against lateral deflection even though such stress exceeds 15,000 lbs. per sq. in., but not exceeding the maximum allowable compressive stress in the parts joined.

3.3 WORKING STRESSES FOR WINDLOADS. When the stress in any member due to wind is less than 33⅓% of the stress due to live and dead loads, it may be neglected. For combined stresses due to wind and other loads, the permissible working stresses may be increased 33⅓%, provided the section thus found is at least that required by the dead and live loads alone. For stresses due to wind only, the permissible working stress shall be the same as for live and dead loads. C26-372.0, 373.0 and 374.0 of the Administrative Code (7.4.8).

3.4 WELDED GIRDERS. In welded girders the connection of component parts of flanges to each other and of flanges to webs shall be by continuous or intermittent fillet welds designed to transmit the stress. C26-520.0 (d) of the Administrative Code (8.6.2.8.4).

3.5 Girders shall be proportioned either by their moments of inertia or by the flange-area method; in the latter method, when applied to a welded girder having no holes in the web, 1/6 of the web area may be considered a part of the area of each flange. Stiffeners may be either angles or flat plates, welded to the web and flanges by welds designed to transmit the stresses.

3.6 BEAMS. The use of continuous beams and girders, shall be permitted provided their welded connections be designed to transmit the stresses involved in continuous beam construction and columns are designed for the moment added by such construction. At the ends of non-continuous beams, the connections shall be designed to avoid excessive secondary stresses due to bending.

3.7 WELDED COLUMNS. C26-520.0 (e) of the Administrative Code (8.6.2.8.5). Fillet welds connecting the component parts of a built-up column may be either continuous or intermittent. If intermittent, the length of each weld at the ends of the column shall be equal to the least width of the column. The length of the intervening welds shall be at least one and one-half inches, spaced at most four inches in the clear. The size, length and spacing of the fillet welds shall be such as to provide the same strength, per unit of column length, as the allowable shearing stresses in structural steel for power driven rivets. Lattice bars and tie plates shall be welded so as to obtain strength equal to that specified in C26-368.0b (6) of the Administrative Code (7.4.5.4). Shearing stresses.

3.7.1 Where column splices are welded, welds must be provided equal in strength to the shear of the standard column splice.

3.8 WELDED BUTT JOINTS. The edges of base metal parts, one-quarter inch or more in thickness, transmitting stress by means of butt welds shall be beveled. For single and double "V" joints, the bevel of each part shall be at least 30 degrees. For single and double bevel joints, the bevel shall be at least 45 degrees.

Before welding, the root edge or face of one part shall be separated from the root edge or face of the other part by not less than 1/16 inch nor more than ¼ inch.

Butt welds shall be reinforced by depositing additional metal on the weld to a height extending beyond the surface of the thinnest part joined. The height of such reinforcement shall be at least the following percentages of the thickness of the thinnest part joined: 20 percent for single "V" and single bevel butt welds, and 12½ percent on each side, for double "V" and double bevel butt welds. C26-520.0(f) of the Administrative Code (8.6.2.8.6).

3.9 FILLET WELDS. The length of any fillet weld shall be made not less than four times the weld size or else the size of the weld shall be considered not to exceed ¼ of the length for purposes of calculating strength under these rules.

3.10 WELDS IN SLOTS OR HOLES. When welding inside a slot or hole in a plate or other part, in order to join same to an underlying part, fillet welding may be used along the wall or walls of the

slot or hole, but the latter shall not be filled with weld metal or partially filled in such manner as to form a direct weld-metal connection between opposite walls, except that fillet welds along opposite walls may overlap each other for a distance of one-fourth of their size. No slot or hole shall be less in width or diameter than 1½ times its depth.

3.11 FIELD RIVETED, BOLTED AND WELDED CONNECTIONS. C26-521.0 of the Administrative Code (8.6.2.9).

3.11.1 In tier structures less than 125 feet high, in which the height is less than two and one-half times the minimum horizontal dimension, all column splices and field connections may be bolted.

3.11.2 In structures in which the height is over 100 feet and is more than two and one-half times the minimum horizontal dimension, and in structures 100 feet or less in height in which the height is more than four times the minimum horizontal dimension, column splices and connections to columns shall be riveted or welded.

3.11.3 In structures over 125 feet in height and in all structures of a special character, connections of beams and girders to columns, and beams and girders bracing columns shall be riveted or welded. Column splices in structures 200 feet or more in height shall be riveted or welded. Column splices in tier structures less than 200 feet high (except as provided in the preceding paragraph) may be bolted.

3.11.4 All other field connections may be bolted (except that, in all structures, the connections for supports for running machinery or other moving loads shall be riveted or welded).

3.11.5 Within existing structures steel work for alterations, or additions (except to the main structural framework), which do not affect existing column splices, connections and other riveted or welded work, may be bolted.

3.12 COMPLETION OF WORK.
Upon the completion of all structural welding operations, the licensed architect or licensed professional engineer responsible for the design of the structure shall certify to the Superintendent that the fabrication and welding of such structure have been carefully inspected and that the requirements of his design and these Rules have been fulfilled in every respect by the contractor who has done the welding.

Rule 4. Board of Examiners for Welders.

4.1 The Board of Examiners for Welders provided for in C26-209.0 of the Administrative Code (2.3), shall be appointed by the Commissioner of Housing and Buildings from members of the staff of the Department as recommended by the Superintendents. All certificates of qualification issued shall be uniform for the five Boroughs. There shall be a separate certificate for gas welding and for electric arc welding, which certificates shall not be interchangeable and shall apply specifically to the type of work to be done and shall be issued in accordance with Rule 5.

4.2 WELDERS TO BE QUALIFIED. No person shall perform welding work on any structural member of a structure without having obtained a certificate of qualification from the Board of Examiners for Welders. C26-211.0 of the Administrative Code (2.3.2).

4.2.1 Before a certificate of qualification may be issued authorizing a person to perform welding work on any structural member of a structure, the person applying for such certificate shall have submitted to and satisfactorily passed an examination to determine his qualifications, conducted by Board of Examiners for Welders to be appointed by the Commissioner. A certificate of qualification shall be issued to each applicant having proved his qualifications and upon the payment of a fee of Two Dollars. Such certificate shall continue in effect for a period of one year unless sooner revoked or suspended and to be effective thereafter shall be renewed annually. The annual renewal fee shall be One Dollar.

4.2.2 No person shall be eligible for a certificate of qualification to perform welding work as provided in this section unless he is a citizen of the United States of America.

4.2.3 The Superintendent may revoke or suspend a certificate of qualification of any person, if workmanship on any structural welding is such as to indicate incompetency or negligence which might endanger a structure or result in injury to humans.

Rule 5. Qualification Test for Welders.

5.1 These qualification tests shall be conducted by the Board of Examiners for Welders or its representative but, in the discretion of the Board of Examiners for Welders documentary or other evidence, or both, that the applicant has passed the qualification test, conducted by a standard testing laboratory or an inspection by the Superintendent or his representative may be accepted as satisfactory proof of the applicant's fitness to make structural welds in accordance with Rule 5.4. Welders performing work outside New York City may be qualified under this rule. C26-381.0 of the Administrative Code (8.1.2).

5.2 Qualification for arc welding shall not constitute qualification for gas welding, and vice versa. Qualification for welding with bare electrodes shall not constitute qualification for welding with flux-coated electrodes, and vice versa.

5.3 The foregoing provisions are not intended to bar an applicant from further trial in case of one or more failures, or to require an operator who has passed the tests to qualify anew for every job he may undertake.

5.4 QUALIFICATION REQUIREMENTS.

5.4.1 Before issuance of a certificate of qualification by the Board of Examiners for welders the applicant shall have passed the qualification tests prescribed as follows:

5.4.2 The minimum qualification requirements shall be the welding of test specimens of the type shown in Fig. 2 and specified in Rule 5.4, each specimen to be tested for failure in a reliable tension testing machine and to develop ultimate resistance not less than 80 kips if welded with filler metal of grade 2, 4, 10 or 15; or 67 kips if welded with filler metal of grade 20, 30 or 40.

5.4.3 Two specimens shall be welded in the downward or flat welding position, two in the vertical welding position and if the operator is to perform overhead welding, two in the overhead welding position.

5.4.4 The form of test specimen shall be as shown in Fig. 2, consisting of four steel bars or plates connected by four approximately equal

fillet welds. The specifications of the bar steel shall conform to Rule 7. The welding edges of the splice bars shall be cut flat and square and any burrs shall be removed. The bars shall be clamped securely together and tack welded in proper position with the splice bars centered on the main bars and the faces of the main bars in true planes, in preparation for the test welding. Welding shall be performed with the same process (arc or gas), the same welding procedure, and the same type of electrodes or welding rods as are to be used in the work for which the operator is being tested; the diameter of electrodes or rods shall be the largest to be used in the work, for which the applicant proposes to qualify.

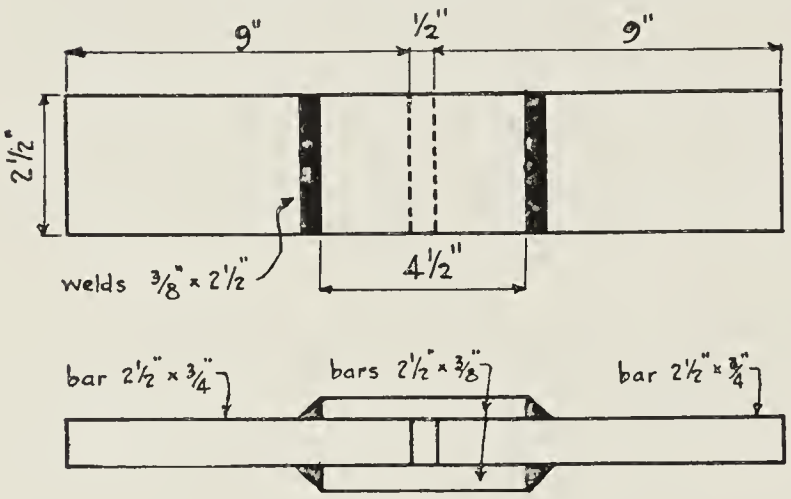


FIG. 2

Welds shall be made as nearly as possible to the designed dimensions, and in conformity with the practices set forth in Rule 6; at every cross-section the weld size in each direction shall be within 1/16 in. of the prescribed 3/8 in.

Rule 6. Quality of Welds.

The quality of welds permitted under these rules shall conform to the following requirements:

6.1 The Quality of Test Welds and Construction Welds shall fulfill all requirements with regard to shape and internal quality.

6.1.1 All lap welds shall indicate good penetration to the root of the weld and good fusion at both sides of the bead.

6.1.2 All fillet welds shall show absence of undercutting, proper shape of the bead, lack of overlaps and proper fusion.

6.1.3 All butt welds shall show good fusion without overlapping or undercutting.

6.2 UNDERSIZE WELDS. Undersize or undercut welds shall be built up by welding to conform to the weld cross-section called for in the drawings and specifications. The surface of previously deposited welds shall be cleaned of oxides or slag before any reinforcing weld metal is applied.

6.3 Shape.

6.3.1 Welds shall conform in shape to those shown on Figs. 3a and 4a and shall not be undersized.

6.3.2 Surfaces of weld shall be reasonably smooth and uniform in contour. Weld metal along the toe of the weld shall not overlap the base metal surface but shall form an intimate contact therewith as shown in Figure 3.

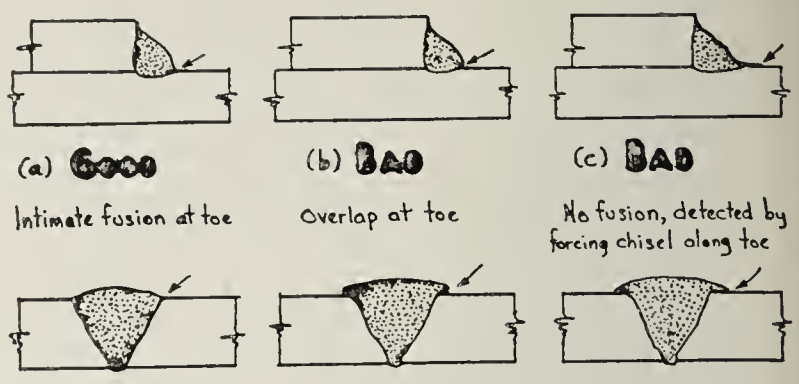


FIG. 3

6.3.3 INTERNAL QUALITY. The weld metal shall be sound throughout and shall be free from oxides, non-metallic inclusions and gas pockets. The weld metal shall be thoroughly fused with the base metal along all surfaces and edges of union, and shall penetrate into the root of the weld, as shown in Fig. 4a.

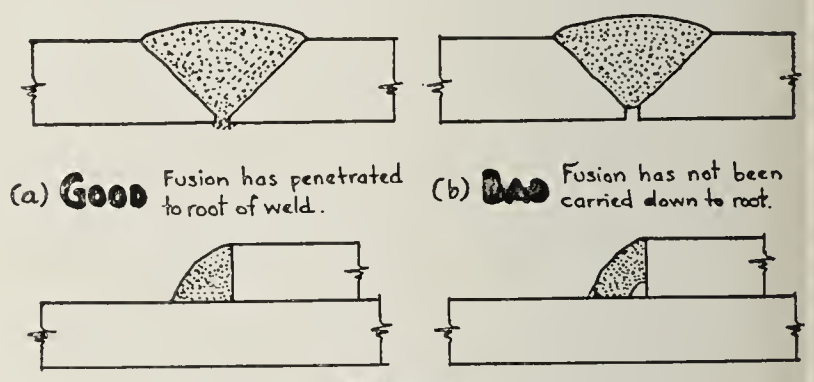


FIG. 4

6.3.4 WELD ENDS. The ends as well as the body of the welds shall conform to all the requirements of Rule 6.

Rule 7. Specifications and Tests of Welding Materials.

7.1 Structural steel shall conform to A.S.T.M. Specifications A-7-36 or A-9-36.

7.2 Filler metal (electrodes or welding rods) shall conform to all requirements of A.S.T.M. Specifications A205-37.T and the superintendent may accept certified test results from a reputable manufacturer that tests have been made in conformance with these specifications.

Rule 8. Gas Cutting of Structural Steel.

C26-526.0 (a) to (g) of the Administrative Code (8.6.3.2.1-7 inc.).

8.1 Contractors desiring to do gas cutting shall be required to satisfy the Superintendent as to their ability to produce satisfactory gas cuts.

8.1.1 Gas cutting shall be done by one experienced in this work and under the continual supervision, as provided in 9.1.

8.2 Gas cutting on any member while it is carrying stress is prohibited (except for detail cutting to correct minor fabricating errors where the removal of metal resulting from such detail cutting would leave unimpaired the required strength of the members to be cut).

8.2.1 Any field cutting of structural members to provide openings or to remove portions of flanges shall not be done, unless provided for in the design.

8.3 Gas cut edges shall be smooth and regular in contour.

8.4 Gas cutting may be used in the preparation of base metal parts for welding provided the edges are thoroughly cleaned after cutting so as to expose clean steel.

8.5 Gas cutting to replace the milling of surfaces is prohibited.

8.6 Gas cutting of holes in a member designed without provision therefor is prohibited.

8.7 The radii of re-entrant gas cut fillets shall be as large as possible and at least one inch. To determine the net area of members so cut, one-eighth inch shall be deducted from the gas cut edges.

Rule 9. Supervision and Inspection.

9.1 Any welding to be done on a structure or any part thereof shall be performed under the supervision of a representative of a standard testing agency or an inspecting agency responsible to the owner or licensed architect or licensed engineer. Such agency shall be acceptable to the Superintendent.

9.2 The agency as provided for in 9.1 shall take adequate means to assure that the preparing, gas cutting, assembling and welding of the joints of the structure conform to the design and that the resulting structure is free from deficiencies and injurious defects. He shall keep and submit daily to the licensed architect or licensed professional engineer responsible for the work adequate records of the progress of the work, of difficulties experienced, and of his decision of acceptance and rejection. His records shall allocate a definite and personal responsibility for his acceptance of every weld as to size, location, type of filler metal used and quality of workmanship, and shall evidence that no weld called for in the design has been omitted. He shall require that each welder stamp his identification symbol on his work, and the inspector after inspecting each weld shall do likewise.

9.2.1 He shall inspect for defects and irregularities, plate cracks adjacent to or behind welds crater cracks or cracks in the weld metal.

9.2.2 He shall gauge all welds for deficiency of throat or other critical cross-section.

9.2.3 He shall carefully observe and reject undercutting, overlap or lack of fusion at edges of weld, lack of penetration, or porosity, location of craters, size and shape of bead, and order occasional chipping to determine penetration and correct all or any irregularities of workmanship contrary to the design.

9.3 The contractor who is to do welding shall submit to the Superintendent a statement that the work will be done in accordance with these rules and the Administrative Code and shall include in such statement, the detailed procedure he proposes to follow, which shall include the following:

That each welder or group of welders shall be under the continual supervision of an experienced foreman.

That only welders qualified under these rules be employed. Each welder shall exhibit, when required, his Certificate of Qualification.

That each welder shall be provided with proper gauges to check his work.

That the foreman shall be able to read blueprints and shall lay out and allocate the work each welder is to perform and he shall carefully observe the burn-off of the electrode; the fusion, and penetration of crater; the formation of the bead; and the sound of the arc.

That only the base metal and filler metal conforming to the job specifications and these rules be used.

That the welding equipment furnished shall have proper characteristics to allow good work.

That whenever deemed necessary by the Superintendent, such tests of the finished welds, shall be made as required by him.

Rule 10. Workmanship on Welded Structures.

10.1 The arrangement of the joints to be welded shall be such as to enable the operator to have an unobstructed view of the surfaces to be welded at all times during the welding operation.

10.2 Welds found deficient in dimensions, but not in quality may be enlarged by additional welding. Where a deficient weld renders the weld inaccessible or has caused new conditions which would make reinforcement dangerous or ineffectual, the weld shall be removed and original conditions restored or in lieu thereof a revised design, correcting this condition shall be submitted to the superintendent. Any weld found deficient in quality, size, or made contrary to the requirements of these rules shall be removed by chipping or melting and shall be remade. The weld metal shall be removed throughout its depth to clean base metal. A cracked weld shall be removed throughout its entire length.

The cutting or chipping of a weld shall not extend into the base metal. In removing welds, care shall be taken not to burn or otherwise injure the base metal and after melting the exposed base metal shall be cleaned by chipping and wire brushing.

10.3 TACK-WELDS. In making tack-welds, the same precautions should be observed as when starting welds. Where a designed weld will later be made over the tack-weld, the tack-weld shall be made with the same care as required for designed welds.

Whenever tack-welds are located where a designed weld will later be made, they shall be made according to the foregoing requirements. When encountered in the final welding operation, they shall be thoroughly fused in with the final weld. Tack-weld should be thickest at the center and should taper at both ends for convenience in carrying the regular weld over the tack-weld (see Fig. 19).

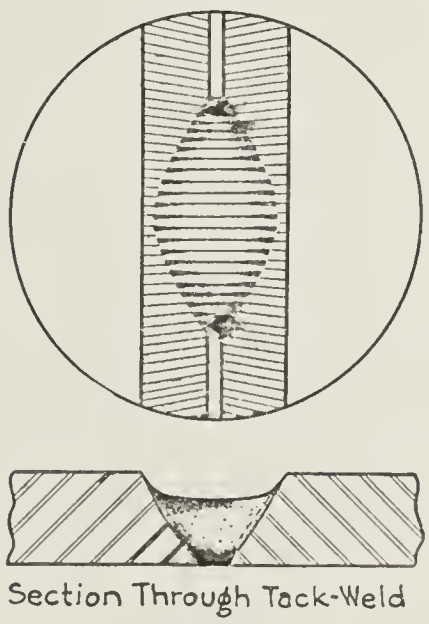


FIG. 19

10.4 Surfaces to be welded shall be free from mill scale, rust, paint or other foreign matter. A thin coat of

linseed oil or its equivalent over the surfaces to be welded need not be removed. These provisions shall apply to new structures and where new steel is to be welded to steel in any existing structure.

Structural steel shall not be painted on any areas where shop or field welding is to be performed, except that a coat of linseed oil without pigment may be used for temporary protection. However, structural members which have been painted, may be welded, provided that the paint is completely removed from the areas to be welded. Parts which are welded in the shop, to be erected by bolts or rivets, shall receive the usual painting if any is required after the shop welding is finished. Parts to be field welded shall receive a coat of linseed oil after shop work is completed, and after erection and field welding, they shall be given two coats of acceptable metal protection if painting is required. C26-522.0 of the Administrative Code (8.6.2.10).

10.5 Where rivets are under load there shall be no welding at the connections between structural members so riveted unless precautions are taken to prevent loss of tension of rivet in a manner approved by the superintendent. See 3.11.5.

10.6 In assembling and during yelding, the component parts of a built up member shall be held by sufficient clamps, or other adequate means shall be employed for temporarily fastening the members together and bracing the framework until the joints are welded. This shall consist of erection bolts or positive devices imparting sufficient strength and stiffness to resist all temporary weights and lateral forces, including wind.

For all welded structures, erection bolts, or equivalent means shall be employed for temporarily supporting the members, and existing loads, and for insuring proper alignment.

The temporary support of girders carrying columns or other heavy loads shall be made rigid by such means as shall be designed by the licensed architect or licensed professional engineer in charge and approved by the Superintendent.

In tier building erection, members shall not be erected more than two tiers, or more than one-column length above any column connections yet unwelded.

Rule 11. Metal Chimneys and Tanks.

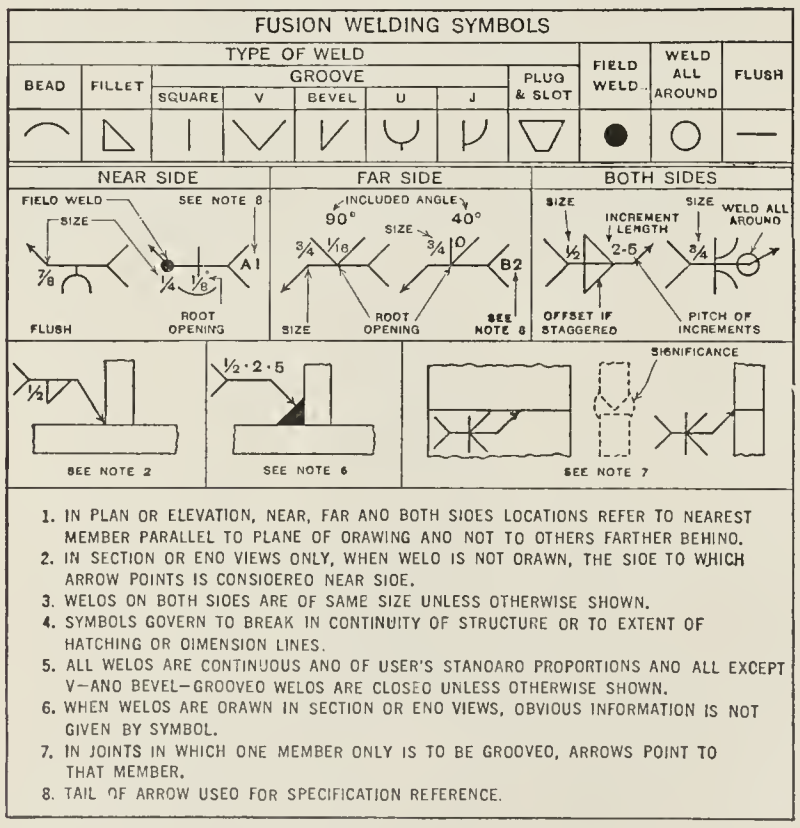
Metal Chimneys and Tanks and all materials entering into their construction, when welded, shall conform to these Rules.

APPENDIX.

The following is not to be considered as part of the Rules for Fusion Welding and Gas Cutting, but is printed for general information only:

I. Weld Symbols.

To provide for uniformity when plans are filed with the superintendent symbols for fusion welding and a method of showing them on drawing shall be as shown in figure 1.



Note: All dimensions in inches.

FIG. 1

II. Sizes, Chemical Composition and Tests of Filler Metal.

Standard sizes of filler metal are as follows: 1/16, 3/32, 1/8, 5/32, 3/16, 7/32, 1/4, 5/16 and 3/8 in. in diameter. In the case of coated or covered filler metal, the standard sizes refer to the diameter of the core wire.

Table 1.—Tensile Requirements for Deposited Metal.

Grade	Base Metal	Treatment of Welded Specimen *a*	All-Weld Tension Test: Tensile Strength, min., lb. per sq. in.	All-Weld Tension Test: Elongation in 2 in., min., per cent
No. 2..	Firebox quality steel plate, tensile strength 55,000 lb. per sq. in., min.; or Steel for bridges, tensile strength 60,000 lb. per sq. in., min., with carbon not over 0.25 per cent and manganese not over 1.00 per cent., or equivalent steels.	stress-relieved	80 000	20*b*
		non-stress-relieved	80 000	15*b*
No. 4..	same as for Grade No. 2	stress-relieved	75 000	20*b*
		non-stress-relieved	75 000	15*b*
No. 10.	same as for Grade No. 2	stress-relieved	60 000	25
		non-stress-relieved	60 000	20
No. 15.	same as for Grade No. 2	stress-relieved	60 000	20
		non-stress-relieved	60 000	17
No. 20.	same as for Grade No. 2	stress-relieved	52 000	10
		non-stress-relieved	55 000	7
No. 30.	same as for Grade No. 2	stress-relieved	45 000	7
		non-stress-relieved	47 000	5
No. 40.	same as for Grade No. 2	stress-relieved	45 000	5
		non-stress-relieved	47 000	3

a Stress-relieving where called for in these specifications is for the purpose of developing the fundamental properties of the weld metal unaltered by locked-up stress. Values obtained from stress-relieved welded specimens are about 5 per cent lower in tensile strength and 10 to 20 per cent higher in ductility than those of non-stress-relieved specimens. The fact that a filler

metal test requires stress-relief signifies only that it must develop the strength required regardless of stress-relief, and not that stress-relief must always be used in actual work. Stress-relieving shall be within the range of 1100 to 1200 F. for 1 hr. per 1 in. of thickness. Gas-welded specimens may be heat-treated at higher temperatures than the temperature specified above for stress-relief.

b It is immaterial how these high physical properties are obtained, that is, whether by carbon-steel filler metal with manganese and silicon contents or by the use of some other alloying elements, but the total amount of such other elements shall be less than 4 per cent.

CHEMICAL COMPOSITION.

The filler metal shall be capable of depositing metal conforming to the following requirements as to chemical composition:

Phosphorus, max., per cent	0.04
Sulfur, max., per cent	0.04

CHEMICAL ANALYSIS.

For arc-welding electrodes, the sample for analysis shall be prepared as follows: A specimen of standard base metal (see Table 1 below) of sufficient size, shall be prepared, and a pad of five superimposed layers of arc metal deposited thereon. The fifth or top layer shall be ground or machined away and discarded. The fourth layer shall be carefully milled off and used for the analysis specified.

For gas-welding rods, the sample for analysis may be prepared as described in preceding paragraph, except that three layers shall be considered sufficient and the top layer used for the analysis, or analysis may be made of the welding rod. In the latter case, ten rods shall be selected at random from the lot, and milled in such manner as to represent the entire cross-section.

TEST SPECIMENS.

ALL WELD METAL TENSION TESTS. The deposited metal shall conform to the minimum tensile properties specified in Table 1.

SPECIMENS (Test).

From each lot of each size of filler metal, a sufficient number of electrodes or welding rods shall be selected at random and a deposited metal specimen prepared. The specimen shall be prepared in accordance with its proposed use.

For 1/16, 3/32 and 1/8 in. filler metal, a plate 3/8 in. in thickness shall be prepared as illustrated in Fig. 5 and the sub-size all-weld tension specimen prepared as shown.

For 5/32 in. and larger sizes of filler metal, a plate 3/4 in. in thickness shall be prepared as illustrated in Fig. 6 and the tension specimen prepared as shown.

Test plates shall be so supported that warping due to welding shall not throw the finished test plate out of line by an angle of over 5 deg. If plates are warped, they shall be straightened cold before being stress-relieved where required.

SPECIAL TESTS. The Superintendent or his representative may require such additional standard tests as will properly develop the strength of the filler metal.

RETESTS. If any tension test specimen fails, additional test plates shall be prepared at the direction of the inspector.

ELECTRODES FOR MANUAL WELDING. In the case of coated or covered electrodes for manual welding, about 1 in. of the electrode shall be bare or free from coating at the one end for making contact with the holder. The arc end shall be sufficienty bare to permit easy striking of the arc, but the length of the bare portion of the arc end, measured from the end to the point where the full cross-section of the coating obtains, shall not exceed one nominal diameter.

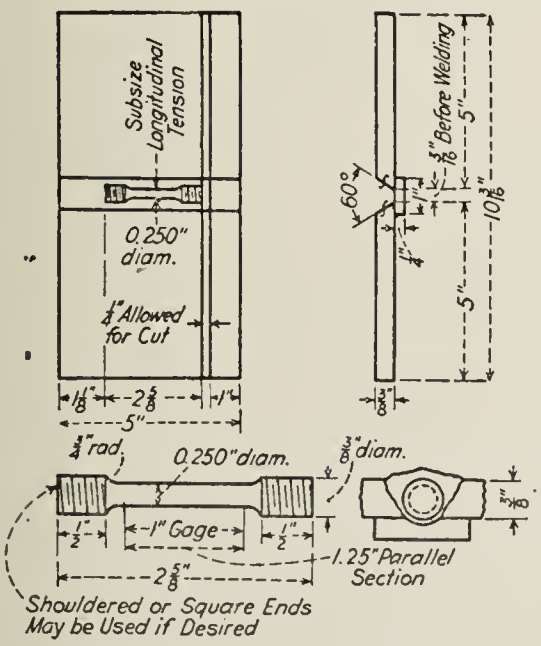
PREPARATION OF FILLER METAL.

Uncoated filler metal and the core of coated or covered filler metal shall be of uniform quality free from injurious segregation, oxides, pipe, seams or other irregularities.

On coated or covered filler metal, the coatings and coverings shall be such that they are not readily damaged by ordinary handling and shall be of commercially uniform thickness and shall present a workmanlike appearance. Coatings and coverings shall be free from injurious scabs, blisters, abnormal pockmarks, bruises or other surface defects.

The surface of gas-welding rods and bare electrodes shall be smooth and free from harmful scale, oil, or grease and shall be plain or copper finished, as specified.

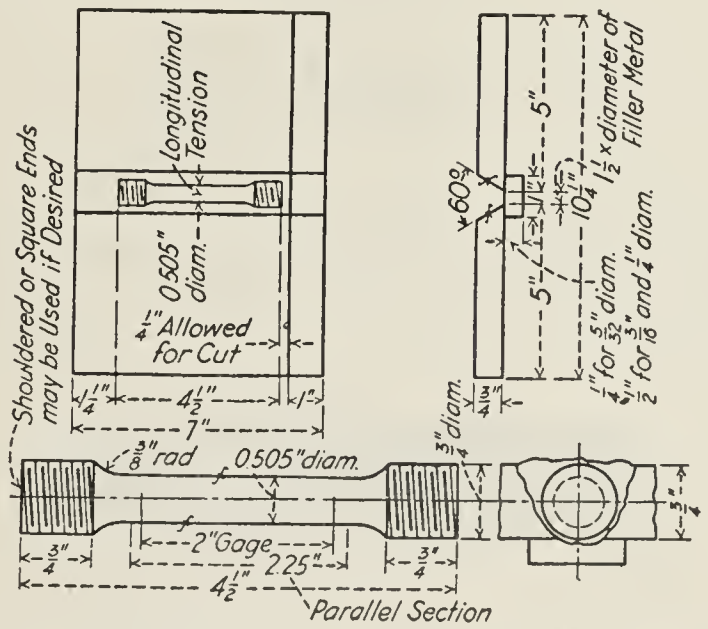
Cross-sectional dimensions shall not vary from that specified by more than 3 per cent.



NOTE 1.—The above plate shall be used for 1/8-in. filler metal.
NOTE 2.—Welds shall be deposited in either layers or beads.
NOTE 3.—Welds in vertical position shall be deposited upwards.
NOTE 4.—Electric welds shall cool to at least 100 F. between the deposition of each layer or bead.

Test Plate for 1/8-in. Diameter Filler Metal and Method of Machining Specimen.

FIG. 5



NOTE 1.—The above plate shall be used for filler metal 5/32-in. in diameter and larger.
NOTE 2.—Welds shall be deposited in either layers or beads.
NOTE 3.—Welds in vertical position shall be deposited upwards.
NOTE 4.—Electric welds shall cool to at least 100 F. between the deposition of each layer or bead.

Test Plate for Filler Metal 5/32-in. in Diameter and Larger and Method of Machining Specimen.

FIG. 6

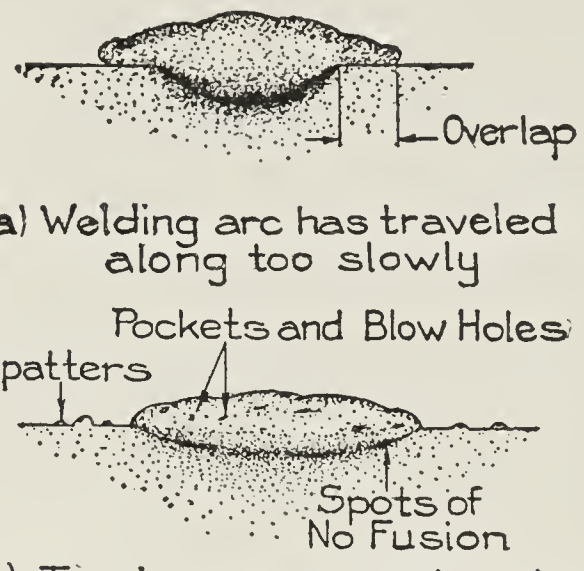
REQUIREMENTS FOR ARC WELDS

III. Bare and Lightly Coated Electrodes.

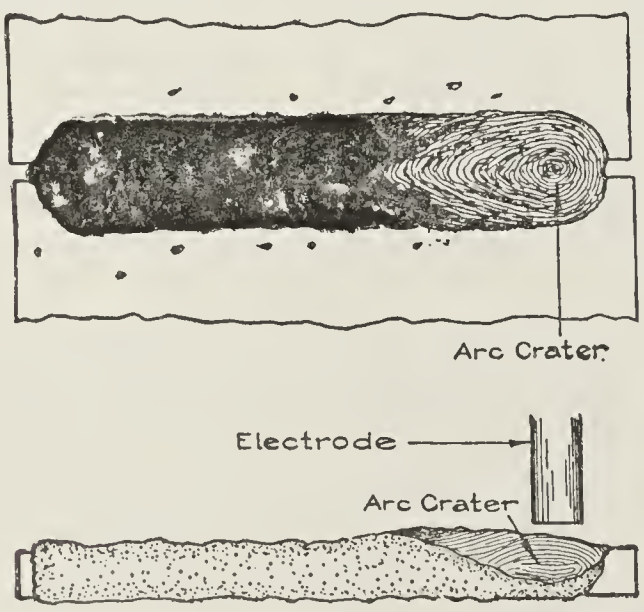
WELDING ARC. Unsound welds, insufficient penetration and overlap in general, resulting from improper arc

length and amount of current and incorrect rate of travel, are prohibited. The characteristics of these different conditions are illustrated in Figs. 7 and 8.

FIG. 7



DEPTH OF CRATER. The depth of arc crater should not be less than 1/16 in. (see Fig. 8).



Longitudinal section of deposited metal showing penetration and arc crater.

FIG. 8

LENGTH OF ARC. In manual metal arc-welding, proper fusion, penetration and soundness of weld shall be secured by using as short an arc as can be maintained for each form of weld. A typical example of proper arc length for given thickness of base metal and for a 3/8-in. fillet weld is shown in Fig. 9. When properly manipulated, the arc will throw a steady shower of small sparks, and (in the case of bare electrodes) will be accompanied by a regular, crackling, snappy sound with fractional intervals less than

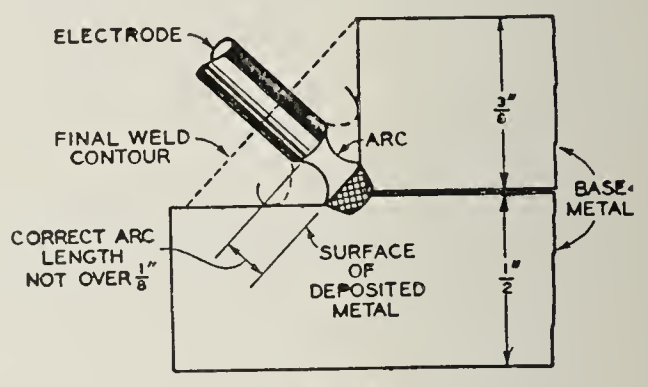


FIG. 9

one-half second between explosions. With a given current, the length of arc depends upon the arc voltage which should not exceed 20 volts.

CURRENT. The amount of current shall be such as will best suit the arrangement and the thickness of the base metals to be joined. Sizes and current values shall conform to those given in Table 2. In special cases other approved sizes and currents may be specified, when permitted by the Superintendent. The current and voltage used shall be measured by suitable meters, either mounted on the arc welding machine panel, or portable, for use at the point of welding. Allowance shall be made for line drop where the meters are not adjacent to the point of welding.

Table 2—Current Values and Sizes of Bare and Lightly Coated Electrodes for Various Sizes of Welds

Size of Weld In.	Minimum Number of Layers	Electrodes and Current Values
1/4	1	In all these cases use either 5/32-in. electrodes with 160-180 amps., or 3/16-in. electrodes with 180-225 amps.
3/8	1	
1/2	2	
5/8	2	
3/4	3	

MANUAL OPERATION OF ARC. The arc shall be started by drawing a long arc momentarily to preheat base metal before deposition of filler material to insure thorough fusion at start of weld, or it shall be started moving a short arc rapidly back and forward over a limited area at start.

In case of a long weld where more than one electrode is used, the arc shall be re-started about 1/4 in. to 3/8 in. ahead of the crater, going back over the crater to properly fill it and keep a uniform contour, thus insuring proper preheating as in start of weld.

On single layer welds the arc shall progress with either a straight forward motion or an oscillatory motion depending on size of joint to be filled to bring it up to proper contour and insure proper fusion in root zone.

In multi-layer welding the first layer shall be deposited by moving the arc in a straight forward motion to secure proper fusion in the root zone, while subsequent layers shall be deposited with an oscillatory motion to build up the weld to the proper contour. The first layer shall be

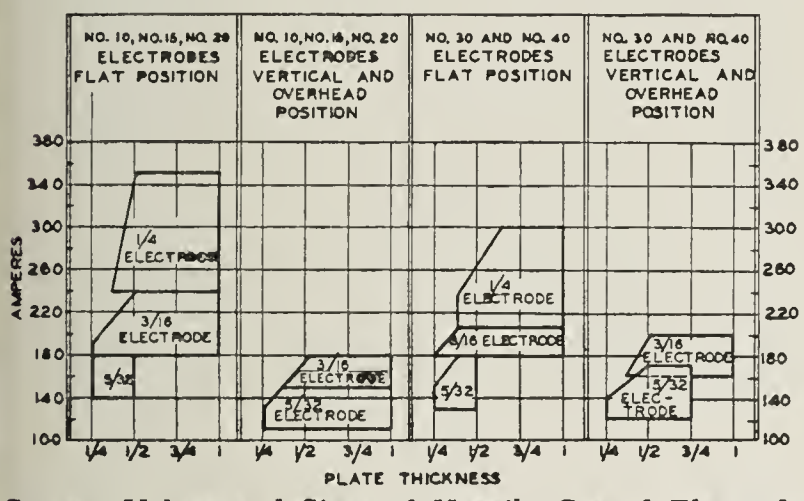
made with an electrode small enough to get thorough penetration at the root zone.

Each layer shall be thoroughly cleaned by brushing or chipping to remove all excess scale and oxides before depositing succeeding layers. The surface of each layer shall be reasonably smooth and uniform in contour.

IV. Heavily Coated Electrodes.

WELDING PROCEDURE. In making welds with heavily coated electrodes the procedure recommended by the manufacturer of the electrodes being used shall be followed, but if such instructions are not available, the procedures given below shall be followed.

CURRENT. The amount of current shall be such as will best suit the arrangement and the thickness of the base metal to be joined. The current ranges in Fig. 10 are given as a guide in selecting the best operating conditions for various electrode sizes and plate thicknesses for flat, vertical and overhead welding. In special cases, other approved sizes and amounts of current may be specified. The current and voltage used shall be measured by suitable meters, either mounted on the arc welding panel, or portable, for use at the point of welding. Allowance shall be made for line drop where the meters are not adjacent to the point of welding.



Current Values and Sizes of Heavily Coated Electrodes for Various Plate Thicknesses for Manually Welded Operations.

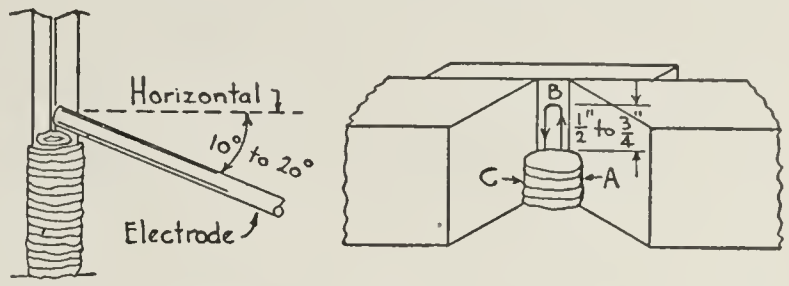
FIG. 10

WELDING PROCEDURE FOR FLAT BUTT WELDS. In making butt welds on bevel joints, weave the electrode from one side of the joint to the other. This weaving may not be necessary on the first pass. These oscillations shall be regulated so that the weld metal fuses into the side walls without directing the arc against the walls. This shall be accomplished by pointing the electrode downward and allowing the outer edges of the arc to play lightly on the walls. A stay shall be made long enough on the turns to insure complete fusion into the side walls.

The travel speed shall be regulated to limit the thickness of the layer per pass to not more than ⅛ in.

WELDING PROCEDURE FOR VERTICAL AND OVERHEAD BUTT WELDS. One-eighth (⅛)-in. and 5/32-in. diameter electrodes should be used in the vertical and overhead welding positions, but the 3/16-in. diameter may be used in vertical welding when necessary.

Vertical welds shall be made by welding upward. The first pass should be started by oscillating or weaving the electrode from side to side (Fig. 11*A*) to produce a weld metal bridge across the "V." Then the arc is to be moved rapidly upward for ½ to ¾ in. along the bottom of the "V" (Fig. 11*B*), drawing a long arc (about 30 volts), and then back down to the crater again (Fig. 11*C*), shortening the arc to its previous length. The movement up and down should require about 1/3 sec. and should be easily accomplished with a bending action of the wrist. Its purpose is to allow the molten metal in the pool to solidify and to preheat the plates ahead of the crater.

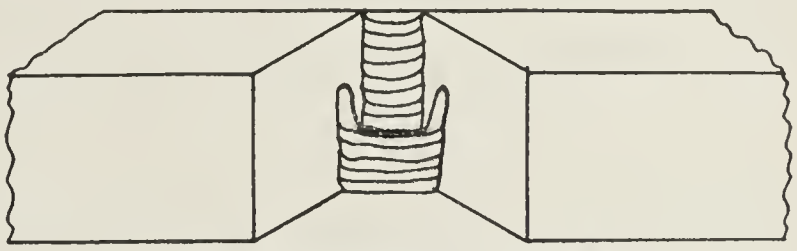


Vertical Butt Weld—First Layer.

FIG. 11

The above cycle of operation shall be repeated all the way up, each time depositing a thin layer of metal on top of the preceding layer. The travel speed on the first pass shall be regulated to limit the deposit to the equivalent of about a ¼-in. fillet weld. On succeeding passes, the thickness shall not exceed ⅛ or 5/32 in. The successive passes shall be made by this up and down technique or by successive horizontal weaving.

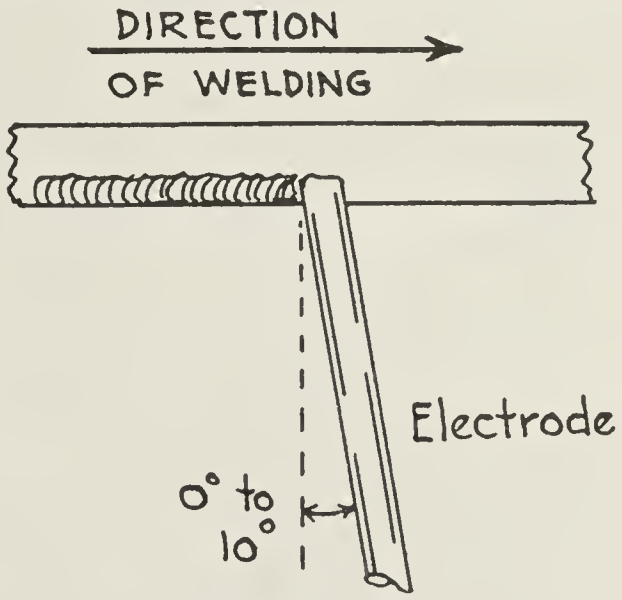
If, in making the second and succeeding passes, a procedure similar to that of the first pass shall be used, the motion (Fig. 12) to be across the pool or shelf, then upward and back at one side of the "V," then across the shelf to the other side, and up and back to the shelf again. The up and down motions shall be done rapidly, lengthening the arc while doing so. If the procedure of weaving straight across is used, it shall be similar to the above except that the up and down motion at each end of the shelf is eliminated.



Vertical Butt Weld—Second Layer.

FIG. 12

For overhead butt welds, the procedure shall be the same as that previously described for vertical welds. The electrode shall be pointed upward and sometimes leaning slightly forward, as shown in Fig. 13. A shelf on which to work shall be deposited at the start and the cycles of operation shall be the same as those for vertical welding.



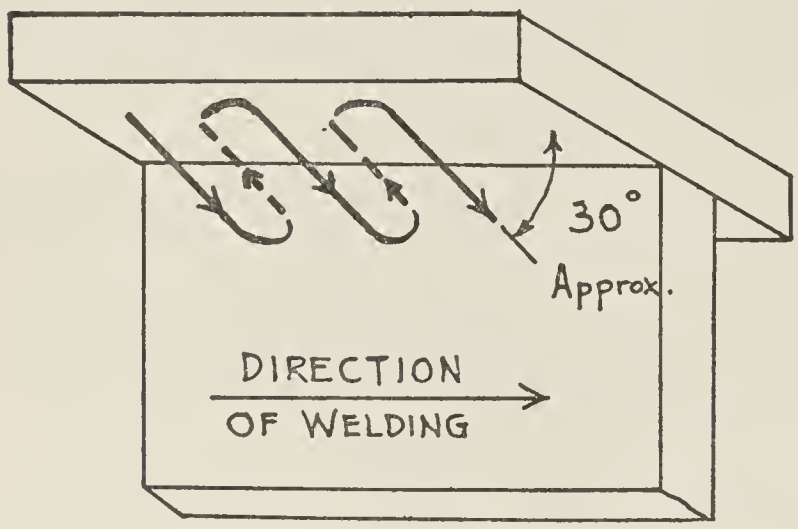
Overhead Butt Weld.

FIG. 13

WELDING PROCEDURE FOR FLAT AND OVERHEAD FILLET WELDS. For light fillet welds (¼ in. or less) and the first pass of multiple pass welds, the electrode shall be moved only in the direction of travel. The second and successive passes or heavy single-pass welds (⅜ in. for example) shall be made by weaving the electrode in a plane making an angle of about 30 degrees with the underside of the plate, as shown in Fig. 14. The solid line represents actual welding. The dotted line represents an upward skip done in about 1/3 sec.

WELDING PROCEDURE FOR VERTICAL FILLET WELDS. Vertical fillet welds shall be made in the same manner as vertical butt welds.

WELDING PROCEDURE FOR MULTI-LAYER FILLET WELDS IN ANY POSITION. In certain cases fillet welds in sizes up to ⅜ in. may be made in a single pass by holding the electrode at a suitable angle and moving it along at a uniform rate. Where the fillet weld

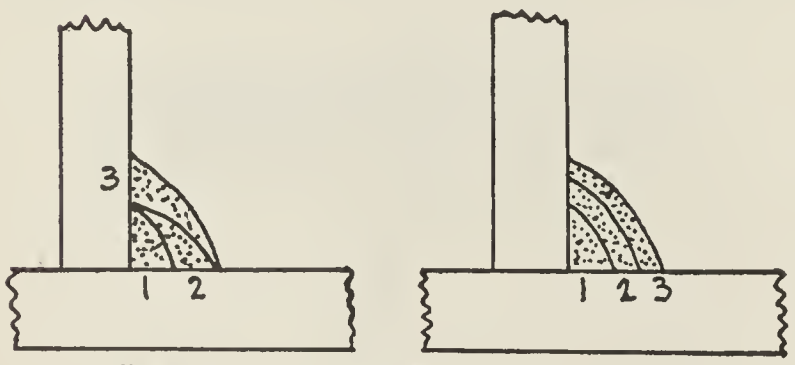


Overhead Fillet Weld.

FIG. 14

requires more than one layer, the second and subsequent layers shall be deposited as a complete spread over the previously deposited metal or in two or more parts as shown in Fig. 15.

ALTERNATE METHODS OF MAKING MULTI-LAYER WELDS



Flat, Vertical, or Overhead Fillet Weld.

FIG. 15

V. Requirements for Gas Welds.

WELDING FLAME. Torches may be either single or multiple flame. The adjustment of the welding flame shall be the same as used in the qualification tests.

The size of the inner cone or inner cones shall be regulated for varying thicknesses of base metal so that the proper amount of heat and flame condition is obtained to properly perform the welding operation. The criterion for welding flame regulation is that the inner cone or inner cones should be of a size and character which produce sufficient heat to maintain the welding puddle in a quiet molten state, and to cause fusion of the welding puddle with the base metal.

The orifice of the welding tip shall be kept clean at all times during the welding operation so that the regular and symmetrical inner cone or cones can be maintained.

WELDING ROD. The size of the welding rod to be used shall be such that the rod shall be of sufficient diameter to maintain the welding puddle in a quiet molten state.

STARTING WELDS. In starting a weld, the base metal shall be heated to a dull red for a distance of from 1 to 2 in. along the joint so that the point of welding can be brought to the fusion temperature evenly before welding rod is added. If the weld is stopped for any reason, the same precautions should be observed upon restarting.

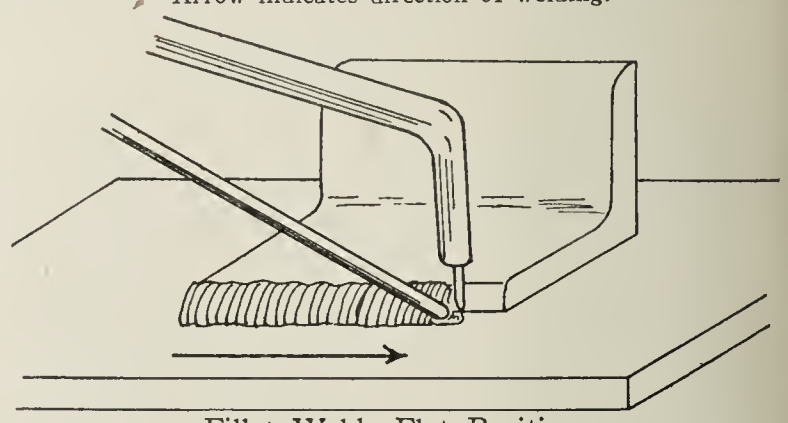
WELDING TECHNIQUE—GENERAL. The welding torch and welding rod shall be manipulated so as to maintain a definite puddle of molten weld metal without overheating either the base metal or deposited metal. The end of the welding rod shall be kept within the limits of the puddle at all times, particular care being taken not to disturb the rear edge of the puddle which might cause slag on the surface to become entrapped in the weld metal. In manipulating the flame, the tip of the inner cone shall preferably not touch either base metal, puddle or welding rod.

Either backhand or forehand technique may be employed. The various positions of welding rod and flame with respect to each other in backhand and forehand techniques are illustrated in Figs. 16 and 17.

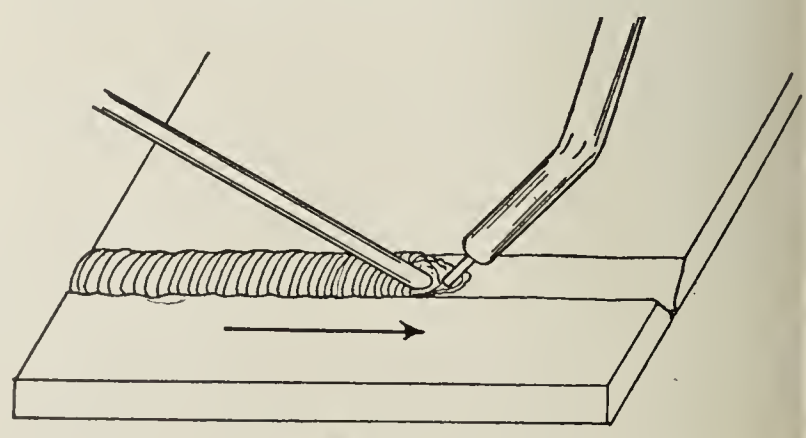
In carrying the puddle forward, the base metal surfaces just in advance of the puddle shall be prepared for fusion with the puddle by melting sufficient surface metal to remove oxides and expose sound base metal. In some cases this depth of melting may be 1/32 in. or less. Manipulation of the rod and flame in controlling the puddle shall

FIG. 16

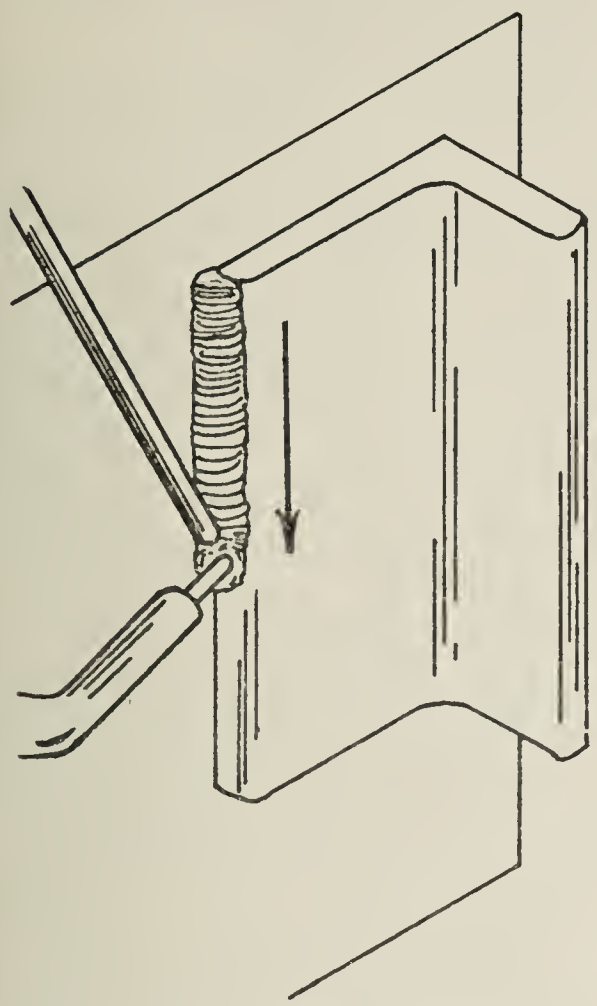
Positions of Rod and Flame in Backhand Technique.
Arrow indicates direction of welding.



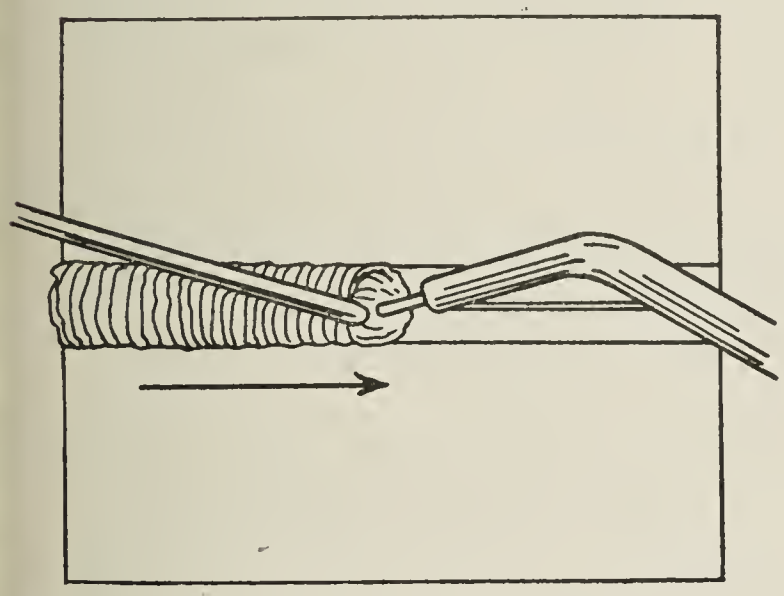
Fillet Weld—Flat Position.



Butt Weld—Flat Position.



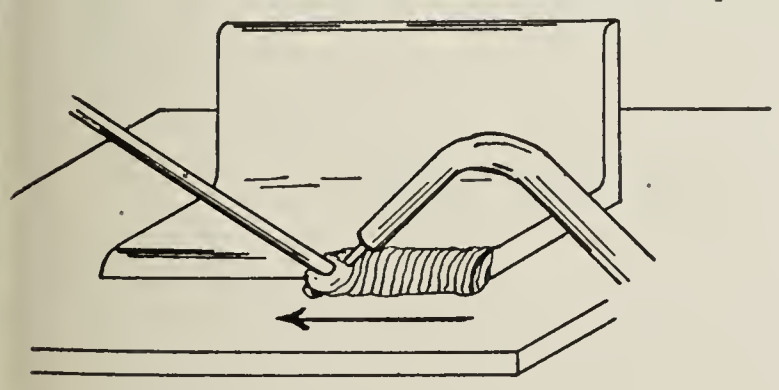
Fillet or Butt Weld—Vertical Position.



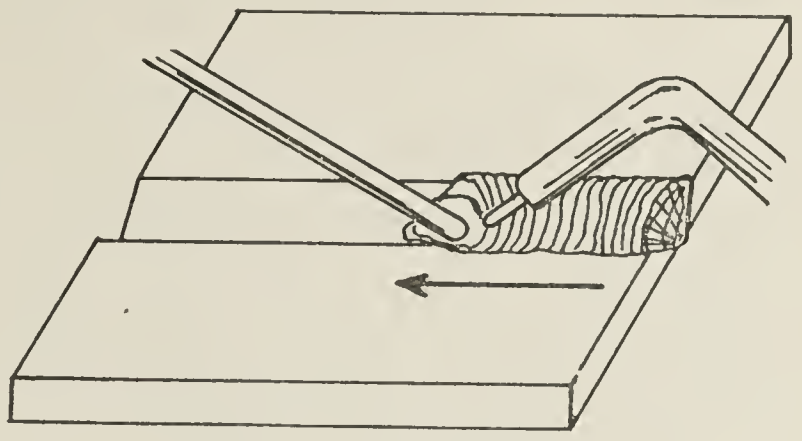
Fillet or Butt Weld—Horizontal Position.

FIG. 17

Positions of Rod and Flame in Forehand Technique.



Fillet Weld—Flat Position.



Butt Weld—Flat Position.

be such that at no time is molten metal from the puddle permitted to flow ahead until this melting has occurred.

For welding in positions other than flat, it shall be permissible to carry a fairly shallow puddle for convenience in controlling it. When using backhand technique, this shall be done by distributing the molten metal in the puddle with the end of the welding rod, providing the puddle is kept sufficiently molten so that surface oxides do not become entrapped in the weld.

FILLET WELDS. When fillet welding in the flat position, there is a tendency for the top plate to melt before the bottom plate. This shall be avoided by pointing the flame more against the lower plate as shown in Figs. 16 and 17. It is essential that fusion be secured at the inside corner or root of the joint, the welding rod and inner cone shall be manipulated so this result will be secured. If desired, the welding rod may be stirred lightly, well within the bounds of the puddle, to maintain a shallow puddle and distribute the molten metal so as to obtain readily welds of proper size and shape.

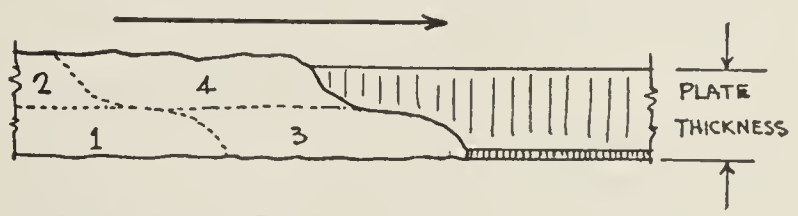
BUTT WELDS. When butt welding in the flat position, manipulation of rod and inner cone shall be such that the bottom of the vee is fused together at the same time but in advance of the upper walls of the vee so that the weight of the puddle does not cause molten metal to sag inside the joint. Where spacing of the joint exceeds 1/6 in., it is allowable to weld the bottom of the vee together in a separate operation, ½ in. to 1 in. at one time ahead of the principal point of welding.

MULTI-LAYER WELDING. Multiple layer welding may be used in place of single layer welding for all positions of welding and thicknesses of metal, but especially for welds of larger size. The criterion shall be the size of puddle that can most effectively be carried by the welder for the particular position of welding. If the completion of a weld in one layer requires a puddle larger than indicated by this criterion, two or more layers shall be made.

The layers of the weld may be made continuously for the full length, or the welding may be done by the "step" method illustrated in Fig. 18.

FIG. 18

"Step" Method of Multi-Layer Welding.

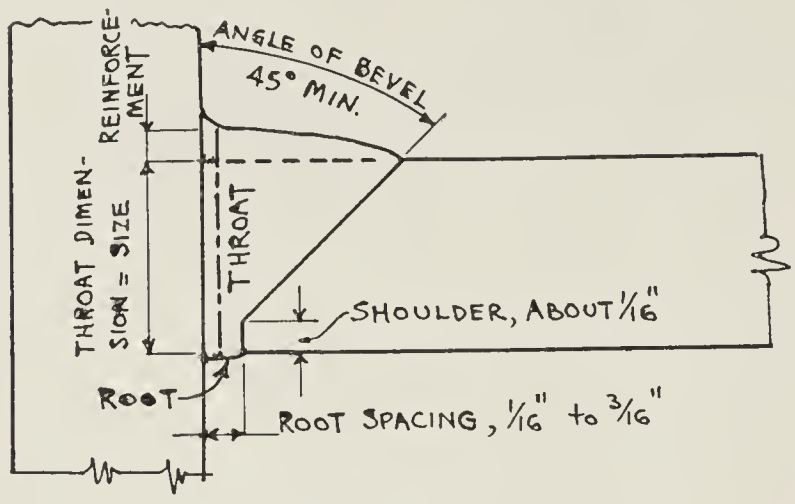


Sequence of "Step" Welds Shown by Numbers.

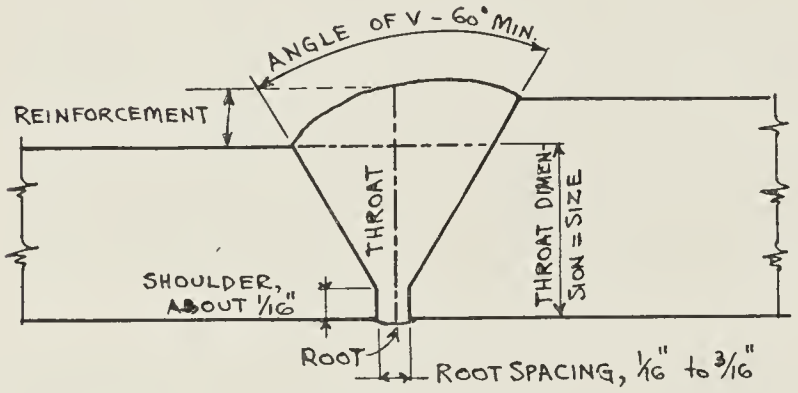
VI. Illustrations of Butt and Fillet Welds.

RULES

FIG. 20

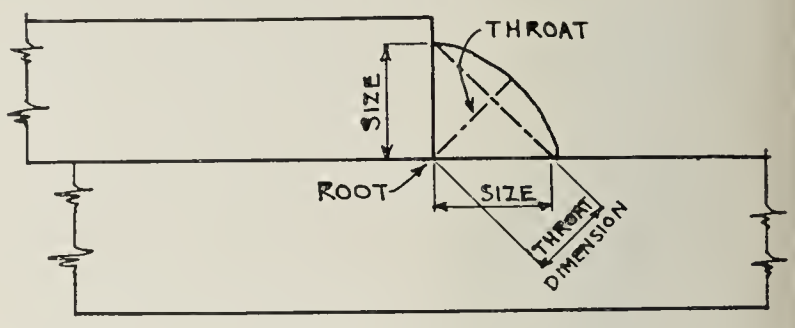


Single Bevel Butt Weld.

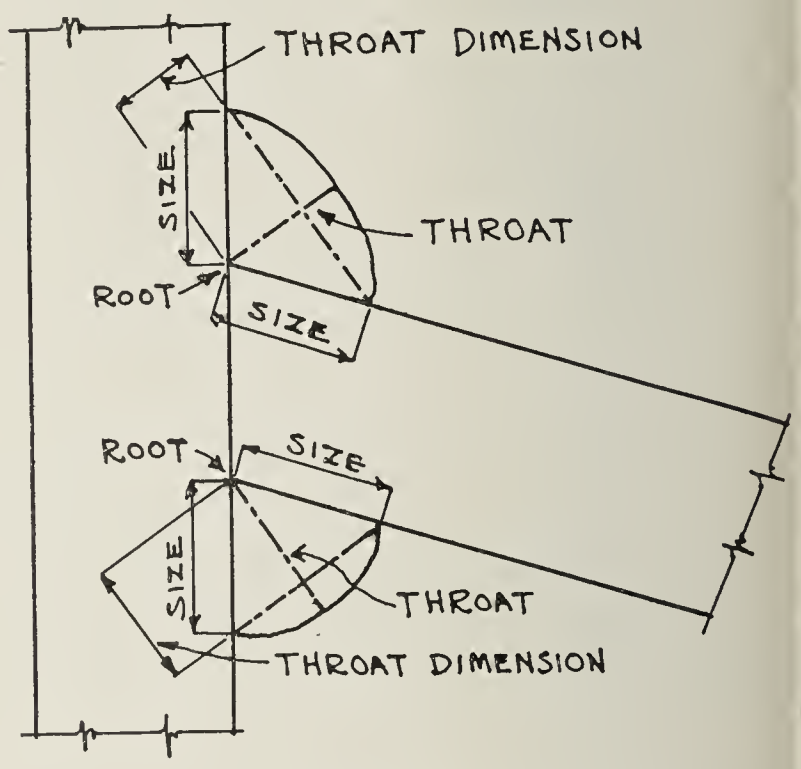


Single-V Butt Weld.

FIG. 21



Right Fillet Weld.



Oblique Fillet Weld.

APPROVED APPLIANCES

APPROVED FIRELINE HOSE VALVES

TYPE A—150 LBS. WATER WORKING PRESSURE

May be installed on all 4-inch and 6-inch systems and on uppermost stories on 8-inch systems

Name	*Calendar No.*
Fairbanks Company	81-20-SA
Walworth Company	899-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Croker National Fire Prev. Eng. Co.	304-28-SA
Jenkins Brothers	779-28-SA
W. D. Allen Mfg. Co.	890-28-SA
John Simmons Co.	209-29-SA
Grinnell	651-30-SA
Elkhart	14-31-SA

TYPE B—250 LBS. WATER WORKING PRESSURE

May be installed on all standpipe systems

Name	*Calendar No.*
New York Brass Foundry Co. (Stillbech)	53-21-SA
Walworth Company	900-27-SA
W. D. Allen Mfg. Company	1151-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Jenkins Brothers	780-28-SA
Croker National Fire Prev. Eng. Co.	970-28-SA
Fairbanks Company	268-29-SA
Pratt & Cady	231-30-SA
Elkhart	15-31-SA

APPROVED FUEL OIL FILL PIPE TERMINALS

Name	*Calendar No.*
Fee and Mason	10-36-SA
Flagg	345-35-SA
J. H. N.	292-35-SA
Newbury	223-35-SA
Preferred	213-35-SA
Rhode Island	204-35-SA
Seal-O-Strain	48-35-SA
Sealtite	231-35-SA
Simplex	214-35-SA

RULES

FIRE RETARDING RULES FOR GARAGES, ETC.

Adopted by the Board of Standards and Appeals Aug. 30, 1917; Amended Nov. 1, 1917, and Feb. 3, 1922.

Rule 1. Fire Retarding Materials for Garages, Motor Vehicle Repair Shops and Oil Selling Stations. In garages, motor vehicle repair shops and oil selling stations any material or form of construction shall be deemed fire-retarding within the meaning of §73, subdivision 3, of the building code, that resists the action of flame and heat when subjected to a continuous fire for one hour at an average temperature of seventeen hundred (1700) degrees Fahrenheit without the passage of flame, and with a maximum temperature rise to four hundred (400) degrees Fahrenheit on the side away from the fire. The point at which the temperature of transmitted heat is measured shall be protected from external air and weather conditions.

When the test specimen is in the form of partition construction, the area under test shall be not less than one hundred (100) square feet and least dimension shall be not less than nine (9) feet. When in the form of floor construction, the area under test shall be not less than two hundred (200) square feet and the least dimension shall be not less than fourteen (14) feet.

During the fire, the floor construction shall support the live load for which it is designed, and after the fire shall safely sustain twice the designed live load with a maximum deflection of not more than one two-hundredth (1/200) part of the span.

Rule 2. Wood Joisted Floor Construction. Wood jointed floor construction shall be accepted as fire-retarding construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations when the beams are protected on the upper and under sides with the fire-retarding materials specified in rules for floor and ceiling coverings.

Rule 3. Floor Covering. Any one of the following forms of construction shall be accepted as fire-retarding for the covering of the upper sides of wood floor beams in joisted floor construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations.

(a) Seven-eighths (⅞) inch wood underflooring protected with a membrane of two-ply waterproofing covered with not less than two and one-half (2½) inches of 1:2½:5 concrete or better, reinforced with not less than one-fourth (¼) of one (1) per cent of steel mesh;

(b) Two and one-half (2½) inches of 1:2:4 concrete applied directly to the top of the joists, with or without temporary support, reinforced with not less than one-fourth of one per cent steel rods, mesh or steel lath, and having the tops of the joists coated with approved waterproof paint or protected by tar paper on the top and on the sides for a distance of three inches from the top.

Rule 4. Ceiling Covering. Any one of the following forms of construction shall be accepted as fire-retarding for the covering of the undersides of wood floor beams in joisted floor construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations:

(a) One-half (½) inch plaster boards, or three-eighths (⅜) inch gypsum wall boards weighing not less than 16 pounds per square yard with pointed joints covered with No. 26 U. S. gauge sheet metal with one (1) inch lapped seams nailed to the wood beams when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are spaced more than sixteen (16) inches on centers;

(b) Two thicknesses of one-quarter (¼) inch asbestos board laid with tight staggered joints and nailed to the beams, when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are more than sixteen (16) inches on centers;

(c) Metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) inch thick.

Rule 5. Attachment to Ceiling. Fire-retarding ceilings in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations shall be attached to wood floor beams and girders in such manner as to maintain an air space between the wood beams and all wood beams shall be seasoned before applying the protective coat.

Rule 6. Openings in Fire-Retarding Floors. Pipes or conduits which pass through floors shall be fitted with metal thimbles and made watertight for a height of three (3) inches above the floor.

Rule 7. Columns. All structural posts and columns in non-fireproof buildings required to be fire-retarded shall be protected with fire-retarding materials specified for ceiling coverings in these rules, or with any of the materials accepted in fireproof construction; except that an air space shall not be required around steel or cast iron columns.

Where necessary for protection against mechanical injury, the fire-retarding protection on columns shall be jacketed to a height of five (5) feet from the ground with No. 4 U. S. gauge metal.

Rule 8. Girders. All girders in non-fireproof buildings required to be fire-retarded shall be protected with the fire-retarding materials specified for ceiling coverings in these rules, or with any of the materials acceptable in fireproof construction; except that an air space need not be provided around steel girders.

Rule 9. Shaft Enclosures. Existing stairways and vertical shafts in non-fireproof business buildings hereafter converted to be used as garages, motor vehicle repair shops or oil selling stations shall be enclosed in fire-retarding partitions continued through the non-fireproof floor construction, and when unfilled wood stud partitions are used, the space between the floor beams shall be fire-stopped with incombustible materials. All openings in such partitions shall be protected with accepted metal-covered fire doors or windows. Wherever necessary for protection against mechanical injury, the partition shall be jacketed to a height of five (5) feet on the garage side with No. 4 U. S. gauge metal. Any one of the following forms of partitions shall be accepted for the enclosure:

(a) Two by four inch wood studs, spaced not more than sixteen (16) inches on centers, covered both sides with metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) of an inch thick;

(b) Two by four inch wood studs placed not more than sixteen (16) inches on centers, covered both sides with seven-eighths (⅞) inch wood sheathing, one-half (½) inch plaster boards with pointed joints and No. 26 U. S. gauge sheet metal with one-inch lapped seams;

(c) Two by four inch wood studs spaced not more than sixteen (16) inches on centers, covered both sides with seven-eighths (⅞) inch wood sheathing, two thicknesses of one-quarter (¼) inch asbestos boards laid with tight staggered joints and jacketed with No. 16 U. S. gauge metal on the garage side to a height of five (5) feet;

(d) Two by four inch wood studs spaced not more than sixteen (16) inches on centers, filled in solidly between the studs with four inches of approved fireproof materials and covered on both sides with No. 26 U. S. gauge metal;

(e) Existing wood stud, lath and plaster partitions covered on the garage side with No. 26 U. S. gauge sheet metal with one inch lapped seams.

RESERVE CALENDAR

BOARD OF STANDARDS AND APPEALS

Appeals from Administrative Orders.

284-37-A—484-496 Fulton street and 2-30 Bond street, southeast corner (Block No. 159, Lot No. 1), Borough of Brooklyn.

288-37-A—422-438 Fulton street, 14-30 Hoyt street, 171-201 Livingston street and 15-19 Gallatin place (Block No. 156, Lot No. 1), Borough of Brooklyn.

331-37-A—450-458 Fulton street, south side, block bounded by Livingston street, Hoyt street and Elm place (Block No. 157, Lot No. 1), Borough of Brooklyn.

351-37-A—2307 Beverly road and 2410 Bedford avenue, northwest corner (Block No. 5133, Lot No. 14), Borough of Brooklyn.

354-37-A—1-59 Fort Greene place, 126-135 DeKalb avenue and 2-52 South Elliott place (Block No. 2098, Lot Nos. 13-70), Borough of Brooklyn.

358-37-A—166-01 Jamaica avenue, northeast corner of 166th street (Block No. 867, Lot No. 190), Jamaica, Borough of Queens.

386-37-A—4208 Manhattan avenue, west side, 590 ft. 11½ in. north of Neptune avenue (Block No. 7024, Lot No. 89), Borough of Brooklyn.

442-37-A—132-138 4th avenue and 78 East 13th street, southwest corner (Block No. 564, Lot No. 45), Borough of Manhattan.

504-37-A—14 Second avenue, east side, 47 ft. 10 in. south of East 1st street (Block No. 442, Lot No. 6), Borough of Manhattan.

553-37-A—1815-1825 Ocean avenue, east side, 280 ft. south of Avenue M (Block No. 7656, Lot No. 55 and part of Lot Nos. 54 and 58), Borough of Brooklyn.

Appliances Submitted for Approval.

1279-25-SA—Teesdale, Automatic Booster Pumps, Models TUX, TUS, KP and R.

697-28-SA—Acme Fire Alarm Signal System.

380-29-SA—Kennedy 2½-inch Hose Outlet Valve, Type "A".

637-29-SA—Merco Oil Burner, Model K-1.

327-31-SA—Caloroil Horizontal Rotary Oil Burner, Models 1, 2, 3, 4, 5 and 6.

491-31-SA—Superfex Oil Burning Heaters and Heat Projectors, Various Models.

237-32-SA—D. B. Smith & Co. Fire Extinguishers, Models Arrow and Oneida.

400-32-SA—Superfex Oil Burner Warm Air Furnace. Models 100, 100-E, 101, 101-E, 200, 200-E, 300 and 300-E.

98-33-SA—Elkhart Siamese Hose Connection for Standpipe and Sprinkler Systems 3 x 3 x 6 in. flush type of straightway and 90° patterns.

164-33-SA—Firemaster Fire Extinguisher.

165-33-SA—Chemical Processes Company Fuel Oil Burner (for Kerrick Kleaner).

237-33-SA—Kelco Oil Burner.

136-34-SA—Korth Oil Burner, Model E.

181-34-SA—Genuine Detroit Safety Float Valve, Models CRC-236-W, CRC-236-E, CRC-236-S and CRC-236-A.

221-34-SA—Metropolitan Curb Fill Box No. 138 for Gasoline.

301-34-SM—"Radbur" Flameproofing Compound.

308-34-SA—Presteel Range Oil Burner.

7-35-SA—Harding Float Switch, Type CC (for Standpipe Alarm System).

11-35-SA—N. Y. B. F. 4", 5" and 6" Standpipe and Automatic Sprinkler Siamese Connection.

29-35-SA—Aetna Range Oil Burner, Model 27-SGD.

39-35-SA—De Bothezat Bifurcator (for Paint Spraying).

43-35-SA—Universal Water Closet Unit, Models Castle No. 5232 and Climax No. 5022.

51-35-SA—General Electric Copper Oxide Rectifier, Model 6RC81Y1, for Fire Alarm Service.

88-35-SA—Kraissl-Trumbull Fuel Oil Wall Pump, No 522, for Domestic Oil Burners.

156-35-SA—Gillespie Elevator Shaft Door Switch.

163-35-SA—United Iron Works Centrifugal Pump for Gasoline and Fuel Oil, Type Single Stage Vertical Pump.

171-35-SA—Florence Cabinet Heater, Models CJ-1, CJ-2, CJ-21 and C-2.

189-35-SA—Air-O-Flame Cabinet Heater, Models 42, 51, 52 and 521.

207-35-SA—Cole Hot Blast Oil Heater, Model 915.

216-35-SA—Vac-O-Vent Fill Box (Pressure and Vacuum Relief).

226-35-SA—Savoil Cabinet Heaters and Cooker, Models 100, 200, 201 and 300.

229-35-SA—Hardinge Gun Type Oil Burner, Model 25.

231-35-SA—Sealtite Fill Pipe Terminal for Gasoline.

238-35-SA—Garfire Gun (Fire Extinguisher).

265-35-SA—French Automatic Oil Burner, Model 5 De Luxe.

21-36-SA—Herco Oil Burner, Models F, P15, P35, P50, J5, J10, S20 and S40.

191-36-SM—Carey Rocktex Insulating Wool.

201-36-SA—Quick Heat Pot Type Radiant Heater, Models 316-0, 319-0, 316-1, 319-1, 326-0, 329-0, 326-1 and 329-1.

202-36-SA—Quick Heat Pot Type Circulating Heater, Models 218-1, 218-2, 228-1, 228-2, 238-1 and 238-2.

219-36-SA—Bronx Faultless Oil Burner for Pressing Machine.

242-36-SA—Swirling Heat Oil Burner, Models A-S, A-M, A-L and B.

248-36-SA—Dupont Oil Burner.

286-36-SA—Oil Industrial Laboratories, Anti-Syphon Oil Check Valve, Model No. 426.

295-36-SA—Vesta Fuel Oil Meter.

317-36-SA—Dempsey Industrial Oil Burner.

124-37-SA—Beach Air Brushes (for Paint Spraying Equipment).

156-37-SA—McClintock Automatic Hydraulic Sewer Valve.

159-37-SA—Stempel Pressure Type Fire Extinguisher.

168-37-SA—Flex-O-Gas Oil Burner, Model FR.

214-37-SA—Lattner Gravity Oil Burner, Models A, B, C and D.

281-37-SA—Todd Rotary Burner (Pump Type), Models A, B, C, C-1 and D.

282-37-SA—Lux Model 2 Carbon Dioxide (CO^2) Fire Extinguisher.

289-37-SA—Lido Oil Burner, Models D and C.

385-37-SA—Edwards VACC, Non-Code, Closed Circuit Interior Fire Alarm System.

447-37-SA—Bomar Fill Pipe Terminal for Gasoline and Fuel Oil.

503-37-SA—Indiana Oil Burner.

547-37-SA—Fairfield Model F Jr. Oil Burner.

567-37-SA—Instantaneous Hose Reel.

20-38-SM—Alpha System of Steel and Concrete Construction.

28-38-SM—Cantilite Concrete Plank for Roof and Floor Construction.

33-38-SM—Gritcrete Short Span Floor Construction.

34-38-SM—Barrett Rock Wool.

49-38-SA—Latham Automatic Oil Burner.

50-38-SA—Ray Gun Type Oil Burner, Model XP.

56-38-SA—Duplex De Luxe Splicing Machine.

68-38-SA—Romine Gas Range Connection.

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BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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DIRECTORY

BOARD OF STANDARDS AND APPEALS
HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN J. MCELLIGOTT

EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.
TELEPHONE—WORTH 2-0184.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

DOCKET

New Cases Filed up to March 2, 1938

Cal. No.	*Department*	*Premises Affected*
111-38-A	H.B.Bx	2109 Virgil place, north side, 100 ft. east of Olmstead avenue (Block 3612, Lot 26), Borough of The Bronx, Alt. 12-38.
112-38-A	H.B.M	9-19 West 53rd street, north side, 308 ft. west of Fifth avenue (Block 1269, Lots 21, 22, 22½, 23 and 25), Borough of Manhattan, N.B. 109-37.
113-38-BZ	H.B.M	4300 Broadway and 663 West 183rd street, northeast corner (Block 2164, Lots 38, 39 and 40), Borough of Manhattan, Decision.
114-38-A	H.B.Bx	390-396 East 153rd street, south side, 25 ft. west of Melrose avenue (Block 2399, Lots 20, 21, 22 and 23), Borough of The Bronx, N.B. 621-37.
115-38-A	H.B.M	133-143 East 16th street, north side, 183 ft. 4 in. east of Irving place (Block 872, Lots 27, 30, 31, 32 and 57), Borough of Manhattan, Decision.
116-38-BZ	H.B.M	312-338 West 59th street, south side, 114 ft. 10½ in. west of Broadway (Block 1049, Lots 44-56 incl.). Borough of Manhattan, Drop Club Applic. 12-38.
117-38-A	H.B.Bx	2780 Jerome avenue, east side, 200 ft. north of East 196th street (Block 3318, Lots 16-19 incl.), Borough of The Bronx, N.B. 658-37.
118-38-A	D.B.Q. & H.B.Q.	113-17 Polk avenue and 113-18 Pell street, southwest corner of 114th street (Block 1757, Lot 90), Flushing, Borough of Queens, Alt. 1047-36.
119-38-SM	H.B.	Chromalin Floor Covering, Material.
120-38-SA	F.D.	Mason Duplex and Commercial Industrial Oil Burner, Appliance.
121-38-BZ	H.B.Bx	655 Westchester avenue, northeast corner of Trinity avenue (Block 2635, Lots 1, 10, 59 and 65), Borough of The Bronx, N.B. 55-38.
122-38-SM	H.B.	Monoplate Fireproof Construction, Material.
123-38-S	H.B.B.	1031 Washington avenue, west side, 125 ft. north of C street (Block 2024, Lot 214), Borough of Brooklyn, 18039-L.D., 18040-L.D., and 18041-L.D.
124-38-SM	H.B.	Blue Bond Mortar Cement, Material.
125-38-SM	H.B.	Truscon Ferrobord Steeldeck, Material.
126-38-SM	H.B.	Bar-Ox Paint No. RB-22 (Red), Material.
127-38-BZ	H.B.Bx	195-201 West 237th street, northeast corner of Broadway (Block 3270, Lot 40), Borough of The Bronx, N.B. 50-38.
128-38-BZ	H.B.Q.	240-18 South Conduit avenue, southeast corner of Memphis avenue (Block 4840, Lot 245), Rosedale, Borough of Queens, N.B. 885-38.
129-38-A	H.B.B.	152 Avenue U, south side, 38 ft. 6 in. west of West 7th street (Block 7119, Lot 8), Borough of Brooklyn, Applic. 1201-38.
130-38-SA	H.B.	Electro-Mechanical Interlock, Type PA, Appliance.
131-38-A	H.B.	59 Fifth avenue, east side, 25 ft. south of East 13th street (Block 570, Lot 6), Borough of Manhattan, Order & Decision.
132-38-BZ	H.B.M	439-445 West 39th street, north side, 200 ft. east of 10th avenue (Block 737, Lots 10-13), Borough of Manhattan, Drop Curb Applic. 13-38.
133-38-A	H.B.B.	7202-7224 Ridge boulevard, west side between 72nd street and 73rd street, 158-190 72nd street and 181-191 73rd street (Block 5906, Lot 1), Borough of Brooklyn, Applic. 1402-38.

DESIGNATIONS: H.B.—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

CERTIORARI ORDERS SERVED ON BOARD OF STANDARDS AND APPEALS

On March 1, 1938, Irving F. Warren, attorney, served on board order of certiorari for Isidor Herman, lessee, in re decision of February 1, 1938, denying permission for parking and storage, under section 7-h, Cal. No. 134-37-BZ, at premises 1043-1053 Winthrop street, Borough of Brooklyn.

CALENDAR

On March 1, 1938, Edward L. Kelly, attorney, served on board order of certiorari for Pearl Palatnick and Morcho Corporation, owners, in re decision of January 25, 1938, denying request to re-open under section 21, Cal. No. 235-31-BZ, affecting premises 701-705 Utica avenue, Borough of Brooklyn.

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Concrete Rules (Hydrated Lime)...Aug.	3, 1937—Vol. 22, No. 31
Elevator Rules .....Mar.	3, 1936—Vol. 21, No. 9
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Tank Trucks, Gasoline, etc.....Nov.	24, 1936—Vol. 21, No. 47
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Range Oil Burners and Space Heaters .....Mar.	8, 1938—Vol. 23, No. 10

MARCH 8, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, March* 8, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 491-37-BZ—Application, October 13, 1937, under section 21 of the building zone resolution, of Sidney H. Kitzler, applicant, on behalf of Asness Bros., owners, to permit in a business use district the extension of an existing gasoline service station and, also, the inclusion of a brake testing station; premises 429-439 Crescent street and 1044-1048 Liberty avenue, southeast corner (Block No. 4198, Lot No. 7), Borough of Brooklyn.

CAL. NO. 581-37-BZ—Application, December 8, 1937, under section 7b of the building zone resolution, of Joseph Schafran, applicant, on behalf of Anna Endler and Max Endler, owners, to permit partly in a business use district and partly in a residence use district the alteration and conversion of occupancy of an existing dwelling to an undertaking establishment and funeral parlor; premises 356 East 200th street (Bedford Park boulevard), south side, 93.80 ft. east of Marion avenue (Block No. 3284, Lot No. 62), Borough of The Bronx.

CAL. NO. 599-37-BZ—Application, December 17, 1937, under sections 7h and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of DeWitt Holding Corporation, owner, to permit for a temporary period of not more than two (2) years partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises 1663-1681 St. Nicholas avenue, west side, 14 ft. 5 in. north of Fairview avenue and 59-61 Hillside avenue (Block No. 2170, Lot No. 129), Borough of Manhattan.

CAL. NO. 601-37-BZ—Application, December 20, 1937, under section 21 of the building zone resolution, of Van Wart and Ackerman, applicants, on behalf of Fred F. French Investing Company, Inc., owner, to permit in a residence use district the alteration and conversion of occupancy of an existing residence building to business use (executive management office); premises 332-334 East 42nd street, south side, 341 ft. 8 in. east of Second avenue (Block No. 1334, Lot Nos. 38 and 38½), Borough of Manhattan.

CAL. NO. 184-29-BZ—Application of Murray Klein, applicant, on behalf of Low Housing Corp., lessee, for Maccalso, Inc., owner, reopened under new proposal January 25, 1938, under sections 7h and 21 of the building zone resolution, to permit for a temporary period of not more than two (2) years in a business use district the storage and parking of more than five (5) motor vehicles and accessory gasoline tanks and pumps for sale of gasoline (previously granted by the board for a garage for more than five (5) motor vehicles—garage not built); premises 42-46 West 66th street, south side, 375 ft. west of Central Park West (Block No. 1118, Lot Nos. 48, 49 and 50), Borough of Manhattan.

CAL. NO. 528-25-BZ—Application of Joseph M. Lonergan, applicant, on behalf of Estate of Morris Erde, owner, reopened November 3, 1937 for consideration re extension of permit, under section 7f of the building zone resolution, to permit for a temporary period of not more than two (2) years the maintenance of a poultry slaughter house in a residence use district; premises 227 Bay 37th street, east side, 285 ft. north of Cropsey avenue (Block No. 6892, part of Lot No. 16), Borough of Brooklyn.

CAL. NO. 598-37-BZ—Application, December 16, 1937, under sections 7d and 21 of the building

CALENDAR

zone resolution, of Patrick Quilty, Acting Chief Engineer, for Department of Water Supply, Gas and Electricity, City of New York, owner, to permit in a residence use district the erection and maintenance of a laboratory building; premises 349-367 Park place, northeast corner of Underhill avenue (Block No. 1160, part of Lot No. 1), Borough of Brooklyn.

CAL. NO. 430-37-BZ—Application, September 2, 1937, under sections 7b, 7c and 21 of the building zone resolution, of Goelet Realty Company, applicant and lessee, on behalf of Robert Walton Goelet, owner, to permit partly in a retail use district and partly in a restricted retail use district the erection and maintenance of a motion picture theatre; premises 384-390 Park avenue and 51-67 East 53rd street, northwest corner (Block No. 1289, Lot No. 36), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

MARCH 8, 1938, 2 P. M.

Appeals from Administrative Orders.

72-38-A—73-79 Henry street and 75-85 East Broadway, northwest corner (Block No. 282, part of Lot No. 3), Borough of Manhattan.

77-38-A—2091 Broadway, west side, 106.10 ft. north of West 72nd street (Block No. 1164, Lot No. 34), Borough of Manhattan.

104-38-A—28-46 Roebling street, northwest corner of North 9th street (part of 2nd floor); (Block No. 2306, Lot No. 18), Borough of Brooklyn.

114-38-A—390-396 East 153rd street, south side, 25 ft. west of Melrose avenue (Block No. 2399, Lot Nos. 20, 21, 22 and 23), Borough of The Bronx.

129-38-A—152 Avenue U, south side, 38 ft. 6 in. west of West 7th street (Block No. 7119, Lot No. 8), Borough of Brooklyn.

39-38-A—284-300 Sheffield avenue, southwest corner of Belmont avenue (Block 3753, Lot No. 9), Borough of Brooklyn.

Variations of Labor Law.

30-38-S—235 Grand street, north side, 149 ft. 2 in. east of Driggs avenue (Block No. 2382, Lot No. 30), Borough of Brooklyn.

40-38-S—284-300 Sheffield avenue, southwest corner of Belmont avenue (Block No. 3753, Lot No. 9), Borough of Brooklyn.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, March* 8, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 366-37-BZ—Application, July 15, 1937, under sections 7h and 21 of the building zone resolution, of F. Oscar Larsen, applicant and lessee, on behalf of Queens boro Investing Company and Jackson Avenue Corporation, owners, to permit partly in a business use district and partly in a residence use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 37-05 75th street, 37-04 76th street and 75-10 37th avenue, south side, between 75th street and 76th street (Block No. 465, Lot Nos. 30, 31, 35, 38, 40 and 42), Jackson Heights, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MARCH 11, 1938, 10 A. M.

SPECIAL MEETING.

Appeal from Administrative Order.

76-38-A-WF—126-02 Northern boulevard, northeast corner of 126th street (Block No. 1820, Lot No. 1), Corona, Borough of Queens.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Friday morning, March* 11, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 626-37-BZ—Application, December 30, 1937, under section 21 of the building zone resolution, of John M. Baker, applicant, on behalf of New York Dugan Bros., Inc., owner, to permit in a residence use district the conversion of occupancy of an existing dwelling to the storage of bakery products and, also, the parking of more than five (5) motor vehicles; premises 222-02 to 222-18 99th avenue and 99-01 222nd street, southeast corner (Block No. 1737, Lot Nos. 1, 6 and 9), Queens Village, Borough of Queens.

CAL. NO. 519-37-BZ—Application, November 4, 1937, under sections 7c and 21 of the building zone resolution, of William C. Sommerfeld, applicant, on behalf of Kathleen M. McCormick, owner, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a gasoline service station; premises 751-753 East 149th street, northeast corner of Concord avenue (Block No. 2641, Lot No. 42), Borough of The Bronx.

CAL. NO. 557-37-BZ—Application, November 26, 1937, under section 21 of the building zone resolution, of David Feifer, applicant, on behalf of Silbo Realty Corporation, owner, to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling from residence to business use; premises 723 West 177th street, northeast corner of Fort Washington avenue (Block No. 2176, Lot No. 1), Borough of Manhattan.

CALENDAR

CAL. NO. 151-37-BZ—Application, April 3, 1937, under sections 7h and 21 of the building zone resolution, of Walter D. Wilkes, applicant and lessee, on behalf of South Brooklyn Railway Company, owner, to permit for a temporary period of not more than two (2) years partly in a residence use district and partly in a business use district the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution; reopened and restored to calendar February 15, 1938); premises 365-373 Ralph avenue, northeast corner of Pacific street (Block No. 1431, Lot No. 1), Borough of Brooklyn.

CAL. NO. 408-37-BZ—Application, August 19, 1937, under section 21 of the building zone resolution, of Alfred H. Eccles, applicant, on behalf of Jackson Avenue Corporation, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 75-13 to 75-21 Roosevelt avenue, 37-64 to 37-70 76th street, northwest corner and 75-12 to 75-20 37th road (Block No. 1286, Lot No. 66), Jackson Heights, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MARCH 11, 1938, 2 P. M.

SPECIAL MEETING.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Friday afternoon, March* 11, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 348-37-BZ—Application, July 6, 1937, under section 7h of the building zone resolution, of Adam Schliessman, applicant and lessee, on behalf of Irving Wilson Voorhees, owner, to permit for a temporary period of not more than two (2) years in a business use district the parking and storage of more than five (5) motor vehicles; premises 77-03 to 77-09 Roosevelt avenue, north side, 100 ft. west of 78th street (Block No. 1288, Lot No. 39A), Jackson Heights, Borough of Queens.

CAL. NO. 228-37-BZ—Application, May 19, 1937, under section 21 of the building zone resolution, of Jack Z. Cohen, applicant, on behalf of Abraham Rudder, owner, to permit in a business use district the establishment of a saw or planing mill; premises 1389-1393 Rockaway parkway, east side, 280 ft. 4 in. south of Farragut road (Block No. 8166, Lot No. 14), Borough of Brooklyn.

CAL. NO. 396-37-BZ—Application, August 6, 1937, under sections 7c and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Mabel C. McCurrach, owner, to permit partly in a business use district and partly in a residence use district the maintenance of an extension (erected without Building Department permit) to an existing factory building; premises 1873-1885 Eastern parkway, west side, 57 ft. north of Atlantic avenue and 19 Olive place (Block No. 1570, Lot Nos. 7, 8, 9 and 31), Borough of Brooklyn.

CAL. NO. 620-37-BZ—Application, December 27, 1937, under section 21 of the building zone resolution, of Otto J. Sambach, applicant, on behalf of Standard Milling Company, owner, to permit in a residence use district the conversion of occupancy of an existing warehouse building to a factory building; premises 40 Corlears street and 730-738 Water street, northeast corner (Block No. 264, Lot No. 70), Borough of Manhattan.

CAL. NO. 413-37-BZ—Application, August 23, 1937, under section 7h of the building zone resolution, of Jacob Berger, applicant and lessee, on behalf of Estate of Samuel A. Potter, owner, to permit in a business use district for a temporary period of not more than two (2) years the parking and storage of more than five (5) motor vehicles; premises 50-10 Roosevelt avenue, 50-07 Queens boulevard, 44-20 51st street and 44-05 50th street (Block No. 505, Lot Nos. 6, 12 and part of Lot No. 21), Sunnyside, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MARCH 15, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, March* 15, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 431-37-BZ—Application, September 2, 1937, under section 21 of the building zone resolution, of James J. Millman, applicant, on behalf of T. H. Fraser Mortgage Co., owner, to permit in a business use district the conversion of occupancy of an existing wet wash laundry to a garage for more than five (5) motor vehicles and gasoline service station; premises 5813-5823 20th avenue and 2001-2011 59th street, northeast corner (Block No. 5507, Lot No. 1), Borough of Brooklyn.

CAL. NO. 475-37-BZ—Application, October 4, 1937, under section 21 of the building zone resolution, of Samuel L. Schwartz, applicant and owner, to permit in a residence use district the parking and storage of more than five (5) motor vehicles; premises 774-784 Elton street, west side, 85 ft. north of Linden boulevard (Block No. 4336, Lot No. 21), Borough of Brooklyn.

CALENDAR

CAL. NO. 9-38-BZ—Application, January 5, 1938, under sections 7a and 21 of the building zone resolution, of A. C. Benson, applicant, on behalf of John DiBlasi, owner, to permit in a business use district the extension of an existing service station; premises 98-02 to 98-08 Northern boulevard, southeast corner of 98th street (Block No. 1713, Lot No. 1), Corona, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MARCH 15, 1938, 2 P. M.

Appeals from Administrative Orders.

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

622-37-A—2042-2044 Ocean avenue, west side, 470 ft. south of Avenue O (Block No. 6766, Lot No. 36 and part of Lot No. 38), Borough of Brooklyn.

105-38-A—1088-1092 Hancock street, south side, 40 ft. west of Evergreen avenue (Block No. 3395, Lot No. 31), Borough of Brooklyn.

108-38-A—8801-8901 Shore road, east side, from 88th street to 89th street (Block No. 6058, Lot No. 1), Borough of Brooklyn.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, March* 15, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent, applicants, on behalf of Maude B. Mowry, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MARCH 22, 1938, 2 P. M.

Appeal from Administrative Order.

80-38-A—147-08 46th avenue and 46-05 Parsons boulevard, southeast corner (Block No. 5452, Lot No. 3), Flushing, Borough of Queens.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, March* 22, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 345-32-BZ—Application of Alphonsus Casey, applicant, on behalf of Patrick J. Reilly, owner, reopened February 23, 1938, for consideration as to extension of permit —re Application, previously granted on condition, under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station for a temporary period; premises north side of 47th avenue, 91 ft. east of Cross Island boulevard (Block No. 1299, part of Lot No. 105), Bayside, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

APRIL 5, 1938, 10 A. M.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, April* 5, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 200-37-BZ—Application, May 3, 1937, under section 21 of the building zone resolution, of Otto J. Sambach, applicant, on behalf of Howdah Securities Corporation, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 103-39 Springfield boulevard, northeast corner of 104th avenue (Block No. 2046, Lot No. 7), Queens Village, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

APRIL 5, 1938, 2 P. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, April* 5, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 472-37-BZ—Application, September 30, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of John Castagna and

CALENDAR

Salvatore Castagna, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 2761-2773 Cropsey avenue, north side, 6 ft. 9⅞ in. west of 28th avenue and 196 28th avenue (Block No. 6915, Lot No. 51), Borough of Brooklyn.

CAL. NO. 429-37-BZ—Application, September 2, 1937, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Morris Roth, owner, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station; premises 47-11 108th street and 108-09 48th avenue, northeast corner (Block No. 2003, Lot No. 84), Corona, Borough of Queens.

HARRIS H. MURDOCK, *Chairman*

MAY 3, 1938, 10 A. M.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May 3, 1938*, at 10 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 324-37-BZ—Application, June 29, 1937, under section 21 of the building zone resolution, of Joseph M. Lonergan, applicant, on behalf of Mathilda Litchman and Bruno Bernabo, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4727-4729 Third avenue, west side and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, MARCH 1, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the regular meeting of the board held on Wednesday morning, February 23, 1938; the minutes of the regular meeting of the board held on Wednesday afternoon, February 23, 1938; the minutes of the special meeting of the board held on Friday morning, February 25, 1938 and the minutes of the special meeting of the board held on Friday afternoon, February 25, 1938, were approved as printed in Bulletin No. 9, Vol. XXIII.

BUILDING ZONE CASES

200-37-BZ.

APPLICANT—Otto J. Sambach, for Howdah Securities Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—103-39 Springfield boulevard, northeast corner of 104th avenue (Block No. 2046, Lot No. 7), Queens Village, Borough of Queens,

APPEARANCES—

For Applicant: Otto J. Sambach.

For Opposition: Abram Shlefstein.

ACTION OF BOARD—Laid over to April 5, 1938, at 10 A. M., on request of applicant.

472-37-BZ.

APPLICANT—Lama and Proskauer, for John Castagna and Salvatore Castagna, owners.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED — 2761-2773 Cropsey avenue, north side, 6 ft. 9⅞ in. west of 28th avenue and 196 28th avenue (Block No. 6915, Lot No. 51), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: Joseph C. Spano, Paul Sabella.

ACTION OF BOARD—Laid over to April 5, 1938, at 2 P. M., for inspection and report by committee of board. No further argument.

17-29-BZ.

APPLICANT—Clara K. Eberhart, owner.

SUBJECT—Application reopened November 23, 1937 for consideration under new proposal—(re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district, the erection and maintenance of a gasoline service station, and, also, the storage and parking of more than five (5) motor vehicles.

PREMISES AFFECTED—1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

APPEARANCES—

For Applicant: John E. Stowe, Adolph Bloch, Walter Eberhart, Alex B. Summ and Clara K. Eberhart.

For Opposition: Frank Steinberg, Daniel D. Yudon, Mamie Saperstein, Benjamin Koenigsberg, John Adamex and Claude A. Breiderlach.

ACTION OF BOARD—Laid over to March 15, 1938, at 2 P. M. for report and decision by a committee of the board. No further argument.

339-37-BZ.

APPLICANT—Lawrence M. Rothman, for Patsy Perro, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the conversion of occupancy of a building occupied as garage for five (5) motor vehicles, stores, club rooms and offices so as to use the garage portion

as a garage for more than five (5) motor vehicles and motor vehicle repair shop.

PREMISES AFFECTED—635-637 Morris Park avenue, west side, 35.9 ft. south of Unionport road (Block No. 4011, Lot No. 23), Borough of The Bronx.

APPEARANCES—

For Applicant: Lawrence M. Rothman.

For Opposition: H. M. Singer.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(339-37-BZ)

WHEREAS, Lawrence M. Rothman, for Patsy Perro, owner, filed July 1, 1937, an application under the building zone resolution to permit in a business use district the conversion of occupancy of a building occupied as garage for five (5) motor vehicles, stores, club rooms and offices so as to use the garage portion as a garage for more than five (5) motor vehicles and motor vehicle repair shop; premises 635-637 Morris Park avenue, west side, 35.9 ft. south of Unionport road (Block No. 4011, Lot No. 23), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Morris Park avenue is in a business use district; Unionport road is in a business use district; and Fillimore street is in a residence and business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered June 1, 1907, reads:

"A certificate of occupancy for the garage and repair shop, club rooms and office building at above mentioned location is hereby denied as boiler room in cellar has not been separated from the remainder of the building by unpierced masonry at least 8 in. thick, also the conduction of a motor vehicle repair shop and storage of more than 5 motor vehicles, as established by the amended zone resolution, is unlawful."

and

WHEREAS, the building is of non-fireproof construction one and two stories in height, with a frontage of 49 ft. 6 in. and a depth of 89 ft. 1 in., irregular, occupied as a 5 car garage, club rooms and office. It is proposed to change the occupancy of 1st story to a garage for more than 5 motor vehicles and a motor vehicle repair shop; and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board in order that it might be informed prior to the hearing; and

WHEREAS, the board deemed that the applicant was entitled to temporary relief under section 21 on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21 thereof for a period of five years from the date of this action, to permit the premises to be used for automobile repairing, including one machine for brake testing, *on condition* that such repairing shall be limited to hand tools only, except that motor driven bench tools may be maintained, provided such tools do not require motive power of more than ½ h.p. each; that the storage of motor vehicles other than those being repaired shall not exceed five and that no gasoline shall be stored other than that in the tanks of the cars; that the boiler room shall be separated from the balance of the building by fireproof construction; that such portable fire-fighting appliances shall be installed as the commissioner may direct; that the building shall not be increased in height or area; that all permits required and all work involved shall be completed within three months from the date of this action.

336-37-BZ.

APPLICANT—Francis L. Shea, for American Newspapers, Inc., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a retail use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—322-328 West 57th street, south side, 275 ft. west of Eighth avenue (Block No. 1047, Lot Nos. 44 and 46), Borough of Manhattan.

APPEARANCES—

For Applicant: Francis L. Shea.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(336-37-BZ)

WHEREAS, Francis L. Shea, for American Newspapers, Inc., owner, filed July 1, 1937, an application under the building zone resolution to permit in a retail use district for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 322-328 West 57th street, south side, 275 ft. west of Eighth avenue (Block No. 1047, Lot Nos. 44 and 46), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 57th street is in a retail use district; 56th street is in a retail and residence use district and Eighth avenue is in a retail use district; and

WHEREAS, the decision of the commissioner of buildings, rendered November 18, 1937, Applic. No. 18-36, reads:

"1. The storage and the parking of more than five motor vehicles in a retail district is considered as being contrary to section 4, subdivision 15 of the Zoning Resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 100 ft. and a depth of 100 ft. 5 in. It is proposed to use the plot for a temporary period of not more than two years for the parking and storage of more than five motor vehicles; and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board prior to the hearing; and

WHEREAS, the board deemed that this was a proper case in which to exercise its discretion under section 7, subdivision H of the building zone resolution and to grant a variation for a temporary period of two years.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-H thereof to permit the premises to be used for the parking and storage of automobiles for a period of two years from the date of this action, *on condition* that the plot shall be leveled substantially to the grade of West 57th street; that there shall be erected on the interior lot lines where walls of adjoining buildings do not occur a substantial woven wire fence not less than six feet in height; that a similar fence shall be erected on the street

building line except for an entrance not exceeding fifteen feet in width; with a curb cut opposite not exceeding the same width; that during the term of this permit the plot shall be used for no other purpose than that herein permitted; that the plot shall be covered with steam cinders or other suitable material properly bound to prevent dusting and graded so as to provide surface drainage; that no building shall be erected on the premises other than a small office near the entrance as a shelter for the attendant; that no sign shall be erected other than a sign at the entrance advertising the parking and storage use; that such sign shall not exceed five square feet in area; that such portable fire-fighting appliances shall be maintained on the premises as the commissioner shall direct; that lights for illumination shall be so arranged with metallic reflectors as to reflect toward the center of the premises and away from adjoining occupancies; that there shall be an open corridor not less than fifteen feet in width from rear to front maintained at all times; that there shall be a space of at least fifteen inches between automobiles when parked; that all permits required shall be obtained and all work completed within three months from the date of this action.

507-37-BZ.

APPLICANT—John J. Beatty, for Tilyou Realty Company, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehieles.

PREMISES AFFECTED—1621-1627 Surf avenue and 2927-2947 West 17th street, northeast corner (Block No. 7062, Lot No. 34 and part of Lot No. 38), Borough of Brooklyn.

APPEARANCES—

For Applicant: John J. Beatty.
For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(507-37-BZ)

WHEREAS, John J. Beatty, for Tilyou Realty Company, owner, filed October 26, 1937, an application under the building zone resolution to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles: Premises: 1621-1627 Surf avenue and 2927-2947 West 17th street, northeast corner (Block No. 7062, Lot No. 34 and part of Lot No. 38), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Surf avenue, West 17th street, West 16th street and Mermaid avenue are in a business use districts; and

WHEREAS, the decision of the commissioner of buildings, rendered November 19, 1937, re Application No. 18470-1937, reads:

> "Proposed storing and parking of more than 5 cars located within a business district is contrary to Art. 2, Sect. 4, sub-division 15 of the zone resolution. Application is therefore denied."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 68 ft. 9 in. on Surf avenue and 194 ft. 10 in. on West 17th street; it is proposed to occupy the plot for a temporary period of not more than two (2) years for the parking and storage of more than five (5) motor vehieles; and

WHEREAS, the board deemed that there was a need for transient parking facilities in this area and that this was a proper case for the board to exercise its discretion to grant under section 7 subdivision H.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7h for a period of two years, to permit the premises under appeal, consisting of Lot 34 and part of Lot 28, to be used for the transient parking of automobiles *on condition* that the lot shall be leveled substantially to the grade of Surf avenue and West 17th street and surfaced with steam cinders or other suitable material, properly rolled and bound to prevent dusting and properly graded to provide surface drainage; that there shall be maintained on the interior lot lines of the plot a substantial iron picket fence not less than five feet in height interfering in no way with the legal exits of the adjoining theatre; that there shall be erected on the street lot lines a substantial iron picket or woven wire fence not less than 6 ft. in height with not over three entrances to West 17th street, as indicated on plans filed with this appeal, these entrances not to exceed 20 ft. in width with curb cuts opposite of similar width; that proper aisles shall be maintained at all times to permit easy exit and entrance of cars; that during the term of this permit the plot shall be used for no other purpose and no building shall be erected thereon except that there may be erected near an entrance, a building not over one story in height as an office and shelter for the attendant; that such portable fire-fighting appliances shall be maintained on the premises as the commissioner shall direct; that no signs shall be erected except a neat sign at the entrance advertising the parking use; that all permits shall be obtained and all work completed within three months from the date of this action.

Adjourned, 12 M.

EDWARD V. BARTON, Chief Clerk.

FORMS FOR NOTICES TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

MULTIPLE DWELLING LAW ON SALE

Copies of the Multiple Dwelling Law are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50c; by mail 54c.

Copies of the Supplemental Rules and Regulations of the Tenement House Department on Fire Retarding, Fire Escapes, Fire Stairs and Fire Towers are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Priee 10c; by mail 12c.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, MARCH 1, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

429-37-BZ.

APPLICANT—Samuels and Samuels, for Morris Roth, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—47-11 108th street and 108-09 48th avenue, northeast corner (Block No. 2003, Lot No. 84), Corona, Borough of Queens.

APPEARANCES—

For Applicant: Archie H. Samuels.

For Opposition: Elluyn F. Hayslip.

ACTION OF BOARD—Report of committee adopted and case laid over to April 5, 1938 at 2 P. M.

THE VOTE TO ADOPT REPORT OF COMMITTEE:

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(429-37-BZ)

WHEREAS, the premises in question were the subject of an inspection by a committee of the board, report of which inspection was read at this hearing and which report follows:

REPORT OF COMMITTEE

February 28, 1938.

Re: Cal. No. 429-37-BZ.

Premises: 47-11 108th street, 108-09 48th avenue, Corona, Borough of Queens.

The premises under appeal, located in block 2004 and designated as lot 84, fronts on 108th street for a distance of 100 ft. and on 48th avenue, formerly Elm street for 150 ft. The zoning in this area was changed from unrestricted use to business and residence use in 1936 and of this plot the frontage on 108th street for a depth of 100 ft. along 48th avenue is now in a business use zone. The balance of the plot is residence. The records indicate that since prior to zoning in 1916 the plot has been used for stabling of horses, and the building and that use now exists, together with a frame dwelling of the owner. It is proposed to remove all stables and buildings except the frame residence from the entire plot and discontinue the present non-conforming use and to establish a new use as a gasoline selling station within the area zoned for business, namely 100 ft. by 100 ft. fronting on 108th street. The plans proposed indicate an attractive arrangement in line with the design and planting employed on service stations on the parkways.

Technically, under section 6, the use now a prohibited use, under section 4A of the zoning resolution, could be changed to another similarly prohibited use provided there were no structural alterations involved increasing the envelope of the existing buildings and provided the new use were in complete substitution of the present use (matter of Kaltenbach). Practically such a substitution could not be made as the existing buildings are in no way suited to the gasoline station use proposed and to make them so and to comply with the code requirements would require a variance such as is here sought.

The committee agrees with the objectors to the extent that a use conforming to new zoning would be desirable but cannot agree that the present stable use with its odors and flies is preferable to the gasoline station proposed. The present use cannot be dislodged. It is there by right. As the board properly pointed out, in Calendar Number 334-33-BZ, in denying a gasoline station use at the northwest corner of 108th street and 50th avenue, two blocks south on the opposite side, there appeared to be a sufficiency of gasoline stations. In this immediate area there are already two, on the two plots to the north and two public garages selling gasoline. However, the conditions here appear to warrant favorable action because of the existing non-conforming use which is more objectionable than the proposed use could possibly be and the fact that the balance of the block front is already used as a gasoline station, which would handicap a conforming development of the plot under appeal.

The Committee has reached this conclusion in spite of the many registered objections, and notes that the Borough President of Queens, whose representative at the hearing voiced his objection, has by letter, written the day after the hearing, withdrawn his objection and now expresses himself as in favor of the application upon learning the true facts.

The committee, after inspection and careful consideration, recommends that the application be granted under section 21 substantially as proposed and under proper conditions, imposed to insure an attractive arrangement, and, subject to later action on application for signs in accordance with the resolution of the Board of Estimate and Apportionment covering use of signs in the World's Fair Area.

(Sgd.) HARRIS H. MURDOCK,
Chairman.

BERNARD A. SAVAGE,
CHARLES M. BLUM,
Committee of Inspection.

and

WHEREAS, the report recommended that the application be granted but that it be laid over for submission of working drawings and placing of conditions.

Resolved, that the application be laid over to April 5, 1938, at 2 P. M.

120-33-BZ.

APPLICANT—Eadie Nunley and Eadie, for Harry Hugger, owner.

SUBJECT—Application reopened and restored to calendar on May 4, 1937 re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a motor vehicle repair shop, and also, a gasoline service station (previously dismissed for lack of prosecution.

PREMISES AFFECTED—2030 Hylan boulevard, southwest corner of Hamden avenue (Block No. 3688, Lot No. 9), Grant City, Borough of Richmond.

APPEARANCES—

For Applicant: Thomas Nunley.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

MINUTES

THE RESOLUTION—

(120-33-BZ)

WHEREAS, Eadie, Nunley and Eadie, for Harry Hugger, owner, filed March 30, 1933, an application under the building zone resolution to permit in a business use district the erection and maintenance of a motor vehicles repair shop, and also, a gasoline service station; Premises: 2030 Hylan boulevard, southwest corner of Hamden avenue (Block No. 3688, Lot No. 9), Grant City, Borough of Richmond; and

WHEREAS, this application was dismissed by the board for lack of persecution December 27, 1933; and

WHEREAS, applicant requesting a reopening of the case and the case was reopened by vote of the board May 4, 1937; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Hylan boulevard is in a business use district; Hamden avenue is in a business and resident use district; and Bedford avenue is in a business and residence use district; and

WHEREAS, the decision of the commissioner of buildings, rendered, August 17, 1937, reads:

> "Your application, Alteration No. 264-1937 as amended July 29, 1937, to erect a gasoline service station and automobile repair shop at premises 2030 Hylan boulevard, southwest corner Hamden avenue, Grant City, Borough of Richmond, is hereby denied, it being contrary to the zoning resolution to erect a gasoline service station and automobile repair shop in a business use district."

and

WHEREAS, the premises consist of plot of ground having a frontage of 40.5 feet on Hylan boulevard and 100 ft. on Hamden avenue. Upon the plot there is located a one story frame dwelling, a grease lift and two metal two car garages; it is proposed to remove the dwelling from the plot; to relocate the metal garage structure; to use one of them as a motor vehicle repair shop and to use the rest of the plot as a gasoline service station; and

WHEREAS, the premises in question were the subject of an inspection by a committee of the board report of which inspection was read at this hearing and which report follows:

REPORT OF COMMITTEE.

January 28, 1938.

Cal. No. 120-33-BZ.

Premises: 2030 Hylan boulevard, southwest corner Hamden avenue, Grant City, Staten Island, Richmond.

This application is for a zoning variance in a business use district to permit automobile repairing and sale of gasoline—originally filed in April, 1933, it was dismissed for lack of prosecution in December, 1933, and restored to the Calendar in May, 1937.

The premises have been inspected by a committee of the board. The present use is for greasing cars, sale of accessories and bicycle repairing, and repairs of automobiles have also been done to a limited extent. The existing gasoline station on the next block south was apparently established prior to 1925.

The owner proposes to rearrange the premises so as to improve conditions. The committee recommends that this application be granted under section 7-F for a period of two years, provided the premises are rearranged and not over two gasoline pumps are erected not nearer than fifteen feet to either street building line; that the greasing lift shall be within a building and the plot is properly fenced and planting maintained; that the two-car garage be removed from the plot; that minor repairs be permitted. It is recommended that decision be withheld until new plans are submitted for the board's approval to carry out these recommendations.

There is no basis presented to warrant action by the board under section 21—no hardship has been shown except of a pecuniary nature.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
PATRICK WALSH,
Committee.

and

WHEREAS, this report recommended the granting of the application for a temporary period of 2 years and the board deemed that this was a proper application for the exercise of its discretion under section 7 subdivision F.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted,* under section 7-F, *for a period of two years,* to permit the front portion of Lot No. 9 to be used as a gasoline service station and for minor automobile repairs, *on condition* that the arrangement of the premises shall be substantially as indicated on amended plans marked "Received February 21, 1938"; that the accessory building shall be constructed and located as indicated; that the area for minor repairs and greasing shall be restricted to the area as indicated; that no repairs shall be permitted except such as can be done with hand tools, except that a bench grinder and bench drill may be motor-driven provided the motive power is not more than ½ h.p. for each machine; that the gasoline pumps shall not exceed one (1) pair, to be located not nearer than 15 ft. to either street line; that the gasoline selling area shall be graded substantially to the grade of Hylan boulevard and shall be cement-paved or paved with Colprovia or cracked bluestone, suitably bound and rolled; that no additional equipment shall be installed in the gasoline area other than the gasoline pumps; that planting as indicated shall be maintained along edges of this area; that the space between the accessory building and the private dwelling on the lot shall not be used as part of the gasoline service station or in connection with car repairs or any other non-conforming use; that signs shall be restricted to permanent sign attached to the accessory building, located within the brick panel in the cornice and to signs painted on the glass windows of the office portion and to the illuminated globes of the pumps, excluding all roof signs and temporary signs, but permitting the erection within the building line of one post standard for supporting a sign which may be illuminated, advertising only the brand of gasoline on sale, provided such sign does not extend beyond the building line for a distance more than 5 ft.; and that all permits shall be obtained and all work shall be completed within six months from the date of this action.

166-37-BZ.

APPLICANT—Mary B. Roberts (lessee), for Lawida Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the use of a plot of ground for the parking and storage of more than five (5) motor vehicles and also for used car sales.

PREMISES AFFECTED—4485-4519 Broadway, northwest corner of West 192nd street (Block No. 2180, Lot Nos. 633, 635 and part of Lot No. 646), Borough of Manhattan.

APPEARANCES—

For Applicant: Charles Weishaupt and Mary B. Roberts.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0
Absent 0

THE RESOLUTION—

(166-37-BZ)

WHEREAS, Mary B. Roberts, for Lawida Corporation, owner, filed April 13, 1937 an application under the building zone resolution to permit in a business use district for a temporary period of not more than two (2) years, the use of a plot of ground for the parking and storage of more than five (5) motor vehicles, and also, for used car sales; premises: 4485-4519 Broadway, northwest corner of West 192nd street (Block No. 2180, Lot Nos. 633, 635 and part of Lot No. 646), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Broadway is in a business use district; W. 192nd street is in a residence and business use district and Bennett avenue is in a residence and business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered October 11, 1937, reads:

> "Your application for a certificate of occupancy to use the above premises for parking and storage of more than five motor vehicles and for used car sales has been denied as the premises are located in a business district where this use is prohibited by the zoning resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 420 feet on Broadway and 10 feet on W. 192nd street; it is proposed to use the plot for the sale of used cars and also, the parking and storage of more than five (5) motor vehicles for a temporary period of not more than two (2) years; and

WHEREAS, the premises in question were the subject of an inspection by a committee of the board report of which inspection was read at this hearing and which report follows:

REPORT OF COMMITTEE

Cal. No. 166-37-BZ

4485-4519 Broadway, northwest corner of West 192nd street, Manhattan.

The plot involved in this appeal is now vacant, but is used for the sale of secondhand cars which is a conforming use, being regarded as a salesroom permitted under section 4, subdivision 15, of the zoning resolution, as determined by the courts in the matter of Scharlin Motor Corpn. (Murdock et al) and in matter of Aaron Bring Chevrolet Co., Inc., v. Murdock.

It is proposed to retain this conforming use and to add parking and storage, which are non-conforming uses in business and residence districts, but to limit such uses to the business use area.

The committee, after inspection and upon consideration of the demand for storage space not fully met by the existing garages within the general area, recommends that the temporary use be permitted, provided the parking and storage of automobiles is confined to the rear and westerly portion of the plot in the business use district, and the front portion along Broadway is used for car sales. The plot should be enclosed with proper fencing, should be graded and entered only from West 192nd street.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM.
Committee.

and

WHEREAS, this report recommended the granting of this application on certain conditions and the board deemed that this was a proper application for the exercise of its discretion under section 7, subdivision H.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under seetion 7-H, *for a period of two years*, permitting the westerly portion of Lot No. 646, within the business use area, with a frontage of 420 feet along Broadway, to be used for parking and storage of automobiles, *on condition* that the Broadway frontage of the plot shall continue to be used for the storage of automobiles offered for sale; that proper license for such use shall be obtained from the commissioner of licenses; that the plot shall be generally graded and shall be covered with steam cinders or other suitable material, properly rolled and bound to prevent dusting, and to provide surface drainage; that there shall be erected on the interior lot lines, where walls of adjacent premises do not occur, a substantial heavy woven wire fence, not less than 6 ft. in height; that a similar fence shall be erected on the street building line of West 192nd street with not over one (1) opening not exceeding 15 feet in width, with curb cut opposite of similar width; that along the street building line of Broadway there shall be erected a similar fence with a suitable curb of concrete or wood, firmly fastened, to serve as a bumper; that no building shall be erected on premises during the continuation of this use except at the entrance at 192nd street there may be a building not exceeding one story in height, as an office; that any other building, complying with the requirements of the building code and zoning resolution for a conforming use may, however, be constructed along the Broadway frontage; that signs advertising the parking and storage use shall be limited to one, erected at the entrance, not exceeding 5 sq. ft. in area; that such portable fire-fighting appliances shall be maintained as the commissioner shall direct; that suitable aisles shall be maintained at all times for the length of the plot, to permit the easy exit and entrance of cars; that during the term of this permit, no use other than herein allowed shall be permitted and no such use shall be extended to the westerly portion of this lot within the residential district; and that all permits shall be obtained and all work shall be completed within six months from the date of this action.

418-31-BZ.

APPLICANT—Philip Freshman, for 1060 McDonald Avenue Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time—re Application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—1036-1060 McDonald avenue (Gravesend avenue), northwest corner of 47th street (Block No. 5452, Lot No. 37), Borough of Brooklyn.

APPEARANCES—

For Applicant: Philip Freshman.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(418-31-BZ)

WHEREAS, this application affecting premises 1036-1060 McDonald avenue (Gravesend avenue), northwest corner

of 47th street (Block No. 5452, Lot No. 37), Borough of Brooklyn, was granted by the board July 10, 1934, on certain conditions, resolution amended October 1, 1935, July 10, 1936, and January 26, 1937, and applicant requests a further amendment.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on October 1, 1935, only so far as it has reference to the area of the plot, so that as amended this portion of the resolution will read:

"that the original plot, which is triangular in shape with a frontage of 200 ft. on 47th street, 209 ft. on McDonald avenue and 143 ft. on Parkville avenue, may be reduced in area so as to have a frontage of 128 ft. 6 in. on 47th street, 142 ft. 2 in. on McDonald avenue and a total distance of 100 ft. 4 in. along the easterly lot line, which leaves a plot with a frontage of 60 ft. on 47th street and on McDonald avenue, in accordance with plans filed marked 'received January 21, 1937'; that corrected plans shall be filed with the board for approval by the chairman in behalf of the board before submission to the commissioner of buildings, showing all dimensions and proposed changes from the original resolution; that in all other respects the resolution adopted by the board on October 1, 1935 shall be complied with."

Resolved further, that corrected plans having been filed and approved by the chairman in behalf of the board, all permits shall be obtained and all work completed within two (2) months from the date of this resolution.

APPEALS FROM ADMINISTRATIVE ORDERS

104-38-A.

APPLICANT—Commercial Control and Device, Inc., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—28-46 Roebling street, northwest corner of North Ninth street (part of 2nd floor); (Block No. 2306, Lot No. 18), Borough of Brooklyn.

APPEARANCES—

For Applicant: William H. Ross.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Laid over to March 8, 1938, at 2 P. M. for further information.

105-38-A.

APPLICANT—Randazzo & Samenfeld, for John H. Stegeman, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED — 1088-1092 Hancock street, south side, 40 ft. west of Evergreen avenue (Block No. 3395, Lot No. 31), Borough of Brooklyn.

APPEARANCES—

For Applicant: Frank Randazzo.

For Administration: Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to March 15, 1938 at 2 P. M. for further consideration.

108-38-A.

APPLICANT—Arthur Weiser, for 8801 Shore Road Building Corporation, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—8801-8901 Shore road, east side, from 88th street to 89th street (Block No. 6058, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Arthur Weiser.

For Administration: Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to March 15, 1938, at 2 P. M. for further consideration and report by board. Applicant to file statement in meantime.

114-38-A.

APPLICANT—Albert Goldhammer, for Bandes-Stillman Construction Company, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—390-396 East 153rd street, south side, 25 ft. west of Melrose avenue (Block No. 2399, Lot Nos. 20, 21, 22 and 23), Borough of The Bronx.

APPEARANCES—

For Applicant: Sidney Goldhammer.

ACTION OF BOARD—Laid over to March 8, 1938 at 2 P. M. on request of applicant's representative.

88-38-A.

APPLICANT—Matthew W. Del Gaudio, for Rubel Corporation, owner.

SUBJECT—Appeal from orders of the commissioner of buildings and a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—750-760 St. Anns avenue, east side, 71 ft. north of East 156th street (Block No. 2618, Lot No. 1), Borough of The Bronx.

APPEARANCES—

For Applicant: Matthew W. Del Gaudio.

For Administration: F. L. Auterieth, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(88-38-A)

WHEREAS, Matthew W. Del Gaudio for Rubel Corporation, owner, filed February 11, 1938, an appeal from a decision of the Acting Borough Superintendent of Buildings, affecting premises 750-760 St. Anns avenue, east side, 71 ft. north of East 156th street, (Block No. 2618, Lot No. 1), Borough of The Bronx; and

WHEREAS, Order No. 894-35 issued by the commissioner of buildings, The Bronx, on September 14, 1937, reads as follows:

"1. Provide approved fireproof windows or iron shutters at all openings in the exterior wall above 1st story which are distant in a direct line less than 30 ft. from an opening in any other building and not in the same plane with said openings and which are not more than 50 ft. above a neighboring roof at north and west side of building, or other approved protection, as per Sec. 375, Art. 18, Chapter 5 of the Code of Ordinances."

and

WHEREAS, Order No. 895-35 issued by the commissioner of buildings, The Bronx, on September 14, 1937, reads as follows:

"1. Install an approved standpipe system in accordance with the rules of the Board of Standards and Appeals. Secs. 580-1, Art. 28, Ch. 5, Code of Ordinances."

and

WHEREAS, the decision of the Acting Borough Superintendent dated January 27, 1938, reads as follows:

"The following will reply to your communication of the 11st inst., in connection with the above premises.

Re Order 894-35: It is not considered that your proposal to provide openings, as shown on your drawings, on the 2nd and 3rd stories between the ice cream plant and the brewery, will enable this department to

consider them as one structure in view of the terms of the new building code, hence your request is hereby denied.

Re Order 895-35: Your proposal to subdivide the various sections of the brewery building with doors and walls as shown on the drawings submitted with your letter, is herewith denied as being unacceptable in view of the fact that both the old and the new building codes provide that business buildings on interior lots, over 7,500 sq. ft. in area must be subdivided with fire walls.

and

WHEREAS, the buildings are 2 to 7 stories and 28 to 75 feet in height, 451 feet front and 192 feet 10 inches in depth, of non-fireproof and fireproof construction, located in an unrestricted use district and constructed at various times, beginning 1877 and extending to 1933; occupied throughout for brewing, cooperage, malt storage and ice cream manufacturing plant, and

WHEREAS, the applicant contends that Order No. 894-35 refers to windows in the front wall of the north brewery building adjoining the ice cream plant, which windows are within 30 feet of windows on the south wall of the ice cream plant; that the windows on the front wall of the brewery building actually face the street since there is no obstruction between the building and building line; that the windows in the south wall of the ice cream plant are fireproof, glazed with wire glass on the 2nd story and to be glazed with wire glass on the first story; as to Order No. 895-35, that the entire plant is divided in areas of less than 10,000 sq. ft. by masonry walls, except at the attic story between units 1 and 2 at this point it is proposed to erect a new partition of 8 inch hollow tile blocks, that the standpipe order is placed erroneously by the Department of Housing and Buildings, inasmuch as Article 4.2.1 C26-254.0) of the new building code concerns non-fireproof buildings hereafter erected and is in no way concerned with requirements for standpipe installations.

Resolved, that the orders of the commissioner of buildings be and they hereby are modified and that the appeal be and it hereby is *granted* as to Order No. 895-35, waiving the requirements for standpipe, *on condition* that no area shall exceed 10,000 square feet and that walls separating fire areas shall comply with the requirements of the building code as to thickness and protection of openings; and, *granted* as to Order No. 894-35, *on condition* that the windows of Unit No. 5 facing southerly and all windows in the northerly wall of the fourth story of Building No. 1, in the stories overlooking the roofs of the adjoining buildings to the north shall be made fireproof and self-closing.

106-38-A.

APPLICANT—Sugarman and Berger, for 1001 Jerome Avenue Corporation, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—1001 Jerome avenue, west side, 381 ft. 11¼ in. north of Anderson avenue (Block No. 2504, Lot No. 141), Borough of The Bronx.

APPEARANCES—

For Applicant: Max B. Schrieber.

For Administration: F. L. Auteurieth, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(106-38-A)

WHEREAS, Sugarman & Berger, for 1001 Jerome Avenue Corp., owner, filed on February 21, 1938, an appeal from a decision of the Acting Borough Superintendent of Buildings, affecting premises 1001 Jerome avenue, west side, 381 ft. 11¼ in. north of Anderson avenue (Block No. 2504, Lot No. 141), Borough of The Bronx; and

WHEREAS, the decision of the Acting Borough Superintendent, dated January 26, 1938, on Slip Application 296-37, reads as follows:

"1. It is required that the tanks be heated by coils as per Rule 26."

and

WHEREAS, the building is 11 stories, 108 ft. in height, 152 ft. 4 in. by 86 ft. in area, of fireproof construction; equipped with a standpipe system; located in a residence use district; erected in 1937 and occupied throughout as a Class A multiple dwelling for which Certificate of Occupancy No. 536-37 has been issued; and

WHEREAS, the applicant contends that section 16.7.6 of the new building code does not require heated tanks for combined domestic and standpipe service where practically continuous circulation of the water is maintained; that the building in question has 97 families and there will be continuous use of water in this building.

Resolved, that the decision of Acting Borough Superintendent be and it hereby is *modified,* as to Item 1 on Slip Application 296-37, and that the appeal be and it hereby is *granted on condition* that the requirements of the administrative Code C-26-1413 are complied with and that the plans on file in the Department of Housing and Buildings, Borough of The Bronx, shall be so amended.

109-38-A.

APPLICANT—A. Hess and Company, for New York Life Insurance Co., owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—264-268 West 40th street, south side, 75 ft. east of Eighth avenue (Block No. 789, Lot No. 75), Borough of Manhattan.

APPEARANCES—

For Applicant: Adolph F. Hess.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(109-38-A)

WHEREAS, A. Hess & Co., for New York Life Insurance Co., owner, filed February 21, 1938, an appeal from an order of the fire commissioner, affecting premises 264-268 West 40th street, south side, 75 ft. east of Eighth avenue (Block No. 789, Lot No. 75), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, No. 11059-LC, dated February 2, 1938, reads:

"Discontinue the manufacture of an inflammable mixture on these premises.

Note.—Flashpoint of 'Cold Top Developer' open cup test is 76 degrees F."

and

WHEREAS, the building is 20 stories, 240 ft. in height, 65 ft. by 100 ft. in area at the 1st story and 65 ft. by 90 ft. in area above; of fireproof construction; equipped with a standpipe and a sprinkler system; erected in 1927 and occupied throughout for offices, showroom and manufacturing; the manufacturing in question being on the 19th floor; and

WHEREAS, the applicant contends that the product manufactured is a Cold Top Development, used by newspapers and photo-engravers for making certain cuts and engravings and has been manufactured in this building for the past two or three years under a permit permitting 5 gallons of alcohol and one drum of ammonia; the alcohol used is formular 1 S.D.A. and the extent of manufacture is to pump 54 gallons of alcohol from drug to a specially enclosed glass lined steel tank and add violet dye to make

the standard formula; there is no manual handling of the alcohol. From the glass enclosed steel tank the formula is flowed through Crandall Canning Machine and into one gallon cans or five gallon drums. The lease runs to February 1, 1939. The premises used are well ventilated, being equipped with two exhaust fans 16 ins. in diameter; permission is requested to continue manufacturing the developers at least for the period of the lease now in force.

Resolved, that the order of the fire commissioner, No. 11059-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted* as applying to room on the 19th story containing approximately 1,300 square feet and separated from the balance of the building by fireproof partitions, *on condition* that the manufacturing conditions shall be maintained substantially as stated in this appeal and to the satisfaction of the fire department; that nothing herein contained shall be deemed to waive the requirements for labelling containers.

115-38-A.

APPLICANT—D. M. W. Contracting Co., Inc., for Board of Education, City of New York, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—133-143 East 16th street, north side, 183 ft. 4 in. east of Irving place (Block No. 872, Lot Nos. 27, 30, 31, 32 and 57), Borough of Manhattan.

APPEARANCES—

For Applicant: Alexander F. Steinfeld.

For Administration: Inspector Meagher, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(115-38-A)

WHEREAS, D. M. W. Contracting Co., Inc., for Board of Education, owner, filed on February 24, 1938, an appeal from a decision of the Acting Borough Superintendent, Department of Housing and Building, Manhattan, affecting premises 133-143 East 16th street, northwest corner Irving place (Block No. 872, Lot Nos. 27, 30, 31, 32 and 57), Borough of Manhattan (Washington Irving High School); and

WHEREAS, the decision of the Acting Borough Superintendent, Department of Housing and Buildings, Manhattan, dated February 11, 1938, reads as follows:

"Replying to your letter of February 7, 1938, relative to an interpretation of Par. 16, 14, 2 (Elevators for Fire Department use)—

Rule 6 of the 'Standpipe' Fire Line Rules of the Board of Standards and Appeals in force prior to the date the new building code and the administrative code went into effect read as follows:

'Rule 6. Elevator in readiness. In every building exceeding 150 feet in height at least one passenger elevator, and in buildings in course of construction, a hoist or elevator shall be kept in readiness for immediate use by the Fire Department during all hours of the day and night, including holidays and Sundays, and a man competent to operate the elevator shall be present at all times.'

The new building code provisions quoted by you are not applicable inasmuch as plans for building were filed and approved prior to date new code went into effect.

Inasmuch as elevators have not been installed, your request to omit hoist must be denied in accordance with rule 6."

and

WHEREAS, the proposed building which is in the course of erection will be 12 stories, 201 ft. 5½ in. in height, 184 ft. by 320 ft. in area, of fireproof construction, equipped with a standpipe system, located in an unrestricted use district, occupied throughout as an extension to Washington Irving High School; and

WHEREAS, the applicant contends that removal of the hod hoist installed for conveying material for construction of buildings should be permitted, because it is unreasonable, unsafe and against good practice to expect to make any use of said hoist other than lifting materials; that the premises are connected with an eight-story building which is served with two elevators in constant use; and in case of fire, firemen can ride to the eighth (top) floor of said building and enter the new addition which has only four more stories above the floors served by elevators; that the new building has two unobstructed double stairways opening from the street and leading all the way up to the top of the building and it is equipped with two six-inch standpipe lines, one of which is now complete, ready for firemen's use at any time; that the new addition will have an elevator ready for emergency use in about five weeks as same is being installed under a separate contract.

Resolved, that the decision of the Acting Borough Superintendent be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* waiving the requirements of Rule 6 as to the twelve-story building, *on condition* that during the time necessary for its completion, that there shall be an elevator available at all times night and day in the adjoining eight-story school building and that there shall be access on the eighth floor from such building to the new addition at all times; that upon completion of the twelve-story addition, the standpipe requirements of the new building code shall be complied with.

91-38-A.

APPLICANT—Preferred Utilities Company, Inc., for Francis H. Leggett Company, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—202-208 11th avenue and 545-547 West 24th street, northeast corner (Block No. 696, Lot Nos. 2-8), Borough of Manhattan.

APPEARANCES—

For Applicant: Frank Glanz.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(91-38-A)

WHEREAS, Preferred Utilities Company, Inc., for Francis H. Leggett Company, owner, filed February 15, 1938, an appeal from an order and decision of the fire commissioner, dated February 18, 1937, affecting premises 202-208 11th avenue and 545-547 West 24th street, northeast corner (Block 696, Lots 2-8), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, No. 9752-LC, dated February 8, 1938, reads:

"2. Vent pipe shall be not less than 5 ft. nor more than 12 ft. above fill pipe terminal Fuel Oil Rules No. D-7-3-4."

and

WHEREAS, the decision of the fire commissioner, dated February 8, 1938, reads:

"Responding to your favor of January 22, 1938, we desire to advise you that the fire department will no longer rescind an order and re-issue it when an applicant has exceeded his time limit in which to file an appeal. We have, however, been informed that the Board of Standards and Appeals will accept a letter from this department as the basis for an appeal and for that purpose we are forwarding this communication which will certify that Order No. 9752-LC was

issued against the storage of fuel oil maintained by the Francis H. Leggett Co., 545 West 24th street, and read as follows:

'Before a permit can be issued for the storage and use of fuel oil, the following must be done:

1. Have person who is directly in charge of the operating of the oil burning plant at any and all times, obtain a certificate of fitness from the fire commissioner. Applicant for the certificate must file two unmounted photographs of himself at least 2 x 3 inches, as per Rule 15 of the Fuel Oil Rules. Examinations every day from 9 A. M. to 3 P. M. in Room 1100, Municipal Building, Manhattan.

2. Vent pipe shall be not less than 5 ft. nor more than 12 ft. above fill pipe terminal Fuel Oil Rules No. D-7-3-4.

It is unlawful for you to store and use fuel oil without a permit. Please notify this department promptly when this order has been complied with.'

At the time of our last inspection Item 1 was found complied with."

and

WHEREAS, the building is two stories, 25 ft. in height, 98 ft. 9 in. by 211 ft., of fireproof construction, located in an unrestricted district; erected in 1937 and occupied as a garage and office, for which certificate of occupancy No. 2301-37 was issued November 10, 1937, permitting the occupancy of a garage for more than five cars, repair shop, office and storage; and

WHEREAS, the applicant contends that owing to the architecture of the building, the facade being a series of metal sash with pilaster between, it was decided to extend the vent above the roof of the building and install a 1 in. tell tale to fill box as an indicator; that inasmuch as the installation of the vent outlet would seriously mar the general appearance of the building, it is respectfully asked that the board approve the vent in its present location.

Resolved, that the order of the fire commissioner, No. 9752-LC, be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that a 1 inch tell tale shall be installed and that the vent shall be extended so that the weatherproof hood fitting will reach beyond the front of the parapet at the street front so as to be visible from the fill pipe terminal.

111-38-A.

APPLICANT—George W. Swiller, for Walter Bustard, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—2109 Virgil place, north side, 100 ft. east of Olmstead avenue (Block No. 3612, Lot No. 26), Borough of The Bronx.

APPEARANCES—

For Applicant: George W. Swiller.

For Administration: M. Harris, Department of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(111-38-A)

WHEREAS, George W. Swiller, for Walter Bustard, owner, filed February 23, 1938, an appeal from a decision of the acting borough superintendent of buildings, affecting premises 2109 Virgil place, north side, 100 ft. east of Olmstead avenue (Block No. 3612, Lot No. 26), Borough of The Bronx; and

WHEREAS, the decision of the acting borough superintendent, dated January 24, 1938, on Alt. Applic. No. 12-38, reads as follows:

"2. Space between rear wall of building and front wall of garage should be not less than 15 ft. Garage should be entirely fireproof and be made to conform with section 60, Multiple Dwelling Law, and be so shown."

and

WHEREAS, the building is two stories, 23 ft. in height, 21 ft. by 61 ft. in area; of non-fireproof construction, located in a residence use district; erected in 1927 and occupied as a two family dwelling. It is proposed to alter the building so as to provide an additional apartment on the second floor; and

WHEREAS, consideration is requested to permit the existing two car private garage in the rear of the proposed brick multiple dwelling for three families to remain, the garage is constructed of such masonry wall, and wood roof, inside surface of garage doors will be covered with expanded metal lath and two coats of Portland cement mortar, the garage is located 11 ft. from the rear wall of multiple dwelling; and

WHEREAS, the application is for a modification of the multiple dwelling law which the board is not empowered to grant.

Resolved, that the decision of the acting borough superintendent, on Alt. Applic. No. 12-38, be and it hereby is *affirmed,* and that the appeal be and it hereby is *denied.*

107-38-A.

APPLICANT—Sherman S. Rogers, for Frank L. Weil, William E. Russell and Raymond J. Scully, Trustees of Series C-2, New York Title and Mortgage Company.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—2100-2110 Bronx Park East, east side, from Maran place to Lydig avenue (Block No. 4286, Lot No. 22), Borough of The Bronx.

APPEARANCES—

For Applicant: S. S. Rogers, Herbert Brill and Kenneth Fish.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(107-38-A)

WHEREAS, Sherman S. Rogers, for Frank L. Weil, William E. Russell and Raymond J. Scully, trustees of Series C-2 N. Y. Title and Mortgage Co., owners, filed on February 19, 1938, an appeal from an order of the fire commissioner, affecting premises 2100-2110 Bronx Park east, east side, between Maran place and Lydig avenue (Block No. 4286, Lot No. 22), Borough of The Bronx; and

WHEREAS, the order of the fire commissioner, No. 10722-C, issued January 21, 1938, reads as follows:

"Surrender to bearer your fire department permit No. 138306 expiring October 4, 1938, which is hereby revoked for the reason that No. 6 fuel oil is not permitted to be used under the approval by the Board of Standards and Appeals, with this burner namely the Hardinge Burner.

You are therefore hereby ordered to:

1. Discontinue the use of any oil of a gravity heavier than that permitted by the approval of the Board of Standards and Appeals, Calendar No. 813-25 and 33 of 1933."

and

WHEREAS, the building is six stories in height, 173 ft. by 259 ft. in area, of nonfireproof construction, erected in 1929, located in a residence use district and occupied throughout as a Class A multiple dwelling; and

MINUTES

WHEREAS, the applicant contends that the burner in question is the Hardinge Burner; that the use of No. 6 oil in the burner in question does in no way conflict with the requirements of the fire department or the Board of Standards and Appeals; and

WHEREAS, the applicant has identified the burner as having been approved by the board under Cal. No. 813-25-SA, for commercial and domestic installation for Grades "A" and "B" oil, Grade "A" being equivalent to oil now known as No. 5 and No. 6.

Resolved, that the order of the fire commissioner No. 10722-C be and it hereby is *modified*, and the application be and it hereby is *granted on condition* that the installation of the burner shall comply with the requirements of the approval thereof, as set forth in Cal. No. 813-25-SA, and that the Oil Burning Rules of the Board of Standards and Appeals shall be complied with in all respects.

117-38-A.

APPLICANT—I. L. Crausman, for Townlee Realty Corporation, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—2780 Jerome avenue, east side, 200 ft. north of East 196th street (Block No. 3318, Lot Nos. 16 to 19 inclusive), Borough of The Bronx.

APPEARANCES—

For Applicant: I. L. Crausman.

For Administration: M. Harris, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(117-38-A)

WHEREAS, I. L. Crausman, for Townlee Realty Corp., owner, filed February 24, 1938, an appeal from a decision of the acting borough superintendent of buildings, affecting premises 2780 Jerome avenue, east side, 200 ft. north of East 196th street (Block No. 3318, Lot Nos. 16 to 19, inc.), Borough of The Bronx; and

WHEREAS, the decision of the acting borough superintendent, dated February 24, 1938 on N.B. Applic. No. 658-37, reads as follows:

"9. Provide a 3 ft. x 7 ft. fireproof passageway leading directly to the street. Sec. 26, subdivision 3-I Multiple Dwelling Law. See fire-escape in northerly yard court.

15. Provide 30½ sq. ft. glazed area for public halls and stairhalls. Also the running length of public halls may not exceed 60 ft. See upper stories plan.

24. Northerly stairhall is overloaded. Note—same serves 26 rooms with a 3 ft. stairs. Sec. 144 subdivision 2, Multiple Dwelling Law.

25. The northerly stairs may not be distant more than 50 ft. from the southerly apartments which it serves. Sec. 146, Multiple Dwelling Law."

and

WHEREAS, the proposed building is to be six stories, 65 ft. in height, 125 ft. by 125 ft. in area at the 1st story and 125 ft. by 104 ft. 2 in. in area above; of non-fireproof construction, located in a residence use district; to be occupied as a Class A multiple dwelling; and

WHEREAS, consideration is requested by the applicant as to objection 9, to omit 3 ft. x 7 ft. fireproof passageway to street as fire escape will be extended to yard on first floor; as to objection 15, to permit public hall as indicated as decreasing public hall would create a longer private hall in apartment which would not improve the condition; as to objection 24, to permit arrangement of stairs as indicated as two stairs are provided and total number of rooms does not exceed 40; as to objection 25, to permit stairs as indicated as no apartments is more than 50 ft. from either stair; and

WHEREAS, the board deemed that the plans as filed with the department comply with the multiple dwelling law as to objections Nos. 9, 24 and 25; that as to objection No. 15 the plans do not so comply and that to grant would be modifying the law which the board is without power to do.

Resolved, that the decision of the acting borough superintendent on N.B. Applic. No. 658-37, be and it hereby is *reversed* as to objections 9, 24 and 25 and affirmed as to objection 15.

112-38-A.

APPLICANT—Philip L. Goodwin, for Museum of Modern Art, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—9-19 West 53rd street, north side, 308 ft. west of Fifth avenue (Block No. 1269, Lot Nos. 21, 22, 22½, 23 and 25), Borough of Manhattan.

APPEARANCES—

For Applicant: George E. Strehan and L. C. Jarger.

For Administration: Inspector J. S. Scharf, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(112-38-A)

WHEREAS, Philip L. Goodwin, for Museum of Modern Art, owner, filed February 23, 1938, an appeal from a decision of the Borough Superintendent of Buildings, affecting premises 9-19 West 53rd street, north side, 308 ft. west of Fifth avenue (Block No. 1269, Lot Nos. 21, 22, 22½, 23 and 25), Borough of Manhattan; and

WHEREAS, the decision of the Borough Superintendent of Buildings, dated February 25, 1938, on N. B. Applic. No. 109-37, reads as follows:

"40. Openings in the sidewalk must be located within 4 ft. 0 in. of the building line as required by Section 2.4.1.4.1. (Sec. 170 old Building Code). A new license must be obtained for this construction."

and

WHEREAS, the proposed building will be six stories, 93 ft. in height, 129 ft. by 90 ft. 5 in. in area; of fireproof construction; equipped with a standpipe system; located in a residence use district and occupied as a museum; and

WHEREAS, applicant contends that the proposed eight gratings will be used to ventilate transformer and steam vaults in connection with the operation of the new building for the Museum of Modern Art; that the gratings will be 2 ft. and 3 ft. wide, located 1 ft. 4 in. from the curb; that the width of street is 60 ft. and the width of sidewalk is 13 ft.; that the first story front of the building will be enclosed with glass and to locate the gratings along the building line would increase the fire hazard as well as enhance any danger that may exist from explosion hazard; that the removable slabs for installing or replacing the transformed equipment will also be located near the curb this minimizing any possible interference with pedestrian traffic; that in addition to the 8 ft. to 9 ft. unimpeded width of sidewalk, the building will be set back 2 ft. 6 in. from the building line for a length of approximately 30 ft.; and a circular entrance lobby open to the sidewalk will be provided approximately 15 ft. deep and 50 ft. long; that the transformer vault will be located 11 ft. below the curb, and the roof of the existing subway tunnel is approximately 46 ft. below the curb in a rock cut.

Resolved, that the decision of the Borough Superintendent, dated February 25, 1938, in connection with N.B. App. No. 109-37, be and it hereby is *modified,* permitting the vault to be located adjacent to the curb, as indicated on plans filed with this appeal, *on condition* that there shall be no opening except for pipes and conduits into the cellar from the vault space; that access to this vault space shall be by means of gratings, as indicated, on the sidewalk, such gratings to be equipped with hinged sections, normally kept padlocked and for entrance only when necessary for repairs and inspections; that when open for such purposes, there shall be maintained guards to prevent accidents to pedestrians; that the approval of the Board of Transportation shall be obtained and that proper license shall be obtained from the Borough President.

MATERIAL SUBMITTED FOR APPROVAL.

96-38-SM.
APPLICANT—Johns-Manville Sales Corporation, owner.
SUBJECT—Johns-Manville Corrugated Transite, approval of.
APPEARANCES—
For Applicant: Alfred Shalties.
ACTION OF BOARD—Application placed on reserve calendar, and referred to engineer of the board.

APPLIANCES SUBMITTED FOR APPROVAL

78-38-SA.
APPLICANT—Whitehall Equipment Co., Inc., owner.
SUBJECT—Weco Flush Fill Pipe Terminal for Fuel Oil, approval of.
APPEARANCES—
For Applicant: R. W. Delancey.
ACTION OF BOARD—Application placed on reserve calendar and referred to engineer of the board.

68-38-SA.
APPLICANT—Gray-Wilson Company, for William Robert Wilson, owner.
SUBJECT—Romine Gas Range Connection, approval of.
APPEARANCES—
For Applicant: Henry Christmas.
ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.
THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(68-38-SA)

WHEREAS, The Gray-Wilson Company for William Robert Wilson, owner, filed February 4, 1938, an application with the Board of Standards and Appeals for approval of their device known as the Romine Gas Range Connection, and

WHEREAS, the device was submitted to the Engineer of the board for test and report; and

WHEREAS, the report of the Engineer of the board and of the committee making the test is substantially as follows:

> "This fitting consists of two threaded brass elbows with a bevelled end which are attached to a length of metal tubing with upset ends so designed as to fit tightly over the bevelled end of the elbow with a grip of approximately ⅛ in. and locked in place with a compression nut. The inside diameter of tubing and fittings is ½ in. so as to give free flow to the gas. The intent is to allow play in the piping so that the gas range or other appliances can be properly adjusted after it is connected up. The Tubing is aluminum or brass conforming to specifications of the A.S.T.M.
>
> A committee of the board consisting of Commissioners Savage and Blum and Chief Engineer Huber inspected and tested the device and found the device satisfactory and conforming with the provisions of section 14.13.1 and with section 14.13.4 of the building code.
>
> It is recommended that this device with approved aluminum, brass or copper tubing be approved for use in New York City as an intermediate connection between outlet and gas appliance on condition that no length of tubing exceed 6 ft. between connections and that the device have a stamp or decalcomania appearing on the fitting reading as follows: 'Approved by the Board of Standards and Appeals for Use in New York City, under Cal. No. 68-38-SA.'"

and

WHEREAS, the device has been approved by the American Gas Association, Inc. Testing Laboratories, No. H-10-031, December 22, 1937.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Romine Gas Range Connection for use in New York City as an intermediate connection between outlet and gas appliance on condition that no length of tubing shall exceed 6 ft. between connections and that the device have a stamp or decalcomania appearing on the fitting reading as follows:

APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City,
UNDER CAL. NO. 68-38-SA.

Adpourned, 4:20 P. M.

EDWARD V. BARTON, Chief Clerk.

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication in this BULLETIN of the calendars of the board, each case being set down by Calendar Number and premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the offices of the board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the board is to dispose of all cases promptly, for the reason that the pendancy of an appeal or application ties the hands of the administrative official in enforcing his order; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

RULES

OIL BURNER RULES

[217-21-SR]

NOTICE—In this publication of these Rules, a new decimal numbering system has been employed, but for convenience, the former designations are also shown in brackets.

RULES COVERING THE INSTALLATION AND USE OF OIL BURNING EQUIPMENT AND THE STORAGE OF OILS USED IN CONNECTION THEREWITH

Adopted by the Board of Standards and Appeals June 15, 1934, Amended July 12, 1935, January 28, 1936, and December 4, 1936.

(Superseding Fuel Oil Rules adopted by the Board of Standards and Appeals, November 6, 1919; amended January 6, 1922; January 18, 1924; October 19, 1926; September 11, 1928; January 11, 1929; March 20, 1931; May 12, 1931; November 24, 1931; May 10, 1932; June 24, 1932, and November 4, 1932).

Authority: Section 718 A of the Charter of the City of New York to carry into effect the provisions of Chapter X, Code of Ordinances.

Rule 1. Scope.

[a] 1.1 No person shall install oil-burning, or oil-storage equipment for use within the City of New York except as provided in these rules.

[b] 1.2 These rules shall not apply to gas companies storing or using oil in the manufacture of illuminating gas for public use.

Rule 2. Definitions.

2.1 For the purpose of these rules the following terms shall be interpreted in accordance with these definitions:

2.2 APPROVED: Shall mean devices hereafter approved by the Board of Standards and Appeals and also, when required by the Board of Standards and Appeals, approved, listed as standard, and/or labeled by any nationally recognized standard testing laboratory not operated for commercial profit, provided all such devices are installed in accordance with these rules. Such approval is subject to suspension or revocation for non-compliance with these rules. All devices approved by the Board of Standards and Appeals prior to the adoption of these rules shall be accepted.

2.3 AUTOMATIC PUMP: Shall mean an automatic transfer pump operating independent of the burner to provide a continuous supply of oil.

2.4 BURNER: A device designed for the purpose of burning oil.

2.5 COMMERCIAL INSTALLATIONS—Oil burner installations in buildings, other than dwellings when used for heating and generation of power for use on premises.

2.6 CONTROLS—Such electrical or mechanical devices as are installed for the purpose of providing safe and continuous operation.

2.7 DISCHARGE LINE: That portion of the line between the discharge outlet of the pump and the burner oil inlet connection.

2.8 DOMESTIC INSTALLATIONS—Oil burner installations installed in dwellings as defined in these rules.

2.9 DWELLINGS: Buildings used exclusively for dwelling purposes and occupied by one or two families, including convents, rectories and monasteries.

2.10 ELECTRICALLY GROUNDED: For protection against lightning shall mean storage tanks set directly in or on the ground and/or with underground piping connections. Where storage tanks without underground piping connections are built on bases above the surface of the earth, such storage tanks shall be grounded at two (2) points, 180° (degrees) apart as follows:

2.10.1 The conductor from tank to ground connection shall be of copper not smaller than No. 6 (.162″) A.W.G. wire, or pipe not less than one-half inch (½″) in diameter.

2.10.2 One end of conductor shall be permanently and electrically bonded to tank. The other end shall be bonded to a ground connection consisting of a water pipe or a rod, pipe or plate having a surface area of not less than one hundred and ninety (190) square inches, buried in moist earth not less than two feet (2′) below the surface of the earth.

2.11 FILL PIPE: That portion of the line between the fill pipe terminal and the fill pipe connection in the storage tank.

2.12 FIRE RETARDING MATERIALS:

2.12.1 One-half (½) inch plaster boards, or asbestos boards, or three-eighths (⅜) inch gypsum wall boards weighing not less than 16 pounds per square yard with pointed joints covered with No. 26 U. S. gauge sheet metal with one (1) inch lapped seams nailed to the wood beams when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are spaced more than sixteen (16) inches on centers, or

2.12.2 Two thicknesses of one-quarter (¼) inch asbestos boards laid with tight staggered joints and nailed to the beams, when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are more than sixteen (16) inches on centers, or

2.12.3 Metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) inch thick.

2.12.4 Note—All fire retarding material to be applied as required in rules for fire retarding material of the Board of Standards and Appeals.

2.13 GROUND: An electrical conductor having capacity to absorb current.

2.14 INDUSTRIAL INSTALLATIONS: Oil burner installations for industrial purposes.

2.15 OIL: Any liquid mixture, substance or compound derived from petroleum, including kerosene and fuel oil as defined in the Code of Ordinances, Chapter X, Article 1, Section 1.

2.16 OIL BURNING EQUIPMENT: Any device including burners, oil burning heaters, internal combustion engines used for heating, power or other purposes designed for and/or using oil as defined in these rules.

2.17 OIL LEVEL INDICATING DEVICE: A means by which the level of the oil in a storage tank may be indicated.

2.18 OVERFLOW PIPE: A pipe which conveys, by gravity, the oil from the maximum level of an auxiliary tank to the storage tank or from the pump to the storage tank.

2.19 PERMANENT DEFORMATION: Wherever phrase, "without permanent deformation," is used in these rules it shall mean that the tanks or containers shall, after release of test pressure, resume their original size and shape.

2.20 PERMIT: Shall mean permit for storage of oil.

2.21 PORTLAND CEMENT CONCRETE: Shall mean a mixture of one (1) part cement and not more than two and one-half (2½) parts sand and five (5) parts of coarse aggregate and complying in all other respects with the requirements of the Code of Ordinances, Chapter V, Article 2, Section 28.

2.22 PREHEATER: A device designed for heating oil for the purpose of decreasing the viscosity.

2.23 RELIEF VALVE: A valve held shut by a spring or other means of automatically relieving pressure in excess of its setting.

2.24 RELIEF LINE: That portion of the line between the bypass connection of the relief valve and the supply line or storage tank.

2.25 REMOTE CONTROL: A hand, electric, or mechanically-operated device to shut off the oil supply. A thermostat is not acceptable as a remote control.

2.26 SCAVENGING LINE: A line installed to permit the removal of water or foreign matter from a storage tank.

2.27 SHOP FABRICATED: Shall mean completely built in the shop of the tank manufacturer.

2.28 SHUT-OFF VALVE: A device that can be actuated to prevent the flow of liquid in a line of pipe.

2.29 STORAGE CONTAINER: Any container for oil connected to a burner or oil-burning heater and having a capacity of ten (10) gallons or less.

2.30 STORAGE TANK: Any container for oil having a capacity of two hundred and seventy-five (275) gallons or more, having a fill line and vent line connected thereto.

2.31 STORAGE TANK, AUXILIARY: Any container for oil having a capacity of not over 60 gallons and used as an intermediary tank for gravity feed and equipped with an automatic or manually operated pump.

2.32 SUPPLY LINE: That portion of the line between the storage tank and the pump oil inlet connection. Where a pump is not used, it shall be that portion of the line between storage tank and burner and burner oil inlet connection.

2.33 TEST WELL: An opening in the top of the storage tank or a straight pipe connected to such opening through which a gauge stick may be inserted into the storage tank.

2.34 TRANSFER PUMP: An oil pump that is not an integral part of the burner and which is installed between storage tank and burner.

2.35 VENT PIPE: That portion of the line between vent pipe terminal and vent pipe connection in the storage tank.

Rule 3. Oil Permitted.

[a] 3.1 Oil permitted under these rules shall be any liquid mixture, substance, or compound derived from petroleum, shale oil, coal tar, and the liquid products thereof, and shall have a flash point not lower than 100 degrees Fahrenheit when tested in a Pensky-Martens closed cup tester (American Society for Testing Materials Method D93-22) and marketed under the following commercial grades:

Range Oil	SP.	Gr.	(A. P. I.)	40–44°
No. 1 Fuel Oil	"	"	"	36–40°
No. 2 " "	"	"	"	32–36°
No. 3 " "	"	"	"	28–32°
No. 4 " "	"	"	"	24°+
No. 5 " "	"	"	"	18°+
No. 6 " "	"	"	"	10°+

[b] 3.2 The use of crankcase refuse oil as fuel oil is strictly prohibited.

Rule 4. Burners.

[a] 4.1 Burners, including oil-burning heaters, shall be as approved, provided with suitable safeguards to prevent abnormal discharge of oil.

[b] 4.2 Approval of burners or oil-burning heaters designed for installation with storage of not more than six (6) gallons shall include approval of storage containers and limitations of installation. If more than six (6) gallons' storage is desired for such burners or oil-burning heaters, a storage tank shall be installed as provided for in these rules. Portable containers of not more than six (6) gallons' capacity may be filled from such storage tanks by means of an approved hand pump located above the top of the tank.

[c] 4.3 The requirements of these rules shall not apply to the use and installation of portable burners not requiring a connection to a flue where such burners are of the type commonly used for household purposes including oil stoves, oil heaters and oil lamps equipped with a woven wick, nor do the requirements of these rules apply to such portable apparatus such as blow torches, soldering pots, tar heaters, snow melters, etc.

Rule 5. Material and Construction of Tanks.

5.1 Cylindrical Tanks (except vertical tanks located outside of buildings above ground).

[a] 5.1.1 All tanks for the storage of fuel oil shall be built of steel plates made by the open hearth process and known to the trade as "tank steel." Such plates shall be free from physical imperfections, such as laminations, cracks, mill scale, etc. All steel must be new in good condition and free from rust. The thickness of steel required and the size and spacing of rivets shall be as stated in the table given below.

[b] 5.1.2 All tanks must be welded or riveted and caulked, or riveted and welded. Flanges or other pipe connections may be welded. All caulking shall be done with round nose tools and without injury to the plates. Filler of any kind between plates is prohibited.

[c] 5.1.3 Thickness of cylindrical tanks, except tanks of 275 gallons capacity or less:

Tanks 36 in. in diameter and less—¼ in. shell, ¼ in. heads.

Tanks 37 to 72 in. in diameter—¼ in. shell, 5/16 in. heads.

Tanks 73 to 120 in. in diameter—5/16 in. shell, ⅜ in. heads.

Tanks over 120 in. in diameter to be of ⅜ in. steel and to be stiffened by angle rings or equivalent members so as to retain their cylindrical form.

[d] 5.1.4 All cylindrical, oval or abround storage tanks shall have dished heads with a curvature the radius of which is not greater than the diameter of the tank. Dished heads shall be formed with an adequate cylindrical extension rim to provide welding or riveting surface. Should flat heads be used they must be braced in the same manner as described for the bracing of flat sides of rectangular tanks.

[e] 5.1.5 Diameter and spacing of rivets:

Riveting in single lap seams shall not exceed a pitch as follows:

In shell ¼ in. thick, ⅝ in. in diameter rivets 2¼ in. pitch.

In shell 5/16 in. thick, ⅝ in. in diameter rivets 2⅜ in. pitch.

In shell ⅜ in. thick, ¾ in. in diameter rivets 2½ in. pitch.

5.2 Rectangular Tanks.

[a] 5.2.1 All rectangular tanks shall be built of steel plates of the quality required for cylindrical tanks, and of a thickness of not less than 5/16 of an inch.

[b] 5.2.2 Corners may be made up by bending the plates or by use of angles.

[c] 5.2.3 Rivets in seams shall be ⅝ of an inch in diameter and spaced not more than 2¼ inches center to center.

[d] 5.2.4 All flat surfaces of rectangular tanks are to be braced. Bracing shall be done either by using structural steel members which will act as girders and which will safely carry the load with a factor of safety of five (5), or by using bars from side to side, end to end and top to bottom of the tanks as the case may be.

[e] 5.2.5 When structural steel members are used such as angle, channels or beams, etc., the distance from center to center of the rivet lines on these members must not be in excess of twenty-four inches, and the rivet spacing must be such that it will develop the full strength of the members. In no case shall the rivets be in excess of six (6) inches center to center on these members.

[f] 5.2.6 When structural steel reinforcing members are tied together with braces in order to reduce the effective length, the braces shall not be stressed higher than nine thousand (9,000) pounds per square inch taken in the minimum net section.

[g] 5.2.7 If structural steel members are omitted and the sides of the tank are braced by means of rods or bars, these members should not be spaced farther apart than twenty-four (24) inches center to center in all directions. The unit stress permitted in these members shall not be in excess of nine thousand (9,000) pounds per square inch on the minimum net section.

[h] 5.2.8 The connection between these members and the sides of the tank must in all cases be such that it will develop the full net sections of the bars so that the bar will break before the connection will let go.

5.3 All Tanks Except Vertical Above-Ground Storage Tanks.

[a] 5.3.1 All storage tanks for oil of two hundred and seventy-five (275) gallons' capacity or less shall have a minimum thickness of shell and head plates of U. S. Standard 10 gauge (.134″). Auxiliary storage tanks of 60 gallons or less shall be similarly constructed but need not be of a gauge thicker than U. S. Standard No. 14.

[b] 5.3.2 At time of installation all storage tanks shall bear a permanently fixed plate, spot-welded or equivalent, bearing the name of tank manufacturer, the gauge of material and capacity of tank. All shop fabricated storage tanks shall be installed without structural alteration.

[c] 5.3.3 All openings shall be through the top of the storage tank except that 275-gallon storage tanks may be provided with a three-quarter inch (¾″) opening for gravity discharge and a one-inch (1″) opening in the bottom for cleaning and protection against corrosion.

[d] 5.3.4 All buried storage tanks shall have a thorough coating on the outside of hot tar, asphaltum, or other equivalent rust-resisting material. All such tanks shall be electrically grounded.

[e] 5.3.5 Manholes; where used for oils having a viscosity less than 500 sec. Saybolt Universal at 100° F. shall have manhole covers bolted and air tight; where used for oils having a viscosity greater than 500 sec. Saybolt Universal at 100° F. (No. 5 or No. 6 Commercial Standard grades) shall have manhole covers bolted or otherwise secured to the tanks and kept hydrostatically tight at all times.

5.4 Vertical Storage Tanks Over 1,000 Gallons Capacity Located Outside of Building Above Ground.

[a] 5.4.1 Vertical tanks located outside of building above ground shall be built of steel plates of the quality required for cylindrical tanks.

[b] 5.4.2 The minimum thickness of shell or bottom plates shall be ¼ inch and the minimum thickness of roof plates ⅛ inch.

The thickness of shell plates shall be figured in accordance with the following formula:

$$t = \frac{P \times r \times F}{T \times E}$$

P equals head pressure at bottom of ring under consideration.

R equals radius of shell in inches.

F equals factor of safety (taken as 5).

T equals tensile strength of plate in pounds per square inch (55,000 pounds per square inch).

E equals efficiency of vertical joint in ring under consideration (calculations to be based on formulas as given in Bulletin No. 14 of the New York State Industrial Commission).

[c] 5.4.3 Roof plates shall have single riveted watertight seams and the roof shall be built to shed water. Bottom plates shall have single lap riveted seams. Shell plate seams shall be designed with proper efficiency to meet requirements of above formular for shell plates.

[d] 5.4.4 In all cases, steel tanks for the storage of fuel oil must be built metal to metal. No filler of any kind will be permitted.

5.5 Storage Containers.

[a] 5.5.1 Storage containers for oil of six (6) gallons capacity or less used in connection with burners or oil-burning heaters shall be designed to withstand a hydrostatic pressure test of five (5) pounds per square inch without permanent deformation, rupture or leakage and shall be approved as provided in Rule 4.2. Glass storage containers shall not exceed three gallons capacity, protected with a metal jacket provided with hand grips and designed to be rigidly fastened to stand or wall and shall be approved as provided in Rule 4.2.

Rule 6. Location of Tanks.

6.1 Inside of Buildings.

[a] 6.1.1 Storage tanks having a capacity of two hundred and seventy-five (275) gallons and auxiliary tanks may be installed above ground in or on the lowest story of a building, provided such tanks shall be mounted on substantial incombustible supports, with tank permanently attached thereto, and located not less than seven feet (7′), measured horizontally from any furnace or source of exposed flame unless tank is protected as provided for in Rule 6.1.2. Such storage tanks inside buildings shall be not less than two hundred and seventy-five (275) gallons' capacity and not more than one such tank shall be connected to one burner. Not more than two (2) two-hundred-and-seventy-five (275) gallons storage tanks shall be installed in a building above ground without protection as provided for in Rule 6.1.2.

[b] 6.1.2 Storage tanks having a capacity of more than two hundred and seventy-five (275) gallons, when installed inside of buildings, shall be located in or on the lowest floor level and all portions of such tanks above the floor shall be protected by a continuous jacket of not less than four inches (4″) of Portland cement concrete reinforced with not less than No. 20 steel wire gauge wire cloth 2″ x 2″ mesh, and extending at least four inches (4″) beyond the horizontal outline of tank in all directions, with weep holes along the bottom one inch in diameter not more than 3 ft. apart.
Each storage tank may be placed in an enclosure having masonry walls not less than eight inches (8″) in thickness and of dimension not less than fifteen inches (15″) greater on all sides than the outside dimensions of the storage tank. The walls of the enclosure shall be carried up to a height not less than two feet (2′) above the top of the tank. Fireproof access door or doors shall be installed in the enclosure for every twenty-five feet (25′) along the longest interior wall of such enclosure, and an additional access door shall be installed in every additional ten feet (10′) along such wall above the point where the enclosure has a capacity equal to the tank. The ceiling above the tank enclosure shall be either fireproof or fire-retarded.

[c] 6.1.3 The capacity of individual storage tanks located inside of buildings shall not exceed twenty thousand (20,000) gallons.

[d] 6.1.4 All storage containers used in connection with burners or oil-burning heaters shall be installed in a substantial and workmanlike manner with rigid metal fasteners to wall or floor and protected against mechanical injury.

6.2 Outside of Buildings, Below Ground.

[a] 6.2.1 Storage tanks located outside of buildings, below ground, shall be buried with the top of the tank not less than two feet (2′) below the surface of the ground. Tanks shall be placed on firm soil and shall be surrounded by clean sand or well tamped earth, free from ashes or other corrosive substance, and free from stones larger than will pass through a one-inch (1″) mesh. When necessary to prevent floating, tanks shall be securely anchored.

[b] 6.2.2 Along the line of subways no tank shall be placed within twenty (20′) feet of any wall, separating a building from the subway, and, if practicable, tanks shall be placed in a lower position than the roadbed of the subway, except as may be modified in specific instances by the Board of Standards and Appeals.

[c] 6.2.3 No tank shall be buried so as to be nearer than 3 feet to any foundation wall.

[d] 6.2.4 All buried storage tanks larger than two hundred and seventy-five gallons, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two (2) coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust resisting material. All tanks shall be electrically grounded.

6.3 Outside of Buildings, Above Ground.

[a] 6.3.1 Storage tanks located outside of buildings above ground shall be not less than one and one-quarter (1¼) tank diameters and in no case less than ten feet (10′) from the line of adjoining property, the nearest building or adjacent tank. Such tanks shall be electrically grounded. The maximum capacity of individual tanks located outside of buildings above ground shall be fixed by the following schedule:

If distant 25 feet from line of adjoining property which may be built upon	16,000 gallons
If distant 30 feet.....	24,000 "
If distant 40 feet.....	36,000 "
If distant 50 feet.....	48,000 "
If distant 60 feet.....	60,000 "
If distant 75 feet.....	96,000 "
If distant 85 feet, or more	100,000 "

[b] 6.3.2 Each such storage tank shall be protected by an embankment or a dyke. Such protection shall have a capacity of not less than one and one-half (1½) times the capacity of the tank so surrounded and shall be at least four feet (4′) high but in no case higher than one-fourth (¼) the height of the tank when the height of the tank exceeds sixteen feet (16′). Embankments or dykes shall be made of earthwork with clay core; or of masonry, or of impervious reinforced concrete. Earthwork embankments shall be firmly and compactly built of good earth, free from stones, vegetable matter, etc., and shall have a flat section at the top of not less than three feet (3′) and a slope of at

least one and one-half (1½) to two (2) on all sides. Concrete or masonry dykes shall be so designed as to safely carry the entire volume of the oil in the tank so surrounded. Embankments or dykes shall be continuous and unpierced. See Chapter 10, Section 111, Code of Ordinances, for required fire extinguishing system.

[c] 6.3.3 All above ground storage tanks larger than two hundred and seventy-five (275) gallons, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two (2) coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust resisting material. All tanks shall be electrically grounded.

Rule 7. Piping.

7.1 Installation of Piping.

[a] 7.1.1 Piping shall be run in a substantial and workmanlike manner. Exposed piping shall be protected against mechanical injury and shall be securely supported with rigid metal fasteners or hangers. All pipes connected to buried tanks except test well piping shall be provided with double swing joints at tank.

[b] 7.1.2 Only new standard full-weight iron, steel or brass pipe, or new extra-heavy copper brass or aluminum alloy tubing, properly marked and duly approved, may be used. Drawn metal tubing when used for conveying oil, shall be adequately protected. Such tubing shall be used only in the same room in which the burner is installed. Drawn tubing when used in domestic installations shall be not less than three-eighths inch (⅜") inside diameter. Soldered connections are prohibited. Tubing shall be submitted for approval.

[c] 7.1.3 Overflow pipes where installed shall not be smaller in size than the supply pipe.

7.2 Relief Valves.

[a] 7.2.1 Where a shut-off valve is installed in the discharge line from an oil pump a relief valve shall be installed in the discharge line between the pump and the first shut-off valve.

[b] 7.2.2 Oil preheaters shall be provided with a relief valve to prevent excessive oil pressure.

[c] 7.2.3 Relief valves shall be set to discharge at not more than one and one-half (1½) times the maximum working pressure of the system. The discharge from relief valves shall be returned to storage tank or to the supply line. There shall be no shut-off valve in the line of relief.

7.3 Vent Pipe.

[a] 7.3.1 An open vent of iron or steel, without trap, and draining to the tank, shall be provided for each storage tank. The lower end of the vent pipe shall not extend through the top of the storage tank more than one inch (1"). Cross connection between vent pipe and fill pipe is prohibited.

[b] 7.3.2 Where a battery of storage tanks, designed to hold the same grade of oil, is installed, vent pipes may be run into a main header.

[c] 7.3.3 Vents shall be not less than one and one-quarter inches (1¼") in diameter for storage tanks up to 1,100 gallons' capacity and not less than two inches (2") in diameter for storage tanks of 1,100 gallons and more. Vents for auxiliary storage tanks shall not be less than ½ inch in diameter and may be run into the storage tank vent.

[d] 7.3.4 Vent pipes shall be provided with weatherproof hoods and shall terminate outside the building not less than two feet (2') from any building opening and not less than five feet (5') nor more than twelve feet (12') above the fill pipe terminal. If the vent pipe terminal is not visible from the fill pipe terminal location, a one-inch (1") line shall be connected to tank and shall parallel the fill pipe and terminate at the fill pipe terminal with unthreaded end. Such line shall be provided with a check valve set to prevent flow of surface water to storage tank.

7.4 Fill Pipes.

[a] 7.4.1 Fill pipe shall terminate outside the buildings with the fill pipe terminal located at or above grade at least five feet (5') from any building opening or subway grating at or below the level of the fill pipe terminal. No fill pipe shall be less than 2 inches in diameter.

[b] 7.4.2 Each storage tank shall be provided with a separate fill pipe except where a battery of tanks is installed, containing the same grade of oil, a common fill and header pipe may be installed provided the area of each branch fill pipe and the header pipe is equal to the area of the fill pipe. Each branch fill pipe shall be provided with a shut-off valve.

[c] 7.4.3 Where the top of the storage tanks is above the fill pipe terminal the fill pipe shall be connected to the top of the tank and be provided with a shut-off valve and a swing check valve which shall be located at the fill pipe terminal.

[d] 7.4.4 All fill pipe terminals shall be of approved type constructed of a suitable material, provided with lugs for imbedding in concrete or in lieu thereof a set screw to fasten terminal to fill pipe. The outer flange of the fill pipe terminal shall be provided with letters reading "Fuel Oil" and the calendar number under which the fill pipe terminal has been approved. The fill pipe terminal shall be separately threaded to receive the seal cap and the fill pipe. The seal cap shall be suitably threaded and slotted for a special opening wrench. An oilproof gasket inserted in a groove in the fill pipe terminal shall be provided so as to render the fill pipe terminal leakproof. A strainer is not required but if used must be of not less than ⅛ inch mesh. Where there is a storage system of volatile inflammable oil and a storage system for fuel oil to be used in the same premises, the terminal of fuel oil fill pipe shall be provided with a left-handed thread, and the fill pipe fitting shall be of a different size than that required for the fill pipes to gasoline tanks.

7.5 Heating Coils in Storage Tanks.

7.5.1 All heating to reduce viscosity of oils in storage tanks shall be only by means of hot water or low pressure (ten (10) pounds per square inch maximum) steam coils.

7.6 Scavenging Line.

7.6.1 When a scavenging line is installed it shall terminate outside of the building and shall be capped oil tight when not in use.

Rule 8. Valves and Control of Oil Flow.

[a] 8.1 Each supply line from storage tanks of two hundred and seventy-five (275) gallons' capacity and from auxiliary storage tanks shall be provided with a shut-off valve at the tank and at the burner and when connected to burners designed for gravity feed, shall be provided with an approved constant level device.

[b] 8.2 Each supply line for storage tanks of more than two hundred and seventy-five (275) gallons' capacity, shall be provided with a shut-off valve at the burner and where the top of the tank is above the oil inlet connection to the burner and/or transfer pump, shall be provided with an approved anti-syphon device located at the highest point in supply line, except that where heavy oil (No. 6 Commercial Standard Grade) having a viscosity of one hundred (100) seconds or more Saybolt Furol at one hundred and twenty-two degrees Fahrenheit (122° F.) is used, the anti-syphon device shall not be required.

[c] 8.3 Except as may be modified in specific instances by the Board of Standards and Appeals, oil from storage tanks of two hundred and seventy-five (275) gallons' capacity or more may be delivered to burners installed above the lowest floor of a business building only under the following provisions:

8.3.1 Plans for such installations shall be submitted for approval to the administrative official having jurisdiction before such installation is made.

8.3.2 Such burners shall not be installed in any story of any building the floor of which is more than fifty feet (50′) above the street level. Only one oil delivery line shall be installed for each floor.

8.3.3 Oil delivery lines to burners located above the lowest floor of a building shall not be larger than two inches (2″) iron pipe size.

8.3.4 The pressure in oil lines to burners located above the lowest floor of a building shall not be more than is necessary to deliver oil to the burners and such pressure shall not in any case exceed thirty (30) pounds per square inch. With each automatic burner there shall be installed and maintained in good working order a set of suitable safety controls of the electric or mechanical type. The proper control for each burner is to be listed in the resolution under which the burner is approved. The controls are to provide the following functions:

Temperature control
Ignition "
Stack or
Combustion "
Pressure "
Gravity "

[d] 8.4 A remote control shall be provided whereby the flow of oil to any burner can be stopped, and such remote control shall be located outside the entrance to the room in which the burner is located and as close to such entrance as practical, except when outside location is impractical such control may be located immediately inside the room in which the burner is located if such location is accessible at all times. All such controls shall be legibly labeled "Remote Control for Oil Burner." On auxiliary storage tanks used with manually operated burners such remote control may be installed on feed lines between tank and burner.

[e] 8.5 Except as provided by Rule 4.2 of these rules for approved combination burner and storage container devices, pressure in storage tank or container for the purpose of discharging oil is prohibited.

[f] 8.6 In systems where either steam or air is used for atomizing the oil, the oil and the atomizing supply shall be interlocked, so that in case of the interruption of the atomizing supply, the supply of oil will immediately be cut off. Except that this requirement shall not apply to air and oil supply units directly connected to a common driver.

Rule 9. Oil Level Indicating Devices and Test Wells.

[a] 9.1 All tanks located inside of buildings shall be provided with an oil level in indicating device. Test wells shall not be permitted in tanks located inside of buildings. Unused tank openings shall be permanently sealed to prevent removal of plugs or cover.

[b] 9.2 Oil level indicating devices shall be constructed of substantial materials so designed that there can be no leakage of oil or oil vapor.

[c] 9.3 Test well shall be capped oil tight and kept closed when not in use.

Rule 10. Permits, Plans, Inspections and Tests of Storage Tanks and Piping.

10.1 Permits.

[a] 10.1.1 No oil installation of more than ten (10) gallons' capacity shall be operated until after a permit has been issued by the Fire Chief and Commissioner.

[b] 10.1.2 Applications for permit shall be made by the installer on forms furnished by the Fire Chief and Commissioner and shall provide for the location of the building in which the installation is to be made, name and address of owner and/or occupant, name and address of installer, make and approval number of burners, pumps and other devices, capacity number and location of storage tanks, together with approval of such proposed installation by the Commissioner of Buildings when required under Rule 10.2.

[c] 10.1.3 No permit shall be issued by the Fire Chief and Commissioner until the installation has been inspected by his representative.

10.2 Plans to be Filed Where Structural Considerations Are Involved.

10.2.1 Except for installations in dwellings as defined in these rules, the installer shall file with the Commissioner of Buildings plans showing the size and location of all storage tanks having a capacity greater than 275 gallons where such tanks are to be installed either inside of buildings in or below the lowest floor level or out-

side of buildings below ground. Plans, however, shall be filed where 275 gallon tanks are to be buried and for all multiple dwellings and for all places of public assembly. All plans, as in this section required, shall be certified to by the Commissioner of Buildings when approved by him as in compliance with all structural requirements, to the Fire Chief and Commissioner before any work is started and before the permit provided for in Rule 10.1 is issued.

10.3 Inspection and Tests of Installations of Storage Tanks and Piping.

[a] 10.3.1 Storage tanks not exceeding two hundred and seventy-five (275) gallons' capacity and all piping for oil connected thereto shall show no leakage when tank and all piping for oil is completely filled with oil when subjected to a test of 10 pounds per square inch for a period of ten (10) minutes.

[b] 10.3.2 Storage tanks of more than two hundred and seventy-five (275) gallons' capacity and all piping for oil connected thereto shall show no change in shape, rupture or leakage when subjected to a hydrostatic test with water or oil as follows:

10.3.2.1 Oval, obround, rectangular and specially shaped storage tanks and and piping connected thereto, twenty-five (25) pounds per square inch.

10.3.2.2 Cylindrical storage tanks and piping connected thereto, fifty (50) pounds per square inch.

Pressure shall be applied for a period of thirty minutes. When oil is used there shall be no fire or flame in the room or rooms in which the test is being conducted. All tests shall be conducted in the presence of a representative of the Fire Chief and Commissioner. The contractor shall furnish all necessary equipment for conducting tests, except gauges which shall be furnished by the administrative official. Such test may be made with oil in freezing weather for tanks located outside of building.

[c] 10.3.3 Defective tanks, if repaired by welding, shall have all oil removed and shall be purged of all explosive gases or vapors.

[d] 10.3.4 The anti-syphon devices, where used as provided for in these rules, shall be approved devices.

10.4 Fee for Permit and Test of Storage Tanks and Piping.

10.4.1 When application for permit is made, as provided for in Rule 10.1, a fee covering the permit, inspection and test of storage tank and piping shall be paid in accordance with the schedule given in the Code of Ordinances.

Rule 11. Inspection of Installations With Not More Than Six (6) Gallons' Storage Capacity.

11.1 All installations of burners with not more than six (6) gallons' storage capacity except where such installations are made in dwellings shall be reported by installer to the Fire Chief and Commissioner giving location of building in which installation is made, name and address of owner and/or occupant, name and address of installer and the make and approval number of burner. Such reported installations shall be inspected as required by Code of Ordinances.

Rule 12. Ventilation.

[a] 12.1 No burner shall be installed in any boiler, heater, range or stove unless such boiler, heater, range or stove be connected with a legal chimney, complying with Section 392, Article 19, Chapter V, of the Code of Ordinances.

[b] 12.2 Adequate ventilation, at least equivalent to area of the smoke pipe at the point where it enters the flue, shall be provided in all rooms in which burners are installed.

[c] 12.3 Dampers shall be so constructed that they cannot completely cut off the passage of flue gases at any time.

Rule 13. Automatic Pumps.

13.1 Automatic pumps, when not an integral part of the burner shall be of approved type, provided with automatic means for preventing continuous discharge of oil in case of pipe breakage.

Rule 14. Fire Protection.

[a] 14.1 The clear distance between smoke pipe connections, of any boilers, furnaces or other heating apparatus to flues, and combustible material shall not be less than eighteen (18) inches, except that this clearance may be reduced to nine (9) inches where a baffle consisting of not less than No. 29 gauge sheet metal backed by ¼ inch thick asbestos is placed two (2) inches above and extending along the entire length of the smoke pipe connections and twice the width thereof and such baffle is securely fastened from the ceiling with substantial hangers. In lieu of such baffle the combustible material may be covered with fire-retarding material as defined in these rules.

[b] 14.2 The clear distance between any non-insulated heat-producing parts of boilers, furnaces or other heating apparatus and combustible material shall not be less than twenty-four (24″) inches. Where such parts are insulated by two (2″) inches of asbestos, or equivalent, the clear distance shall be not less than twelve (12″) inches, or, in lieu of such insulation the combustible material shall be covered with fire-retarding material as defined in these rules extending 8 ft. in front and 4 ft. side and rear of the apparatus.

[c] 14.3 No combustible material shall be stored or maintained within five feet (5′) of heating apparatus, except where same is protected by fire retarding material.

[d] 14.4 Burners and all accessories, including tanks and piping, shall be maintained oil tight and kept clean at all times.

[e] 14.5 The floor beneath boiler or furnace and within five (5) feet in all directions shall be of fireproof construction.

[f] 14.6 Oil burning devices designed for installation with storage of not more than six (6) gallons shall be firmly anchored to the floor, set level, and the floor beneath the stoves or any such heating devices protected by a shield of ½″ asbestos or equiva-

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lent extending at least twelve (12") inches beyond the outline dimension of such device where required within the specific approval of each burner.

[g] 14.7 Near each boiler or furnace of a fuel oil-burning unit there shall be kept ready for use fire extinguishing equipment of not less than two quart capacity approved as suitable for oil fires or not less than two pails of sand, the pails to have rounded bottom.

Rule 15. Instruction Cards and Certificate of Fitness.

[a] 15.1 Cards, giving complete instructions for the care and operation of the system shall be permanently fixed near the apparatus in readable condition. Where burners or oil-burning heaters designed for use with storage of not more than six (6) gallons' capacity are installed, there shall also be posted a copy of the specifications under which it was approved by the Board of Standards and Appeals in addition to the instruction card herein provided for.

[b] 15.2 All heating systems in which the oil is preheated or systems not fully automatic shall, when operating, be under the direct supervision of a person holding a certificate of fitness issued by the Fire Chief and Commissioner, except, that a person holding a certificate of fitness as a licensed engineer or as a licensed fireman under the provisions of Section 409 of the Charter of the City of New York, shall not be required to obtain such certificate.

Rule 16. Modification.

16.1 When, for any reason, it may be impracticable to comply strictly with the foregoing rules, the administrative official having jurisdiction shall have power to accept substitute methods provided the spirit and substance of these rules shall be complied with.

Rule 17. Existing Installations.

17.1 Oil burner systems heretofore installed and duly approved as complying with all laws and rules then applicable thereto shall be deemed acceptable, provided there have been no subsequent alterations to the apparatus, except as to Rule 15.2.

APPROVED APPLIANCES

APPROVED FUEL OIL PUMPS

Name of Pump	*Calendar No.*
American Marsh Duplex	638-25-SA
American Marsh Simplex	639-25-SA
Autopulse Electric Fuel Oil Pump	215-31-SA
Autopulse Electric Oil Pump Outfit, Model No. 1000	9-32-SA
Ballard Duplex Electric Driven Pump Set	1413-22-SA
Beach Russ Co. Rotary	1134-22-SA
Blackmer Rotary	935-24-SA
Blake & Knowles Horizontal Simplex Piston Pattern Pump	372-21-SA
Century Rotary	908-21-SA
Cook Electric Oil Pump	603-25-SA
Davidson	590-21-SA
Dean Bros. Durable Duplex	840-22-SA
DeLaval IMO Oil Pump	628-32-SA
Deming Double Oscillating Force Pump	458-27-SA
Deming Fuel Oil Pump	298-31-SA
Enterprise Oil Pump	11-28-SA
Exeter Rotary	507-22-SA
General Electric Oil Pump	475-32-SA
Goulds Hand Rotary	1133-25-SA
Goulds Rotary Oil Pump	437-31-SA
Goulds Triplex Plunger	257-22-SA
Hardinge Fuel Oil Pump	813-25-SA
Kinney Rotating Plunger Pump	503-24-SA
Koerting Gear Pump	1264-25-SA
Kraissl Fuel Oil Pump	60-28-SA
Leiman Rotary	95-24-SA
Marsh Fuel Oil Pump	1050-23-SA
McGowan Horizontal Duplex Fuel Oil Pump	936-23-SA
M. D. Rotary	52-27-SA
Milwaukee Piston Rotating Port Pump	763-25-SA
Monroe Oil Pump	658-26-SA
National Transit Rotary Pump for Gasoline and Fuel Oil	175-35-SA
Northern Rotary	1396-24-SA
Pascoe Pump Set	1029-26-SA
Petro-Nokol Industrial Oil Pump	570-32-SA
Quiet May Gerotor Pump	267-32-SA
Quimby Screw Pump	1193-21-SA
Range-O-Matic Oil Pump, Model 50 and Suction Model	102-35-SA
Ray Rotary	588-25-SA
Rotary Pressure Pump	1060-25-SA
Rotary Vacuum Pump	513-25-SA
Samson Magnetic Fuel Oil Pump	163-34-SA
S. B. U. Pumps, Models A, B, C and D	410-32-SA
Sundstrand Fuel Unit (Pump), Models 7-OB and 77-OB	199-36-SA
Tate-Jones	492-21-SA
Teesdale Automatic Booster Fuel Oil Pump	1279-25-SA
Tuthill Model B Fuel Oil Pump	60-28-SA
Tuthill Fuel Oil Pump, Models L, LD and 30-LE Fuelstat	568-30-SA
Union Steam Pump for Fuel Oil	705-30-SA
Viking	438-21-SA
Warren Oil Pump	1169-23-SA
Wayne Oil Pump & Fan Set	1155-25-SA
Webster Fuel Oil Pump, Types A, Q and T	23-34-SA
Worthington Duplex Double-Acting Steam Pump	184-22-SA
Worthington Show Model Duplex	194-22-SA

APPROVED APPLIANCES

Burners for Domestic and Commercial Use

Name of Burner	*Calendar No.*
A. B. C. Oil Burner	1295-24-SA
A. B. C. Oil Burner, Type H	684-29-SA
Ace Rotary Oil Burner	47-35-SA
Acme Automatic Oil Burner (Gun Type) Model A-1	112-36-SA
Acme Oil Burner, Models BO-1 and BO-2	132-34-SA
Aetna Automatic Oil Burner	1547-23-SA
Air-Blast Oil Burner	579-32-SA
Airnoil Burner	175-37-SA
Airtemp Oil Burner, Models B-6 and C-6	139-36-SA
Airtemp Oil Burner, Models D, F and G	88-34-SA
Alladin Oil Burner	298-26-SA
Alexander Oil Burner	65-28-SA
Alida Oil Burner	124-34-SA
Alida-Remington Oil Burner	124-34-SA
Alpine Oil Burner, Models A and H	110-36-SA
American Blue Flame and Sun Flame Oil Burning Heaters, Models No. 73, 86, 88, 92, 93, 94, 95, 96, 4512, 4518, 4528, 4538, 4562, 4563, 4573, 4578, 4588, 4688, 4678, 4668, 4666, 4683, 4663, 4653, 4673, 4674, 4664, 4612, 4618, 4628, 4638, 4788, 4778, 4768, 4783, 4763, 4753, 4773, 4712, 4718, 4721 and 4738	298-33-SA
Aristocrat Oil Burner	222-35-SA
Associated Oil Burner	178-35-SA
Auto Heat Oil Burner	284-33-SA
Autocrat Oil Burner, Model B-1	297-31-SA
Automatic Airless Oil Burner, Model No. 1	53-34-SA
Baker Automatic House Heating Burner	1323-22-SA
Baker Oil Burner, Model L, Gun Type	404-29-SA
Baker Perkins Atomizing Type, Mechanical Draft Oil Burner, Types C and CD	329-35-SA
Ballard Baby Grand Oil Burner	447-32-SA
Ballard Oil Burner, Models B-A, 1, 2, 3 and 4	447-32-SA
Ballard Super Domestic Oil Burner	939-24-SA
Bauer Oil Burner	129-37-SA
Bayard Domestic Fuel Oil Burner	1184-22-SA
Benat Oil Burner, Models A, B and E	23-37-SA
Berggren Oil Burner	764-26-SA
Bethlehem-Doe Oil Burner, Models CE, FE, F, G and H	116-37-SA
Bethlehem-Hering Oil Burner, Models CE, FE, F, G and H	116-37-SA
Bethlehem Steam Atomizing Fuel Oil Burner	485-32-SA
Bettendorf Automatic Oil Burner, Models D, F and G	88-34-SA
Bettendorf "Double Heat" Automatic Oil Burner, Models MV and MW	505-37-SA
Bettendorf High Pressure Oil Burner	479-31-SA
Bettendorf Oil Burner	731-28-SA
Bettendorf Oil Burner, Model H.B.	498-32-SA
Bock Oil Burner, Models A, B, C and D	123-31-SA
Bock Oil Burner, Models WH-3, WH-5, WH-6 and WH-8	102-34-SA
Borden Oil Burner, Model B	29-37-SA
Braden Automatic Fuel Oil Burner	322-30-SA
Branford Oil Burner	36-31-SA
Branford Oil Burner, Model "A"	461-32-SA
Brighton Oil Burner	372-33-SA
Bullet Automatic Oil Burners, Models A and B	195-33-SA
Caloroil Burner, Type AA	1361-24-SA
Camel Automatic Oil Burner, Model 30, Types A. B and C and Models J and A.S.	229-32-SA
Capitol Oil Burner, Models A, B and E	23-37-SA
Carboradiant Oil Burner, Models V & VS	16-31-SA
Carboradiant Oil Burner, Model VSS	49-32-SA
Carborundum Burner	571-29-SA
Carrier Oil Burner, Models CE, FE, F, G and H	116-37-SA
Cardinal Oil Burner, Model C	50-37-SA
Carter-Korth Oil Burner, Model "P"	389-32-SA
Carter-Korth Oil Burner	54-30-SA
Carter Oil Burner, Models, 4X, 5X, 6X and 10X	117-34-SA
Ceco Oil Burner	354-35-SA
Central Oil Burner, Models 4X, 5X, 6X and 10X	117-34-SA
Century Oil Burner	157-28-SA
Century Pressing Machine Oil Burner, Models U1 and U2	25-37-SA
Challenger Kleen Heat Burner, Series No. 100	813-28-SA
Challenger Oil Burner, Model "A"	86-34-SA
Chalmers-Ace (Rotary) Oil Burner	47-35-SA
Chalmers Automatic Oil Burner, Models D1 and D2	608-32-SA
Citro Oil Burner, Models A and B	86-36-SA
Clark Domestic Gun Type Oil Burner, Models EJ-1 and EJ-2	579-37-SA
Clark Horizontal Rotary Oil Burner	618-37-SA
Commonwealth Automatic Oil Burner	348-28-SA
Concord Burner	108-35-SA
Conservoil Burner, Models H-1C and H-1F	155-37-SA
Continential Oil Burner, Models A, B and C	146-31-SA
Cook's Automatic Oil Burner	955-27-SA
Cope-Swift Safety Automatic Oil Burner	354-31-SA
Craftsman Oil Burner	222-35-SA
Crano Oil Burner, Models H-IC and H-IF	155-37-SA
Crater Automatic Oil Burner	34-34-SA
Crescent Oil Burner	222-29-SA
Crescent Type M Size I Oil Burner and Models 8, 18 and 28	592-31-SA
Creveling Oil Burner, Models A, B and E	23-37-SA
Crown Oil Burner, Type XA	426-29-SA
Crystal Blue Flame Oil Burner	423-29-SA
Dahl Vaporizing Oil Burner	915-26-SA
D'Elia Oil Burner	155-31-SA
Delco Heat Oil Burner	420-31-SA
DeWalt Oil Burner	541-31-SA
Diesel-American Oil Burner, Model D-A-1	6-37-SA
Diesel Oil Burner	354-35-SA
Dist-o-matic Oil Burner	663-28-SA
Doe Oil Burner	317-31-SA
Doherty Oil Burner	943-26-SA
Draft-Rite Oil Burner	178-35-SA
Dupont Oil Burner	248-36-SA
Easternoil Automatic Oil Burner, Models A, B and C	600-31-SA
Econ-O-Heat Oil Burner, Model E	130-37-SA
Economy Oil Burner, Type A-1	45-31-SA
Edison Oil Burner, Models A, B and E	23-37-SA
Eisler Automatic Oil Burner	481-27-SA
Elec-tro-matic Oil Burner, Type 151	125-33-SA
Electrol Automatic Oil Burner and Models BB, C, EA and TCV	259-25-SA
Ember-Glo Oil Burner	462-32-SA
Empire Oil Burner	222-35-SA
Enterprise Rotary Fuel Oil Burner	1149-27-SA
Enterprise Steam Atomizing Burner	15-33-SA
Enterprise Type Junior "W" Oil Burner, Models 1, 2 and 3	225-32-SA
Espo Oil Gas Burner	1431-23-SA
Esso Oil Burner, Models E.B. 1 and 2	520-31-SA
Esso Oil Burner, Models E.B. 3, 4 and 5	109-31-SA
Evenheet Oil Burner	554-32-SA
Everedy Oil Burner	102-33-SA
Fairfield Oil Burner	584-31-SA
Faultless Oil Burner	493-24-SA
Fine-Glo Oil Burner	178-35-SA
Flex-O-Gas Oil Burner for Pressing Machine, Model T-2	125-36-SA
Fluid Heat Domestic Oil Burner, Type O	1094-27-SA
Fluid Heat (Gun Type) Oil Burner, Model P	134-35-SA
Fluid Heat Oil Burner	361-32-SA

APPROVED APPLIANCES

Name of Burner	*Calendar No.*
Forsdraft Oil Burner	41-34-SA
Foster Oil Burner	715-26-SA
Franklin Domestic Oil Burner	560-26-SA
Freeport-Silent Service Oil Burner, Models 5, 10 and 30	97-33-SA
Fuelo Oil Burner	47-30-SA
Gar Wood Oil Burner	373-30-SA
Gar Wood Oil Burner, Models K, K-3500, T and W	481-32-SA
General Automatic Oil Burner, Model A	60-36-SA
General Electric Fuel Oil Burner	434-32-SA
General Electric Oil Burner, Type DA-2	228-33-SA
Ghapco Steam Generator	348-31-SA
Gilbarco-Ballard Heavy Oil Burner, Models BM, DM, FM, HM, BS, DS, FS, HS, BA, DA, FA, HA, BPM, DPM, FPM, HPM, BPS, DPS, FPS, HPS, BPA, DPA, FPA, HPA, BPW, DPW, FPW, HPW, BPH, DPH, FPH and HPH	1493-22-SA
Gilbarco G.B.O. Oil Burner	282-33-SA
Gilbarco Industrial Burner	350-32-SA
Gilbarco Oil Burner, Models G.B. 1 and 2	520-31-SA
Gilbarco Oil Burner, Models G.B. 3, 4 and 5	109-31-SA
Gilbert & Barker Flexible Flame Burner	109-31-SA
Gilbert & Barker Junior Flexible Flame Domestic Oil Burner	520-31-SA
Gilbert & Barker Oil Burner, Model S-1	282-33-SA
Gilbert-Bethlehem Oil Burner, Models CE, FE, F, G and H	116-37-SA
Gill Oil Burner	1231-23-SA
Gold Star Oil Burner, Models F, S, J and J-1	166-33-SA
Goodrich Oil Burner, Models G-0, G-1, G-2 and G-3	441-31-SA
Goodspeed Automatic Oil Burner	957-27-SA
Goodspeed Oil Burner, Nozzle Type 2	346-33-SA
Gould Automatic Oil Burner	178-35-SA
Grant Oil Burner	382-26-SA
Grant Oil Burner, Model "C"	232-32-SA
Hardinge Oil Burner	813-25-SA
Hardinge Oil Burner, Model 23	33-33-SA
Harris Fuel Oil Burner	690-30-SA
Hart Automatic Oil Burner	1162-24-SA
Hart Automatic Oil Burner, Model Series "DO"	595-29-SA
Hart Oil Burner, Model "H"	221-33-SA
Haywood Oil Burner (Vertical Rotary), Models AG, BG, CG, DG, AP, BP, CP and DP	696-30-SA
Hayward Oil Burner, Model 2000	118-35-SA
Heat King Oil Burner, Model 2	98-35-SA
Heat-O-Matic Oil Burner	178-35-SA
Heat-Pak Oil Burner, Models 35 and Compact	237-36-SA
Heatiator Oil Burner	1346-23-SA
Heil Combustion Fuel Oil Burner	1105-22-SA
Heil Combustion Fuel Oil Burner, Type B	295-29-SA
Henjes Oil Burner, Models 1G, 2G, 3G, 4G and 5G	265-37-SA
Herco Oil Burner, Models R15 and R35	21-36-SA
Hercules Oil Burner	510-29-SA
Hercules Oil Burner, Models H, HF and Type H, 1937 Model	309-33-SA
Hercules Oil Burner, Models M 1200 and M 1800	486-32-SA
Herman Nelson Conversion Oil Burner	144-36-SA
Hillcrest Oil Burner, Models A, B and E	23-37-SA
Hipoint Oil Burner, Models A-2, B-2 and C-2	11-36-SA
Hofmann Automatic Fuel Oil Burner, Model 41	274-35-SA
Holby Type A Fuel Oil Burner	688-29-SA
Holland Gun Type Oil Burner	225-37-SA
Holland Type "F" Oil Burner	237-34-SA
Home-Utility Oil Burner, Models A and H	110-36-SA
Homer Domestic Oil Burner	1211-25-SA
Homestead Oil Burner, Model E	176-36-SA
Hupp Oil Burner, Models H, U, P and PP	10-34-SA
Ideal Oil Burner, Models A, B and E	23-37-SA
Imperial Oil Burner	187-33-SA
Improved Kres-Kno Oil Burner and Model MD	591-29-SA
Inferno Oil Burner	82-33-SA
International Mechanical Draft Oil Burner	372-30-SA
International Oil Burner	1305-24-SA
Jacobsen Balanced Oil Burner, (Model V-1)	333-33-SA
Johnson Improved Rotary Fuel Oil Burner	938-22-SA
Joyce Oil Burner	852-26-SA
K. F. C. Oil Burner	846-25-SA
Kaytown Quiet Automatic Oil Burner, Models A, B and C	146-31-SA
Kelco Oil Burner	237-33-SA
Kelvinator Oil Burner	339-31-SA
Kelvinator Oil Burner, Model K	105-34-SA
KeWaNee Oil Burner, Model "C"	518-32-SA
Kingsco Oil Burner, Model E	130-37-SA
Kingsway Century Oil Burner, Models F and G	369-33-SA
Kingsway Silent Automatic Oil Burner, Model A-1	216-36-SA
Kleen Heet Oil Burner	62-24-SA
Kleen Heet Oil Burner, Type 902	99-35-SA
Kleen Heet Oil Burner, Type R	49-33-SA
Korth Oil Burner, Models G and S	136-34-SA
Kreager Oil Burner	367-30-SA
Kres-Kno Oil Burner	443-28-SA
Kres-Kno Pressing Machine Burner, Model MD, sizes KRF and KRF-1	354-34-SA
Laco Oil Burner, Model NL	670-30-SA
Laco Oil Burner, Models F, JF, BF and D	226-33-SA
Lange Economical Oil Burner	355-33-SA
Lawrence May Oil Burner	1034-27-SA
Leader Bake Oven Oil Burner	384-36-SA
Leader Oil Burner	425-31-SA
Leiman Brothers Fuel Oil Burner	314-30-SA
Liberty Automatic Heater	129-28-SA
Liberty Pressure Oil Burner	75-34-SA
Lochinvar Oil Burning Unit	142-36-SA
Lonergan Automatic Oil Burner	208-33-SA
Luxor Heat Oil Burner	322-30-SA
Lynn Power Oil Burner, Models 1, 2 and 3	166-34-SA
"M W" Domestic Oil Burners, Models Nos. 25, 26, 65, 66, 307, 308, 309, 400 and 800	341-32-SA
M. W. Emancipator Oil Burner	102-33-SA
M. W. Oil Burning Water Heater	737-29-SA
M. W. Water Heater, Model 20-D	365-34-SA
Magna Fuel Oil Burner	197-33-SA
Majestic Oil Burner	693-30-SA
Major Oil Burner, Models H, U, P and PP	10-34-SA
Marr Oil Burner, Model H, Type R	765-26-SA
Master Fuel Oil Burner	350-32-SA
Master-Kraft Oil Burner	83-33-SA
May Oil Burner	68-24-SA
May Oil Burner, Type BB	46-34-SA
Mayfield Oil Burner	568-31-SA
Mayflower Oil Burner	124-29-SA
McIlvane Oil Burner	544-29-SA
Melco Automatic Oil Burner, Type "A"	1032-25-SA
Merco Oil Burner	637-29-SA
Mercurol Oil Burner, Models 4X, 5X, 6X and 10X	117-34-SA
Metered Heat Oil Burner, Model G	136-34-SA
Metro-Pressure Oil Burner, Models A, B and C	146-31-SA
Micron Oil Burner	345-34-SA
Midget Oil Burner	155-34-SA
Midget Pressing Machine Oil Burner	122-35-SA
Mid-West Oil Burner, Models 106, 108, 208, 211, 311 and 114	327-31-SA
Minneapolis Automatic Oil Burner	34-34-SA
Mohawk Oil Burner, Models A and H	110-36-SA

APPROVED APPLIANCES

Name of Burner	*Calendar No.*
Monitor Oil Burner	202-34-SA
Morgan Oil Burner, Models A and H	110-36-SA
Morrissey Oil Burner	673-27-SA
Morrissey Oil Burner, Models MA-2, MA-3, MA-4, SP-1, SP-2, SP-3, and MP-1	359-33-SA
Morse Conical Type Steam Atomizing Burner	938-25-SA
Morse Fan Tail Type Steam Atomizing Burner	939-25-SA
Morse Fuel Oil Burner	820-23-SA
Moto-Heat Oil Burner	195-32-SA
Motorless Oilheat Burner, Models 7, 9, 11, 13 and 15	628-23-SA
Mousette Oil Burner	887-25-SA
Nabco Oil Burner	287-37-SA
Nairoil Oil Burner, Type R, Model E	13-35-SA
National Airoil High Pressure Burner	185-29-SA
National Airoil Low Pressure Burner	186-29-SA
National Airoil Type D-R Rotary Oil Burner	548-31-SA
National Devices Oil Burner	184-36-SA
National Oil Burner, Model E-J	360-34-SA
National Rotary Oil Burner	836-25-SA
Nesbitt Oil Burner, Models F, JF, BF and D	226-33-SA
New Perfection Oil Burner, Type "C"	518-29-SA
New Process Oil Burner	1071-27-SA
Nichols-McCann-Harrison Burners	255-31-SA
Noiseless Nokol Model G Oil Burner	801-28-SA
Noiseless Nokol Rotary Oil Burner, Model R	584-28-SA
Nokol Automatic Burner	1078-24-SA
Norge Oil Burner, Models N5, N8, N68 and N88	345-31-SA
Norge Oil Burner Models N8, N18 and N28	226-34-SA
Norge Oil Burner, Models N8-8C and N13-8C	543-37-SA
Norge Water Heater, Models 23 and 45	365-34-SA
Nu-Way Oil Burner	773-26-SA
Oilbuilt Burner	85-33-SA
Oliver Oil Gas Burner, No. 30-A	1359-24-SA
Orco Oil Burner, Model A-1	216-36-SA
Oronoque Oil Burner	394-30-SA
Orr Fuel Oil Burner	113-26-SA
Pacific Oil Burner	343-35-SA
Packard Fuel Oil Burner	77-34-SA
Paragon Oil Burner, Model A-25	248-37-SA
Paragon Oil Burner, Models R-15 and R-35	21-36-SA
Paramount Oil Burner	1193-25-SA
Paramount Oil Burner, Model A	617-30-SA
Pascoe Oil Burner	1029-26-SA
Penn Automatic Oil Burner, Gun Type	250-37-SA
Penn Rotary Oil Burner	236-35-SA
Peoples Silent Oil Burner, Models O and G	313-35-SA
Perfect Automatic Oil Burner, Models DL-7, DL-8, DL-10, 0-5, 0-7, 0-8 and 0-10	264-35-SA
Perfect Automatic Oil Burner (Gun Type), Model A-1	112-36-SA
Perfect-Pantex Oil Burner	271-33-SA
Perfex Airnoil Burner	175-37-SA
Petro Domestic Burner	161-26-SA
Petro Model T Oil Burner	451-31-SA
Petro Model W Oil Burner	452-31-SA
Petro Burner, Model O	78-28-SA
Petro Burner, Model P-2	735-30-SA
Petro Oil Burner, Model W-2	244-33-SA
Petro Oil Burner, Models W-1 and W-1½	245-33-SA
Petro Oil Burner, Models D-10, D-11, D-12, D-13, D-14 and D-15	40-31-SA
Petroleum Heat & Power Company Fuel Oil Burner Model W-AH	614-32-SA
Philco Oil Burner, Models AM and B	27-37-SA
Pioneer Automatic Oil Burner	1259-27-SA
Precision Oil Burner, Model W	137-37-SA
Preferred Oil Burner (Manual Operation), Model D. O.	253-35-SA
Pressure Oil Burners, Models A B and C	146-31-SA
Presto Automatic Oil Burner	294-34-SA
Prize Automatic Oil Burner, Models A, B and C	600-31-SA
Progressive Oil Burner, Models G4, G5, G6 and G7	411-32-SA
Progressive Press Machine Oil Burner, Models PMB and PMBS	224-34-SA
Public Service Oil Burner, Models R-15 and R-35	21-36-SA
Pyrolene Oil Burner	184-36-SA
Quiet Ballard Automatic Oil Burner	660-30-SA
Quiet Heet Oil Burner	49-36-SA
Radiant Oil Burner, Models 1G, 2G, 3G, 4G and 5G	265-37-SA
Rasol Oil Burner	108-34-SA
Ray Rotary Fuel Oil Burner, Types A and B	504-23-SA
Ray-Dio Sunshine Oil Burner, Model C, sizes 12, 14 and 16	368-34-SA
Rayfield Oil Burner	504-26-SA
Real Host Oil Burner	38-34-SA
Re-Ly-On Oil Burner	745-26-SA
Remington Domestic Oil Burner, Type B	532-31-SA
Remington Oil Burner	891-26-SA
Rexoil Domestic and Industrial Fuel Oil Burner	667-28-SA
Reynolds Automatic Oil Burner, Model R-G	440-37-SA
Reynolds Oil Burner, Model GC	266-34-SA
Richfield Oil Burner, Pressure Gun Type	73-36-SA
Richmond Gravity Fuel Oil Burner	1193-22-SA
Rickard Oil Burner	1011-27-SA
Ritz Oil Burner, Model A	378-36-SA
Rohr Schanck Fuel Oil Burner	583-21-SA
Rotoflame Gem Oil Burner	187-33-SA
Round Oak Oil Burner	343-35-SA
Ryan & Scully Commercial and Domestic Oil Burner	304-32-SA
S. & K. Mechanical Fuel Oil Burner	1115-22-SA
S & K Wide Range Fuel Oil Burner	10-33-SA
S-K Oil Burner, Models F and G	369-33-SA
S. T. Johnson Co. B.H. Oil Burner	517-37-SA
S. T. Johnson Co., Type 30-A, Rotary Fuel Oil Burner	197-32-SA
S. T. Johnson Co., Type 30-H, Rotary Fuel Oil Burner	198-32-SA
S. T. Johnson Oil Heat Servant	157-34-SA
Sachem G.B.O. Oil Burner	282-33-SA
Schulse Home Oil Burner	1487-23-SA
Scott-Newcomb Pioneer Oil Burner, Models C, CA, CJ, CV and SN Junior	436-32-SA
Sealdheet Oil Burner, Model SH	160-36-SA
Security Oil Burner	56-28-SA
Shepard Oil Burner	563-30-SA
Shill Oil Burner	315-30-SA
Shur-Heat Oil Burner, Models R-15 and R-35	21-36-SA
Silent-Auburn Fuel Oil Burner, Models A, B, C, O, A1 and AA	461-31-SA
Silent Automatic Oil Burner	458-26-SA
Silent Automatic Burner, Model "B"	709-30-SA
Silent Automatic Burner, Model "E"	710-30-SA
Silent Flame Oil Burner, Model M	172-37-SA
Silent Flash Oil Burner, Model C1	38-33-SA
Silent Glow Mid-West Oil Burner for Pressing Machines, Model 106	328-37-SA
Silent Glow Oil Burner, Model G	600-30-SA
Silent Glow Oil Burner, Models 600, 800, 1000, 1200, 1800, 2800, 3800, 6800 and 8800	345-31-SA
Silent Glow Oil Burner, Model 1300	12-37-SA
Silent Glow Oil Burner for Pressing Machines, Models 600 and 800	327-37-SA
Silent Heet Oil Burner, Models A, B and E	23-37-SA
Silent Heet Oil Burner, Model C	96-36-SA
Silent Paramount Oil Burner, Models F and G	369-33-SA
Simplex Domestic Oil Burner, Type P.A.	446-30-SA

APPROVED APPLIANCES

Name of Burner	*Calendar No.*
Simplex Domestic Type "S.P." Oil Burner	145-31-SA
Simplex Horizontal Rotary Oil Burner, Types H, H.E.G. and H.E.G.-H	367-36-SA
Simplex Turbine Fuel Oil Burner, Models C.O.G. and M.O.G.	1203-22-SA
Socony Arrow Oil Burner	1191-24-SA
Standard Automatic Oil Burner, Type 14-G.	536-31-SA
Standard Automatic Oil Burner, Type 11-G.	537-31-SA
Standardyne Oil Burner	34-34-SA
Stephens Oil Burner, Models Nos. 1 and 2	146-33-SA
Sterling Oil Burner	322-30-SA
Stromberg Oil Burner, Models A, B and E	23-37-SA
Stuhler Oil Burner	618-27-SA
Stuhler Oil Burner, Model R	84-36-SA
Summerheet Oil Burner	581-26-SA
Sundstrand Automatic Oil Burner	755-26-SA
Sundstrand Purmaco Automatic Oil Burner, Models A-2, 4-B, C-5, A-3U, 3K, B-5U, B-5K and C-6U	658-30-SA
Sunflower Model S-1 Oil Burner	657-29-SA
Sunflower Oil Burner, Model S-2	587-30-SA
Sun-Glo Oil Burner, Models A, B and E	23-37-SA
Sun Heat Oil Burner	603-29-SA
Sun-Ray Fuel Oil Burner	106-33-SA
Sunway Oil Burner	624-30-SA
Super Automatic Oil Heater Model SSH	715-29-SA
Super Automatic Zephyr Oil Burner, Model A	463-31-SA
Superb Oil Burner, Models A and B	86-36-SA
Superfex Oil Burner, for Warm Air Furnaces	400-32-SA
Superheet Oil Burner, Model D	254-33-SA
Superior Oil Burner, Models A and H	110-36-SA
Supreme Oil Burner, Model G	136-34-SA
Sword Automatic Oil Burner	951-25-SA
Syncro-Flame Oil Burner, Models R and RH	139-35-SA
Tabor Automatic Oil Heater, Type "D"	778-28-SA
Thermoil Oil Burner, Model G1	324-36-SA
Thompson-Gould Oil Burner	178-35-SA
Thoroburn Oil Burner, Model A-1-16-G	269-33-SA
Timken Oil Burner, Model 20	287-28-SA
Timken Rotary Oil Burner	297-29-SA
Timken Silent Automatic Heater (Water Heater Unit) Models 40-A and 50-B	121-35-SA
Timken Silent Automatic Oil Burner, Model G	266-34-SA
Todd Mechanical Oil Burner, Type Hex-Press	177-35-SA
Todd Rotary Burner, Models A, B and C	454-25-SA
Todd Spiro Oil Burner	470-31-SA
Todd Spiro Burner (pump type)	94-32-SA
Toridheet Oil Burner	63-28-SA
Toridheet Oil Burner, Model G	17-35-SA
Tri-Aire Oil Burner, Model C-3	188-36-SA
Trojan Domestic and Industrial Fuel Oil Burner	667-28-SA
Tropic Heat Oil Burner, Model G	136-34-SA
Twin City-on-the-Door Oil Burner	129-27-SA
U and S Oil Burner for Pressing Machine, Models A, B and C	331-36-SA
Uni-Lec-Tric Oil Burner	498-29-SA
United States Gun-type Oil Burner	222-35-SA
United States Oil Burner	620-28-SA
Universal Fuel Oil Burner	6-24-SA
Universal Oil Burner	584-31-SA
Vapomatic Oil Burner	275-34-SA
Vaporoil Burner	44-32-SA
Vesta Oil Burner	451-26-SA
Victor Oil Burner	612-30-SA
Victory Oil Burner	320-30-SA
Viking Oil Burner	396-32-SA
Vitro-Heet Oil Burner, Model MD	591-29-SA
Vitro-Heet Pressing Machine Burner, Model MD, sizes KRF and KRF-1	354-34-SA
Volcano Automatic Oil Burner	556-29-SA
Volcano Automatic Oil Burner, Models EW, EW-1, EW-2 and E	341-33-SA
Volcano Automatic Oil Burner, Models D, H and K	234-37-SA
Warner Oil Burner, Model A	16-34-SA
Wayne Oil Burner	1155-25-SA
Wayne Domestic Oil Burner, Model K	115-32-SA
Wayne S-2 Domestic Oil Burner	115-32-SA
Weco Multi Oil Burner, Low Pressure Type	24-36-SA
Wheco Oil Burner	108-34-SA
White Flame Oil Burner	357-35-SA
White Heat Oil Burner	232-36-SA
Williams Oil-O-Matic Oil Burner, Models J, JJ, Junior, K, KA, KB, and R	918-22-SA
Windsor Oil Burner, Models A-3U, B-5U and C-6U	658-30-SA
Winslow Kleen Heet Burner, Models 805 and 820	19-25-SA
Wisconsin Fuel Oil Burner, Models O, A and B	32-33-SA
Wizard Automatic Oil Burner	181-33-SA
York Automatic Oil Burner	44-29-SA
York Bake Oven Oil Burner	384-36-SA
York Horizontal Rotary Oil Burner (Type AP)	56-36-SA
York-Lalor Oil Burner	261-37-SA
Yorktown Oil Burner	166-33-SA
Yorktown Oil Burner, Model A	3-35-SA
Zenith Oil Burner	270-34-SA

APPROVED APPLIANCES

APPROVED FIRELINE HOSE VALVES

TYPE A—150 LBS. WATER WORKING PRESSURE

May be installed on all 4-inch and 6-inch systems and on uppermost stories on 8-inch systems

Name	*Calendar No.*
Fairbanks Company	81-20-SA
Walworth Company	899-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Croker National Fire Prev. Eng. Co.	304-28-SA
Jenkins Brothers	779-28-SA
W. D. Allen Mfg. Co.	890-28-SA
John Simmons Co.	209-29-SA
Grinnell	651-30-SA
Elkhart	14-31-SA

TYPE B—250 LBS. WATER WORKING PRESSURE

May be installed on all standpipe systems

Name	*Calendar No.*
New York Brass Foundry Co. (Stillbech)	53-21-SA
Walworth Company	900-27-SA
W. D. Allen Mfg. Company	1151-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Jenkins Brothers	780-28-SA
Croker National Fire Prev. Eng. Co.	970-28-SA
Fairbanks Company	268-29-SA
Pratt & Cady	231-30-SA
Elkhart	15-31-SA

APPROVED APPLIANCES

APPROVED RANGE OIL BURNERS AND SPACE HEATERS

Name of Burner	*Calendar No.*
A.B.C. Range Burner Assemblies, Models AS-4, AS-6, AD-6, AS-9 and A-3798 Water Heater Assembly	250-34-SA
Aetna Range Oil Burner	29-35-SA
Aetna Water Heater, Models 6, 7, 9 and 47 W.H.T. and 15 and 16 W.H.T.	148-37-SA
Air-O-Flame Space Heater, Models 108 and 810 (pot type)	190-35-SA
Air-O-Flame Space Heater, Models 71, 91, 1572 and 1582 (sleeve type)	206-35-SA
Air-O-Flame Range Burner	236-34-SA
American Beauty Heater (Pot Types), Models 1P61, 1P62, 1P91 and 1P92	224-36-SA
Ameroil Oil Burner for Stoves and Ranges	592-32-SA
Biltwell Range Oil Burner, Models B-1 and B-2	196-34-SA
Bland Range Oil Burner	234-34-SA
Blue Glow Range Oil Burners, Models Supreme and DeLuxe	308-34-SA
Brigham Range Oil Burner	217-35-SA
Caloroil Range Oil Burner	172-34-SA
Champion Range Oil Burner, Models A and B	291-34-SA
Cole Hot Blast Oil Burning Stove, Model No. 912	207-35-SA
Coleman Oil Burning Circulating and Space Heater, Model 825	308-36-SA
Diamond Range Oil Burner	325-34-SA
Easyway Range Oil Burner, Models D27, DC27, G27 and NG27	157-35-SA
Easyway Space Heater, Models CRL19, CRN17, CSP27 and CSP19	158-35-SA
Easyway Water Heater, Models H.W.1 and H.W.2	159-35-SA
Ellington Range Oil Burner, Square Circulating Heater and Round Circulating Heater	351-34-SA
Ellington Range Oil Water Heater, Models M and J	40-35-SA
Evur-Ready Range Oil Burner, Models Leader, Standard and DeLuxe	311-34-SA
Fairfax Range Burner	302-34-SA
Florence Oil Heater, Models KC-9, GC-6, GC-7, GS-27, CH-9, CH-27, CH-28, CH-29, RH-7 and RH-9	62-33-SA
Florence Oil Space Heater, Models PH-28, PH-8, PC-8, PC-28, PR-10, PR-81 and PR-82	172-35-SA
Florence Range Burners	219-34-SA
Fox Range Oil Burner	200-34-SA
Hi-Heat Range Burner, Models A and De-Lux	323-34-SA
Hupp Range Oil Burner, Models S.D. and C.D.	309-34-SA
Ker-Oil Automatic Water Heater	263-35-SA
Kerogas Bowl Type Space Heater, Models 300-300-A, 303-303-A, 310-310-A, 315-315-A and 320-320A	266-35-A
Kerogas Hot Blast Oil Heater, Models 210, 135, 110, 207 and 115	339-34-SA
Kolrid Range Burner	48-34-SA
Kres-Kno Range Oil Burner, Model MD. Sizes KR, KRF, KRF-1 and 1R	355-34-SA
Lochinvar Automatic Oil Burning Water Heater	143-36-SA
Lonergan Automatic Hot Water Heater	179-35-SA
Lonergan Oil Burning Heater, Models F-2, F-3, C-4, R-1 and R-2	263-34-SA
Loyalty Range Burner	302-34-SA
Lynn-Range Burner, Models Junior, Lypre and DeLuxe	238-33-SA
M.W. Bake Oven Range Burner, Model 448 and M.W. Core Oven Range Burner, Model 450	367-34-SA
M.W. Circulating and Radiant Heaters, Models 501, 601, 701 and 801	366-34-SA
M.W. Oil Burning Range, Commercial Models 152 and 251 and Domestic Models 101-G and 126-B	364-34-SA
Majestic Range Oil Burner, Models 27B and 27T	180-35-SA
Majestic Space Heater, Models 247T and 248.	181-35-SA
Majestic Water Heater, Models 255A and 255B	182-35-SA
Matchless Self-Lighting Range Oil Burner	410-37-SA
Moderne Range Oil Burner, Models Regular, Junior and Firenew	357-34-SA
National Range Oil Burner	361-34-SA
Nesco Circulating Heater, Models 041, 41, 042 and 42	264-36-SA
No-Wyck-Koaless Range and Stove Oil Burner	251-34-SA
Norge Space Heater, Models 75, 50, 37 and 37-R	366-34-SA
Octo Range Oil Burner	410-37-SA
Odin Beauty (Space Heater), Models 61, 62, 91 and 92	233-35-SA
Odin Beauty Heater (Pot Types), Models 1P61, 1P62, 1P91 and 1P92	224-36-SA
Putnam Range Oil Burner	54-35-SA
Quaker Burnoil Stove	11-31-SA
Quick Meal Range Burner	304-34-SA
Quick Meal Space Heater, Models 5672-0, 5671-13, 5671-33 and 5671-35	306-34-SA
Quick Meal Water Heater, No. 5681-0	305-34-SA
Ray-Dio Sunshine Range Oil Burner, Models A, Daisy and Water Heater	32-31-SA
Sachem Oil Space Heater, Models GB-811, GB-815, GB-1011, GB-1015 and GB-1315.	56-37-SA
Samco Oil Space Heater, Models 1108 and 1110	73-37-SA
Sears Roebuck Oil Burning Water Heater, Hercules Model No. 2544	303-36-SA
Serv-Well Range Oil Burner, Models 27B and 27T	165-35-SA
Serv-Well Space Heater, Models 247T and 248	166-35-SA
Serv-Well Water Heater, Models 255A and 255B	167-35-SA
Silent Glow Range Oil Burner	172-34-SA
Silent Glow Si-Glo-Lo Oil Space Heater, Models 15, 35, 60 and 80	24-37-SA
Silent Heet Oil Burner for Ranges and Stoves	592-32-SA
Smith-Whaley Range Oil Burner, Models SW-1 and SW-2	196-34-SA
Speedy Hot Oil Space Heater, Models GB-811, GB-815, GB-1011, GB-1015 and GB-1315	56-37-SA
Superfex Oil Burning Heater, Models 1031, 1032, 1035, 1036, 1107, 1108, 1109, 1110, 1117, 1118, 1119 and 1120 and Superfex Heat Projector, Models 1051, 1052, 1053 and 1054	491-31-SA
Tower Range Oil Burner	126-33-SA
Vap-R-Oil Oil Burner for Ranges and Stoves	592-32-SA
Victor Circulating Fuel Oil Heater, Models VCH-27, VCH-19 and VCH-17	243-36-SA
Victor Range Oil Burner, Models VJ-275, VJ-195 and VO-275	329-34-SA
Viking Pot Type Space Heater, Models 120, 165 and 170	310-35-SA
Viking Range Oil Burner and Range Oil Burning Heater, Models 20, 30, 60, 65, 70 and 80	333-34-SA
Viking Range Water Heater, Models 222, 232 and 242	65-35-SA
Vitro-Heet Range Oil Burner, Model MD, sizes KR, KRF, KRF-1 and 1-R	355-34-SA

RESERVE CALENDAR

BOARD OF STANDARDS AND APPEALS

Appeals from Administrative Orders.

284-37-A—484-496 Fulton street and 2-30 Bond street, southeast corner (Block No. 159, Lot No. 1), Borough of Brooklyn.

288-37-A—422-438 Fulton street, 14-30 Hoyt street, 171-201 Livingston street and 15-19 Gallatin place (Block No. 156, Lot No. 1), Borough of Brooklyn.

331-37-A—450-458 Fulton street, south side, block bounded by Livingston street, Hoyt street and Elm place (Block No. 157, Lot No. 1), Borough of Brooklyn.

351-37-A—2307 Beverly road and 2410 Bedford avenue, northwest corner (Block No. 5133, Lot No. 14), Borough of Brooklyn.

354-37-A—1-59 Fort Greene place, 126-135 DeKalb avenue and 2-52 South Elliott place (Block No. 2098, Lot Nos. 13-70), Borough of Brooklyn.

358-37-A—166-01 Jamaica avenue, northeast corner of 166th street (Block No. 867, Lot No. 190), Jamaica, Borough of Queens.

386-37-A—4208 Manhattan avenue, west side, 590 ft. 11½ in. north of Neptune avenue (Block No. 7024, Lot No. 89), Borough of Brooklyn.

442-37-A—132-138 4th avenue and 78 East 13th street, southwest corner (Block No. 564, Lot No. 45), Borough of Manhattan.

504-37-A—14 Second avenue, east side, 47 ft. 10 in. south of East 1st street (Block No. 442, Lot No. 6), Borough of Manhattan.

553-37-A—1815-1825 Ocean avenue, east side, 280 ft. south of Avenue M (Block No. 7656, Lot No. 55 and part of Lot Nos. 54 and 58), Borough of Brooklyn.

Appliances Submitted for Approval.

1279-25-SA—Teesdale, Automatic Booster Pumps, Models TUX, TUS, KP and R.

697-28-SA—Acme Fire Alarm Signal System.

380-29-SA—Kennedy 2½-inch Hose Outlet Valve, Type "A".

637-29-SA—Merco Oil Burner, Model K-1.

327-31-SA—Caloroil Horizontal Rotary Oil Burner, Models 1, 2, 3, 4, 5 and 6.

491-31-SA—Superfex Oil Burning Heaters and Heat Projectors, Various Models.

237-32-SA—D. B. Smith & Co. Fire Extinguishers, Models Arrow and Oneida.

400-32-SA—Superfex Oil Burner Warm Air Furnace. Models 100, 100-E, 101, 101-E, 200, 200-E, 300 and 300-E.

98-33-SA—Elkhart Siamese Hose Connection for Standpipe and Sprinkler Systems 3 x 3 x 6 in. flush type of straightway and 90° patterns.

164-33-SA—Firemaster Fire Extinguisher.

165-33-SA—Chemical Processes Company Fuel Oil Burner (for Kerrick Kleaner).

237-33-SA—Kelco Oil Burner.

136-34-SA—Korth Oil Burner, Model E.

181-34-SA—Genuine Detroit Safety Float Valve, Models CRC-236-W, CRC-236-E, CRC-236-S and CRC-236-A.

221-34-SA—Metropolitan Curb Fill Box No. 138 for Gasoline.

301-34-SM—"Radbur" Flameproofing Compound.

308-34-SA—Presteel Range Oil Burner.

7-35-SA—Harding Float Switch, Type CC (for Standpipe Alarm System).

11-35-SA—N. Y. B. F. 4", 5" and 6" Standpipe and Automatic Sprinkler Siamese Connection.

29-35-SA—Aetna Range Oil Burner, Model 27-SGD.

39-35-SA—De Bothezat Bifurcator (for Paint Spraying).

43-35-SA—Universal Water Closet Unit, Models Castle No. 5232 and Climax No. 5022.

51-35-SA—General Electric Copper Oxide Rectifier, Model 6RC81Y1, for Fire Alarm Service.

88-35-SA—Kraissl-Trumbull Fuel Oil Wall Pump, No 522, for Domestic Oil Burners.

156-35-SA—Gillespie Elevator Shaft Door Switch.

163-35-SA—United Iron Works Centrifugal Pump for Gasoline and Fuel Oil, Type Single Stage Vertical Pump.

171-35-SA—Florence Cabinet Heater, Models CJ-1, CJ-2, CJ-21 and C-2.

189-35-SA—Air-O-Flame Cabinet Heater, Models 42, 51, 52 and 521.

207-35-SA—Cole Hot Blast Oil Heater, Model 915.

216-35-SA—Vac-O-Vent Fill Box (Pressure and Vacuum Relief).

226-35-SA—Savoil Cabinet Heaters and Cooker, Models 100, 200, 201 and 300.

229-35-SA—Hardinge Gun Type Oil Burner, Model 25.

231-35-SA—Sealtite Fill Pipe Terminal for Gasoline.

238-35-SA—Garfire Gun (Fire Extinguisher).

265-35-SA—French Automatic Oil Burner, Model 5 De Luxe.

21-36-SA—Herco Oil Burner, Models F, P15, P35, P50, J5, J10, S20 and S40.

191-36-SM—Carey Rocktex Insulating Wool.

201-36-SA—Quick Heat Pot Type Radiant Heater, Models 316-0, 319-0, 316-1, 319-1, 326-0, 329-0, 326-1 and 329-1.

202-36-SA—Quick Heat Pot Type Circulating Heater, Models 218-1, 218-2, 228-1, 228-2, 238-1 and 238-2.

219-36-SA—Bronx Faultless Oil Burner for Pressing Machine.

242-36-SA—Swirling Heat Oil Burner, Models A-S, A-M, A-L and B.

248-36-SA—Dupont Oil Burner.

286-36-SA—Oil Industrial Laboratories, Anti-Syphon Oil Check Valve, Model No. 426.

295-36-SA—Vesta Fuel Oil Meter.

317-36-SA—Dempsey Industrial Oil Burner.

124-37-SA—Beach Air Brushes (for Paint Spraying Equipment).

156-37-SA—McClintock Automatic Hydraulic Sewer Valve.

159-37-SA—Stempel Pressure Type Fire Extinguisher

168-37-SA—Flex-O-Gas Oil Burner, Model FR.

214-37-SA—Lattner Gravity Oil Burner, Models A, B, C and D.

281-37-SA—Todd Rotary Burner (Pump Type), Models A, B, C, C-1 and D.

282-37-SA—Lux Model 2 Carbon Dioxide (CO^2) Fire Extinguisher.

289-37-SA—Lido Oil Burner, Models D and C.

385-37-SA—Edwards VACC, Non-Code, Closed Circuit Interior Fire Alarm System.

447-37-SA—Bomar Fill Pipe Terminal for Gasoline and Fuel Oil.

503-37-SA—Indiana Oil Burner.

547-37-SA—Fairfield Model F Jr. Oil Burner.

567-37-SA—Instantaneous Hose Reel.

20-38-SM—Alpha System of Steel and Concrete Construction.

28-38-SM—Cantilite Concrete Plank for Roof and Floor Construction.

33-38-SM—Gritcrete Short Span Floor Construction.

34-38-SM—Barrett Rock Wool.

49-38-SA—Latham Automatic Oil Burner.

50-38-SA—Ray Gun Type Oil Burner, Model XP.

56-38-SA—Duplex De Luxe Splicing Machine.

78-38-SA—Weco Flush Fill Pipe Terminal for Fuel Oil.

96-38-SM—Johns-Manville Corrugated Transite.

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BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

THE LIBRARY OF THE
MAR 22 1938
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Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN J. MCELLIGOTT

EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.
TELEPHONE—WORTH 2-0184.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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Docket.

Certiorari Orders Served on Board.

Court Decision.

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The Hearing Calendar.

Minutes of Special Meeting, March 4, 1938, at 10 A. M., Affecting Calendar Numbers 404-37-BZ, 539-37-BZ, 1-37-BZ, 536-37-BZ, 545-37-BZ and 535-37-BZ.

Minutes of Special Meeting, March 4, 1938, at 2 P. M., Affecting Calendar Numbers 170-37-BZ, 528-37-BZ, 334-37-BZ and 496-37-BZ.

Minutes of Regular Meeting, March 8, 1938, at 10 A. M., Affecting Calendar Numbers 491-37-BZ, 599-37-BZ, 598-37-BZ, 581-37-BZ, 601-37-BZ, 184-29-BZ, 528-25-BZ and 430-37-BZ.

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Smoking in Factory, Rules.

Corrections Affecting Calendar Numbers 25-38-S and 64-38-BZ.

Rules for Fusion Welding and Gas Cutting.

Approved Fireline Hose Valves.

Approved Fuel Oil Fill Pipe Terminals.

Rules for Liquefiers used to convert solid carbon dioxide to a liquid and/or a gas.

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*

CALENDAR

DOCKET

New Cases Filed up to March 8, 1938

Cal. No. *Department* *Premises Affected*

134-38-SA.....H.B.....G.A.L. Bar Interlock, Type K-5, Appliance.

135-38-A.....H.B.Q.....42-04 to 42-26 Auburndale lane, west side, 95.47 ft. north of Northern boulevard (Block 5350, Lot 42), Auburndale, Borough of Queens, N.B. 1285-38.

136-38-SM.....H.B.....Perforated Gypsum Lath, Material.

137-38-A.....H.B.B.....3070 West First street, west side, 191 ft. 10 in. north of Sea Breeze avenue (Block 7281, Lot 170), Borough of Brooklyn, Applic. 2398-38.

138-38-SM.....H.B.....Multi-Vent Hollow Building Block in Concrete, Material.

139-38-BZ.....H.B.B.....190-200 Barbey street and 2850-2862 Fulton street, southwest corner (Block 3949, Lot 22), Borough of Brooklyn, Applic. 12-38.

140-38-BZ.....H.B.M.....103-107 East 39th street, north side, 105 ft. east of Park avenue (Block 895, part of Lots 7, 8 and 9), Borough of Manhattan, N.B. 7-38.

141-38-A.....H.B.M.....357-359 West 58th street, north side, 57 ft. west of Ninth avenue (Block 1049, Lots 3 and 4), Borough of Manhattan, Alt. 2970-37.

142-38-SA.....F.D.....Red Comet Automatic Fire Extinguisher, Appliance.

143-38-BZ.....H.B.B.....1486-1492 Ocean avenue and 1913-1929 Avenue J, northwest corner (Block 6712, Lots 1, 4 and 6), Borough of Brooklyn, N.B. 1059-38.

144-38-SM.....H.B.....Geiger Refabricated Steel and Reinforced Concrete Construction, Material.

145-38-BZ.....H.B.M.....475 West 146th street, north side, 100 ft. west of Amsterdam avenue (Block 2061, Lots 5 and 6), Borough of Manhattan, Zoning Viol. Order 122-37 and Decision.

146-38-BZ.....H.B.B.....5366-5368 Kings highway, west side, 234 ft. 1⅛ in. north of Farragut road (Block 7948, Lots 11 and 12), Borough of Brooklyn, N.B. 17649-37.

147-38-SM.....H.B.....Transite Flue Pipe, Material.

148-38-A.....F.D.....751 Fourth avenue, southeast corner of 25th street (Block 655, Lot 7), Borough of Brooklyn, 73251-L.C. and Decision.

Restored to Calendar.

732-29-BZ.....D.B.B.....1670-1678 East 17th street, west side, 76 ft. 9¼ in. south of Kings highway (Block 6779, Lot 33), Borough of Brooklyn, Applic. 17851-29.

318-30-BZ.....D.B.B.....441-451 89th street and 8814-8824 Fifth avenue, northwest corner (Block 6065, Lots 32 and 35), Borough of Brooklyn, Applic. 4938-30.

10-34-SA.....F.D.....Hupp Oil Burner, Models A, B, AU, C, CU, E and EU, Appliance.

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn; H.B.M.—Department of Housing and Buildings, Manhattan; H.B.Q.—Department of Housing and Buildings, Queens; H.B.R.—Department of Housing and Buildings, Richmond; H.B.Bx.—Department of Housing and Buildings, Bronx; H.D.—Health Department and F.D.—Fire Department.

(Effective January 1, 1938.)

CERTIORARI ORDERS SERVED ON THE BOARD OF STANDARDS AND APPEALS

On March 3, 1938, Hahn & Coller, attorneys, served on the board petition and order of certiorari for John Seinfeld, owner, in re decision of January 25, 1938, denying conversion of part of multiple dwelling to stores, under section 21, Cal. No. 345-36-BZ, premises 2095 Grand Concourse, Borough of The Bronx.

* * *

On March 4, 1938, Gallant & Steinberg, attorneys, served on the board petition and order of certiorari for Remor Equities, objectors, in re decision of January 4, 1938, granting parking for two years, under section 7-h, Cal No. 388-37-BZ, at premises 2159 White Plains avenue, Borough of The Bronx.

* * *

On March 7, 1938, Kamer & Kamer, attorneys, served on the board petition and order of certiorari for Barnett Willenski, and others, objectors, in re decision of February 15, 1938, permitting the conversion of an existing building to a garage for more than five cars in a business district under section 7-g, Cal. No. 207-37-BZ, premises 1490 Clove road, West New Brighton, Borough of Richmond.

* * *

On March 8, 1938, Samuels and Samuels, attorneys, served on board petition and order of certiorari for D.A.F. Realty Corpn., owner, in re decision of January 4, 1938, refusing a reopening to permit stores in residence district, under section 21, Cal. No. 110-35-BZ, premises 2206-2210 Grand Concourse, southeast corner of East 182nd street, Borough of The Bronx.

COURT DECISION

In re Passaro (Murdock)—On June 22, 1937, board denied extension of existing garage, partly in business and partly in residence district, under section 21, Cal. No. 144-37-BZ, premises 343-345 Union street, Borough of Brooklyn. Mr Justice Furman sustained board (N.Y.L.J. Mch. 2, 1938).

RULES

	Last Publication in Bulletin
Carbon Dioxide Liquefier Rules....Mar.	15, 1938—Vol. 23, No. 1
Certificate of Occupancy, approved forms .....Aug.	2, 1932—Vol. 17, No. 3
Concrete Flat Slabs, Rules.....July	13, 1937—Vol. 22, No. 2
Concrete Rules (Hydrated Lime)...Aug.	3, 1937—Vol. 22, No. 3
Elevator Rules .....Mar.	3, 1936—Vol. 21, No. 9

CALENDAR

Exit Rules (Revolving Doors)	June	15, 1937—Vol. 22,	No. 24
Factory Exit Rules	Feb.	22, 1938—Vol. 23,	No. 8
Fire Alarm Rules (Interior)	Dec.	28, 1937—Vol. 22,	No. 52
Fire Drill Rules	Sept.	7, 1937—Vol. 22,	No. 36
Fire Retarding Rules for Garages, etc.	Mar	1, 1938—Vol. 23,	No. 9
Fireproof Wood, Testing of	Apr.	13, 1937—Vol. 22,	No. 15
Frame Garages, Ruling for	Jan.	21, 1919—Vol. 4,	No. 3
Fusion Welding and Gas Cutting Rules	Mar.	15, 1938—Vol. 23,	No. 11
Gas Shut-Off Rules	Apr.	7, 1925—Vol. 10,	No. 14
Hatchway Protection	June	5, 1928—Vol. 13,	No. 23
Oil Burner Rules	Mar.	8, 1938—Vol. 23,	No. 10
Paint, Varnish and Lacquer Spraying Rules	Jan.	18, 1938—Vol. 23,	No. 3
Platform Trucks, Specifications for	Nov.	24, 1936—Vol. 21,	No. 47
Plumbing Rules	Aug.	3, 1937—Vol. 22,	No. 31
Procedure, Rules of	Sept.	7, 1937—Vol. 22,	No. 36
Refrigerating Systems, Extract C.O.	Nov.	23, 1937—Vol. 22,	No. 47
Smoking in Factories, Rules for	Mar.	15, 1938—Vol. 23,	No. 11
Sprinkler Rules	June	29, 1937—Vol. 22,	No. 26
Standpipe Fireline Rules	June	8, 1937—Vol. 22,	No. 23
Structural Alterations, Reporting	June	7, 1932—Vol. 17,	No. 23
Tank Trucks, Fuel Oil, etc	Nov.	24, 1936—Vol. 21,	No. 47
Tank Trucks, Gasoline, etc	Nov.	24, 1936—Vol. 21,	No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr.	10, 1923—Vol. 8,	No. 15

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Anti-Siphon Valves	Mar.	5, 1935—Vol. 20,	No. 10
Fireline Hose Valves	Mar.	15, 1938—Vol. 23,	No. 11
Fuel Oil Burners for Domestic and Commercial Use	Mar.	8, 1938—Vol. 23,	No. 10
Fuel Oil Fill Pipe Terminals	Mar.	15, 1938—Vol. 23,	No. 11
Fuel Oil Burners for Industrial Use	Jan.	25, 1938—Vol. 23,	No. 4
Fuel Oil Pumps	Mar.	8, 1938—Vol. 23,	No. 10
Paint, Varnish and Lacquer Spraying Equipment	Jan.	18, 1938—Vol. 23,	No. 3
Range Oil Burners and Space Heaters	Mar.	8, 1938—Vol. 23,	No. 10

MARCH 15, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, March* 15, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 431-37-BZ—Application, September 2, 1937, under section 21 of the building zone resolution, of James J. Millman, applicant, on behalf of T. H. Fraser Mortgage Co., owner, to permit in a business use district the conversion of occupancy of an existing wet wash laundry to a garage for more than five (5) motor vehicles and gasoline service station; premises 5813-5823 20th avenue and 2001-2011 59th street, northeast corner (Block No. 5507, Lot No. 1), Borough of Brooklyn.

CAL. NO. 475-37-BZ—Application, October 4, 1937, under section 21 of the building zone resolution, of Samuel L. Schwartz, applicant and owner, to permit in a residence use district the parking and storage of more than five (5) motor vehicles; premises 774-784 Elton street, west side, 85 ft. north of Linden boulevard (Block No. 4336, Lot No. 21), Borough of Brooklyn.

CAL. NO. 9-38-BZ—Application, January 5, 1938, under sections 7a and 21 of the building zone resolution, of A. C. Benson, applicant, on behalf of John DiBlasi, owner, to permit in a business use district the extension of an existing service station; premises 98-02 to 98-08 Northern boulevard, southeast corner of 98th street (Block No. 1713, Lot No. 1), Corona, Borough of Queens.

CAL. NO. 491-37-BZ—Application, October 13, 1937, under section 21 of the building zone resolution, of Sidney H. Kitzler, applicant, on behalf of Asness Bros., owners, to permit in a business use district the extension of an existing gasoline service station and, also, the inclusion of a brake testing station; premises 429-439 Crescent street and 1044-1048 Liberty avenue, southeast corner (Block No. 4198, Lot No. 7), Borough of Brooklyn.

CAL. NO. 599-37-BZ—Application, December 17, 1937, under sections 7h and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of DeWitt Holding Corporation, owner, to permit for a temporary period of not more than two (2) years partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises 1663-1681 St. Nicholas avenue, west side, 14 ft. 5 in. north of Fairview avenue and 59-61 Hillside avenue (Block No. 2170, Lot No. 129), Borough of Manhattan.

CAL. NO. 598-37-BZ—Application, December 16, 1937, under sections 7d and 21 of the building zone resolution, of Patrick Quilty, Acting Chief Engineer, for Department of Water Supply, Gas and Electricity, City of New York, owner, to permit in a residence use district the erection and maintenance of a laboratory building; premises 349-367 Park place, northeast corner of Underhill avenue (Block No. 1160, part of Lot No. 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MARCH 15, 1938, 2 P. M.

Appeals from Administrative Orders.

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

622-37-A—2042-2044 Ocean avenue, west side, 470 ft. south of Avenue O (Block No. 6766, Lot No. 36 and part of Lot No. 38), Borough of Brooklyn.

105-38-A—1088-1092 Hancock street, south side, 40 ft. west of Evergreen avenue (Block No. 3395, Lot No. 31), Borough of Brooklyn.

108-38-A—8801-8901 Shore road, east side, from 88th street to 89th street (Block No. 6058, Lot No. 1), Borough of Brooklyn.

114-38-A—390-396 East 153rd street, south side, 25 ft. west of Melrose avenue (Block No. 2399, Lot Nos. 20, 21, 22 and 23), Borough of The Bronx.

135-38-A—42-04 to 42-26 Auburndale lane, west side, 95.47 ft. north of Northern boulevard (Block No. 5350, Lot No. 42), Auburndale, Borough of Queens.

CALENDAR

152-38-A—1600 Garfield street, southeast corner of Baker avenue (Block No. 4025, Lot No. 1), Borough of The Bronx.

Variation of Labor Law

123-38-S—1031 Washington avenue, west side, 125 ft. north of "C" street (Block No. 2024, Lot No. 214), Borough of Brooklyn.

Appliances Submitted for Approval

99-38-SA—Conran System of Mono Rail Nozzles.

120-38-SA—Mason Duplex and Commercial Industrial Oil Burner.

134-38-SA—G.A.L. Bar Interlock, Type K-5.

Materials Submitted for Approval

86-38-SM—X-Ite for Walls and Floors.

119-38-SM—Chromalin Floor Covering.

157-38-SM—Lith-I-Bar Joist.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, March* 15, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent, applicants, on behalf of Maude B. Mowry, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the ercction and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MARCH 22, 1938, 2 P. M.

Appeals from Administrative Orders.

80-38-A—147-08 46th avenue and 46-05 Parsons boulevard, southeast corner (Block No. 5452, Lot No. 3), Flushing, Borough of Queens.

39-38-A—284-300 Sheffield avenue, southwest corner of Belmont avenue (Block 3753, Lot No. 9), Borough of Brooklyn.

Variation of Labor Law.

40-38-S—284-300 Sheffield avenue, southwest corner of Belmont avenue (Block No. 3753, Lot No. 9), Borough of Brooklyn.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, March* 22, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 345-32-BZ—Application of Alphonsus Casey, applicant, on behalf of Patrick J. Reilly, owner, reopened February 23, 1938, for consideration as to extension of permit —re Application, previously granted on condition, under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station for a temporary period; premises north side of 47th avenue, 91 ft. east of Cross Island boulevard (Block No. 1299, part of Lot No. 105), Bayside, Borough of Queens.

CAL. NO. 528-37-BZ—Application, November 5, 1937, under sections 7c and 21 of the building zone resolution, of Jacob Morgenthaler, applicant, on behalf of Jacob Morgenthaler's Sons, owner, to permit in a business use district the alteration of a garage for more than five (5) motor vehicles (granted by the board) by the removal of a portion thereof and the extension over the plot of an existing gasoline service station with the conversion of a portion of the premises to a brake testing station; premises 164-176 Fourth avenue and 334-344 Douglass street, southwest corner (Block No. 420, Lot No. 34 and part of Lot No. 37), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MARCH 25, 1938, 10 A. M.

SPECIAL MEETING.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Friday morning, March* 25, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 217-33-BZ—Application of Benjamin N. Brody, applicant, on behalf of Helen Schrage Lehman, owner, reopened January 25, 1938, under section 21 of the building zone resolution, to permit in a business use district the extension of a proposed gasoline service station which was granted by the board on condition (by order of the Court); premises 110-38 Springfield boulevard and 217-20 110th

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road (Junior place); southwest corner (Block No. 2038, part of Lot No. 28), Queens Village, Borough of Queens.

CAL. NO. 360-37-BZ—Application, July 13, 1937, under section 7h of the building zone resolution, of John J. McNamara, applicant, on behalf of Long Island Railroad Co., owner, to permit for a temporary period of not more than two (2) years the storage and parking of more than five (5) motor vehicles; premises 26 Stewart street and 63 Conway street, west side, 142 ft. 6¼ in. north of Broadway (Block No. 3474, Lot No. 15), Borough of Brooklyn.

CAL. NO. 389-37-BZ—Application, August 3, 1937, under sections 7h and 21 of the building zone resolution, of Goldenthal Brothers, applicants, on behalf of William Allan, owner, to permit partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises 31-08 to 31-12 45h street, 44-09 Newtown road and 44-16 31st avenue, south side, 5.4 ft. west of 45th street (Block No. 710, Lot Nos. 5, 20, 21 and 22), Long Island City, Borough of Queens.

CAL. NO. 559-37-BZ—Application, November 29, 1937, under section 7h of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Fellman Realty Corporation, owner, to permit in a business use district for a temporary period of not more than two (2) years the parking and storage of more than five (5) motor vehicles; premises 5020-5036 Broadway, 3996-4010 Tenth avenue, 501-517 West 213th street and 500-518 West 214th street (Block No. 2231, Lot Nos. 1, 5, 13 and 17), Borough of Manhattan.

CAL. NO. 576-37-BZ—Application, December 6, 1937, under section 21 of the building zone resolution, of Joseph Lau, applicant, on behalf of Katherine S. Galbraith, owner, to permit in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop; premises 217 East 64th street, north side, 255 ft. east of Third avenue (Block No. 1419, Lot No. 11), Borough of Manhattan.

CAL. NO. 32-38-BZ—Application, January 18, 1938, under section 7c of the building zone resolution, of Samuel Rosenblum, applicant, on behalf of Borden's Farm Products Division of The Borden Co., owner, to permit in a residence use district the extension in area of an existing milk bottling and pasteurizing plant; premises 80-92 Third avenue, 286-304 Dean street, southwest corner and 271-283 Bergen street (Block No. 197, Lot Nos. 25, 26, 27 and 28), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MARCH 25, 1938, 2 P. M.

SPECIAL MEETING.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Friday afternoon, March* 25, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 497-37-BZ—Application, October 20, 1937, under section 7h of the building zone resolution, of Daniel Ginsberg, applicant, on behalf of William Losak, lessee, for Jacob Litvin and Anna Litvin, owners, to permit in a business use district the parking and storage of more than five (5) motor vehicles for a period of two (2) years in addition to the existing use of the premises for the sale of used cars; premises 1203-1235 East New York avenue, northeast corner of Ralph avenue and Union street (Block No 1477, Lot No. 1), Borough of Brooklyn.

CAL. NO. 534-37-BZ—Application, November 10, 1937, under section 21 of the building zone resolution, of James J. Millman, applicant, on behalf of Nakoma Realty Corporation, owner, to permit in a business use district the alteration and conversion of part of two (2) existing buildings to a garage for more than five (5) motor vehicles; premises 144-146 and 148-150 Frost street, south side, 100 ft. west of Graham avenue (Block No. 2739, Lot Nos. 16 and 17), Borough of Brooklyn.

CAL. NO. 562-37-BZ—Application, November 30, 1937, under section 21 of the building zone resolution, of Frank G. Burger, applicant, on behalf of Foggin-Burger Land Co., Inc., owner, to permit in a residence use district the maintenance of an open shed as an extension to an existing store use; premises 1233 Castleton avenue, north side, 75.39 ft. west of Taylor street (Block No. 202, Lot No. 43), West New Brighton, Borough of Richmond.

CAL. NO. 594-37-BZ—Application, December 16, 1937, under sections 7h and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Estate of James J. Burnes, owner, to permit in a business use district for a temporary period of not more than two (2) years the parking and storage of more than five (5) motor vehicles; premises 39-34 to 39-38 60th street, west side, 307 ft. north of Roosevelt avenue and 39-27 to 39-31 59th street (Block No. 1230, Lot No. 35), Woodside, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MARCH 29, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Stand-

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ards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, March* 29, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 575-37-BZ—Application, December 7, 1937, under section 21 of the building zone resolution, of Stanley Salcinski, applicant and owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 60-89 to 60-97 Flushing avenue and 59-104 to 59-110 58th avenue (Charles street), junction of 61st street (Clermont avenue); (Block No. 2697, Lot No. 51), Maspeth, Borough of Queens.

CAL. NO. 495-37-BZ—Application, October 19, 1937, under sections 7c and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Luchas Garage Corporation, owner, to permit partly in a business use district and partly in an unrestricted use district the alteration and conversion of occupancy of part of an existing garage for the storage of more than five (5) motor vehicles to a gasoline service station; premises 1410-1418 Newkirk avenue, south side, 70 ft. 3⅛ in. west of Marlborough road and 604 Marlborough road (Block No. 5235, Lot No. 5), Borough of Brooklyn.

CAL. NO. 422-37-BZ—Application, August 27, 1937, under section 21 of the building zone resolution, of James J. C. Malone, applicant, on behalf of Spruce Estates Corporation, owner, to permit in a residence use district the erection and maintenance of a garage for more than five (5) motor vehicles; premises 413 West 26th street, north side, 162 ft. 6 in. west of Ninth avenue (Block No. 724, Lot No. 26), Borough of Manhattan.

CAL. NO. 511-37-BZ—Application, October 27, 1937, under section 21 of the building zone resolution, of Joseph Lau, applicant, on behalf of Abraham B. Cox, owner, to permit in a business use district the conversion of occupancy of part of an existing building to manufacture and assembly of iron and steel products; premises 1237-1239 Second avenue and 246-250 East 65th street, southwest corner (Block No. 1419, Lot No. 28), Borough of Manhattan.

CAL. NO. 43-38-BZ—Application, January 22, 1938, under sections 7a and 21 of the building zone resolution, of Scacchetti and Siegel, applicants, on behalf of Samcha Realty Corporation, owner, to permit in a residence use, "B" area district the extension in area of an existing building used in part for business (stores) and to occupy the required rear yard by such proposed extension; premises 313-315 West 50th street, north side, 175 ft. 1 in. west of Eighth avenue (Block No. 1041, Lot. Nos. 24 and 25), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

APRIL 5, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, April* 5, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 200-37-BZ—Application, May 3, 1937, under section 21 of the building zone resolution, of Otto J. Sambach, applicant, on behalf of Howdah Securities Corporation, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 103-39 Springfield boulevard, northeast corner of 104th avenue (Block No. 2046, Lot No. 7), Queens Village, Borough of Queens.

CAL. NO. 404-37-BZ—Application, August 12, 1937, under section 21 of the building zone resolution, of Harold Borgwald, applicant, on behalf of Marie Catherine Russell, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4825 White Plains road, southwest corner of East 243rd street (Block No. 5109, Lot Nos. 1 and 3), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

APRIL 5, 1938, 2 P. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, April* 5, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 472-37-BZ—Application, September 30, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of John Castagna and Salvatore Castagna, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 2761-2773 Cropsey avenue, north side, 6 ft. 9⅞ in. west of 28th avenue and 196 28th avenue (Block No. 6915, Lot No. 51), Borough of Brooklyn.

CAL. NO. 429-37-BZ—Application, September 2, 1937, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Morris Roth, owner, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station; premises 47-11 108th street and 108-09 48th avenue, northeast corner (Block No. 2003, Lot No. 84), Corona, Borough of Queens.

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CAL. NO. 170-37-BZ—Application, April 14, 1937, under section 21 of the building zone resolution, of William R. McVay, applicant, on behalf of Hermine Corlis, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 79-05 Little Neck road, southeast corner of Union turnpike (Block No. 12, Lot Nos. 4, 5 and 6), Floral Park, Borough of Queens.

CAL. NO. 732-29-BZ—Application of John H. Scheier, applicant, on behalf of Esther Nathanson, owner, reopened March 8, 1938, for consideration as to extension of time to obtain permits and complete work—time having expired by limitation—re Application, granted on condition, under section 21 of the building zone resolution, permitting the extension, from a business use district into a residence use district, of a business use (stores and restaurant); premises 1670-1678 East 17th street, west side, 76 ft. 9¼ in. south of Kings highway (Block No. 6779, Lot No. 33), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MAY 3, 1938, 10 A. M.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May 3, 1938*, at 10 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 324-37-BZ—Application, June 29, 1937, under section 21 of the building zone resolution, of Joseph M. Lonergan, applicant, on behalf of Mathilda Litchman and Bruno Bernabo, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4727-4729 Third avenue, west side and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

SPECIAL MEETING

FRIDAY MORNING, MARCH 4, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

404-37-BZ.

APPLICANT—Harold Borgwald, for Marie Catherine Russell, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—4825 White Plains road, southwest corner of East 243rd street (Block No. 5109, Lot Nos. 1 and 3), Borough of The Bronx.

APPEARANCES—

For Applicant: Harold Borgwald, George Russell, C. B. Hubbard and Mrs. Marie C. Russell.

For Opposition: Saul Wilchins, Herman Scaisin, Arthur M. Brown and Jacob Watsky.

ACTION OF BOARD—Laid over to April 5, 1938, at 10 A. M. for any further argument that may be necessary; in the meantime, board suggested owner try and make arrangements with owners of present station so as to remain there.

539-37-BZ.

APPLICANT—Samuel A. Rosenberg, for Vito Cirillo, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the extension and also the conversion of occupancy of an existing building to a refrigeration plant.

PREMISES AFFECTED—1237-1243 McDonald avenue, east side, 180 ft. south of Avenue J (Block No. 6524, Lot No. 71), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel A. Rosenberg.

For Opposition: None.

ACTION OF BOARD—Application withdrawn without argument.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

1-37-BZ.

APPLICANT—Oscar Goldschlag, for Pondrand Amusement Co., Inc., owner.

SUBJECT—Application reopened and restored to calendar January 11, 1938 (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution).

PREMISES AFFECTED—67-02 62nd street, west side, 125.11 ft. north of 68th avenue (Block No. 3620, Lot No. 7), Ridgewood, Borough of Queens.

APPEARANCES—

For Applicant: Oscar Goldschlag.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(1-37-BZ)

WHEREAS, Oscar Goldschlag for Pondrand Amusement Co., Inc., owner, filed January 4, 1937 an application under the building zone resolution to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; Premises: 67-02 62nd street, west side, 125.11 feet, north of 68th avenue (Block No. 3620, Lot No. 7), Ridgewood, Borough of Queens; and

WHEREAS, this application was dismissed for lack of prosecution September 28, 1937, and reopened by vote of the board January 11, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 4, 1938 after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 62nd street is in a business and unrestricted use district; 68th avenue is in a business use district and Fresh Pond road is in a business and unrestricted use district; and

WHEREAS, the decision of the commissioner of buildings, rendered December 6, 1937 re No. 4489-36 reads:

> "Be advised that your request of November 30th to this department for issuance of a certificate of occupancy to cover use of premises situated on the west side of 62nd street, 125 ft. north of 68th avenue, Ridgewood, known as 67-02 62nd street, Borough of Queens, for parking and storage purposes for more than five cars (motor vehicles) is hereby DENIED, as this location is situated in a business district, and such use would be contrary to Subdivision 15, Section 4 of the building zone resolution of the city of New York."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 76 ft. on 62nd street and a depth of 165 ft.; it is proposed to use the site for a temporary period of not more than 2 years for the storage and parking of more than 5 motor vehicles; and

WHEREAS, the board deemed this was a proper case to exercise its discretion under section 7-h of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-h *for a period of two (2) years* from the date of this action, to permit the plot under appeal to be used for parking and storage of more than five (5) motor vehicles of the pleasure car type, *on condition* that the plot shall be levelled substantially to the grade of 62nd street, to be covered with steam cinders or other suitable material, properly bound to prevent dusting and so graded as to provide surface drainage; that on the interior lot lines where walls of existing buildings do not occur, there shall be constructed a substantial heavy woven wire fence not less than 6 ft. high; that a similar fence shall be erected along street line of 62nd street with not more than one opening therein, not exceeding 10 ft. in width, with curb cut opposite of similar width; that proper aisle for the length of plot shall be maintained at all times to permit easy entrance and exit of cars; that during the term of this variance, the plot shall be used for no other use; that no building shall be erected thereon except there may be erected near the entrance a one-story building, not over 150 sq. ft. in area for use as office and shelter for attendants; that any lights for general illumination shall have metallic reflectors and be so located as to reflect away from adjoining occupants; that no signs shall be permitted on premises except a neat sign at the entrance, advertising the parking and storage use; that such portable fire-fighting appliances shall be installed as the commissioner shall direct; that all permits shall be obtained and all work shall be completed within three (3) months from the date of this action.

536-37-BZ.

APPLICANT—Wortmann and Iser, for Station W Postal Bldg. Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7e and 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the conversion of occupancy of an existing building to a storage garage for more than five (5) motor vehicles and, also, the omission of the required rear yard.

PREMISES AFFECTED—158-162 West 83rd street, south side, 150 ft. east of Amsterdam avenue (Block No. 1213, Lot No. 58), Borough of Manhattan.

APPEARANCES—

For Applicant: Isaac Wortmann and A. C. Kirschenbaum.

For Opposition: Joseph F. Addonizio, William R. Altman, Earl J. Fisher, Nicholas Caniell, Robert L. Augenblich, Samuel Wordheim, Herbert G. Horstmann, T. A. Braunlich and Rudolph J. Safarik.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdoek, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(536-37-BZ)

WHEREAS, Wortmann and Iser for Station W Postal Building Corporation, owner, filed November 12, 1937, an application under the building zone resolution to permit partly in a business use district and partly in a residence use district the conversion of occupancy of an existing building to a storage garage for more than five (5) motor vehicles and also, the omission of the required rear yard; Premises: 158-162 West 83rd street, south side, 150 ft. east of Amsterdam avenue (Block No. 1213, Lot No. 58), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 4, 1938 after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that West 83rd street is in a business use, "B" area district; West 82nd street is in a residence and business use, "B" area district; and Amsterdam avenue is in a business use and "B" area district; and

WHEREAS, the decision of the commissioner of buildings, rendered January 11, 1938, re Applic. No. 3786-1937 reads:

> "2—Proposed storage garage for more than 5 cars in a business and residential district is prohibited by zoning resolutions Art. 11, Sec. 3-Sec. 4 subd. 15 and Section 6.
>
> 3—A rear yard should be provided as required by Art. IV Sec. 12."

and

WHEREAS, the building is of non-fireproof construction two stories and cellar in height, with a frontage of 58 ft. 0 in. and a depth of 110 ft. 6 in. previously occupied as a post office; it is proposed to occupy this building as a storage garage for more than five (5) motor vehicles; and

WHEREAS, the site under appeal was inspected by a committee of the board prior to the hearing; and

WHEREAS, the board deemed that it should not exercise its discretion to grant under the provisions of Section 7, subdivision e of the building zone resolution and that to permit a variance under Section 21 thereof would not be in harmony with the general purpose and intent of the building zone resolution.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed* and that the application be and it hereby is denied.

MINUTES

545-37-BZ.

APPLICANT—Boris W. Dorfman, for Wayington Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use (stores).

PREMISES AFFECTED — 862-874 Washington avenue and 175-185 Eastern parkway, northwest corner (Block No. 1179, Lot No. 108), Borough of Brooklyn.

APPEARANCES—

For Applicant: Louis K. Berman, Geo. A. Kellven, Boris W. Dorfman, Herman Bachrach and Leon A. Killner.

For Opposition: R. S. Ritzel, B. Jaffe, R. E. McCabe, A. Minkeff, John F. Meehan, Charles S. Mintz, Benjamin Mintz, Henry I. Perlin, W. R. Dorman and M. I. Wohl.

For Administration: Inspector Samuel B. Mitzner, Department of Housing and Buildings.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(545-37-BZ)

WHEREAS, Boris W. Dorfman, for Wayington Corporation, owner, filed November 16, 1937, an application under the building zone resolution to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use (stores); Premises: 862-874 Washington avenue and 175-185 Eastern parkway, northwest corner (Block No. 1179, Lot No. 108), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 4, 1938 after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Washington avenue is in a business and residence use district; Eastern parkway is in a residence use district; and Lincoln place is in a residence and business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered October 26, 1937 re Applic. No. 14487-1937, reads:

"1. Proposed alteration creating stores in a residential district is contrary to Article 2, Sub. 3 of the building zone resolution."

and

WHEREAS, the building is of non-fireproof construction, 6 stories and basement in height, with a frontage of 116 ft. 8 in. on Washington avenue and 184 ft. on Eastern parkway and a distance of 128 ft. 2 in. along the north lot line, irregular in area, occupied as a multiple dwelling; it is proposed to alter the basement story on the Washington avenue front and to install 8 stores; and

WHEREAS, the site under appeal was inspected by a committee of the board prior to the hearing; and

WHEREAS, the board deemed that the applicant had failed to substantiate his basis of appeal under section 21 of the building zone resolution, and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed*, and that the application be and it hereby is *denied*

535-37-BZ.

APPLICANT—Sidney H. Kitzler, for Nostmont Garage, Inc., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the extension (a proposed basement story) of a garage for more than five (5) motor vehicles (previously granted by the board but not erected); the inclusion of stores in a garage for more than five (5) motor vehicles (previously granted by the board) and, also, the omission of the division wall between these two (2) garages for more than five (5) motor vehicles so as to create one unit garage.

PREMISES AFFECTED—956-978 Nostrand avenue, west side, from Sullivan place to Montgomery street, 291-301 Sullivan place and 412-416 Montgomery street (Block No. 1305, Lot Nos. 40, 46, 47, 48, 50 and 52), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sidney H. Kitzler.

For Opposition: Irving M. Berry, Isaac Siegmeister, Sidney Leibermen, William E. Seward, and Moe Friedel.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock Commissioners Savage and Blum	3
Negative	0
Absent: Assistant Chief Walsh	1

THE RESOLUTION—

(535-37-BZ)

WHEREAS, Sidney H. Kitzler, for Nostmont Garage, Inc., owner, filed November 10, 1937 an application under the building zone resolution to permit partly in a business use district and partly in a residence use district the extension (a proposed basement story) of a garage for more than five (5) motor vehicles (previously granted by the board but not erected); the inclusion of stores in a garage for more than five (5) motor vehicles (previously granted by the board) and also, the omission of the division wall between these two (2) garages for more than five (5) motor vehicles, so as to create one (1) unit garage; Premises: 956-978 Nostrand avenue, west side, from Sullivan place to Montgomery street, 291-301 Sullivan place and 412-416 Montgomery street (Block No. 1305, Lot Nos. 40, 46, 47, 48, 50 and 52), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 4, 1938 after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Sullivan place is in a residence and business use district; Nostrand avenue is in a business use district; and Montgomery street is in a residence and business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered November 8, 1937, reads:

"1. Refer proposed occupancy of stores in northerly part of present garage to Board of Standards and Appeals as original occupancy for a garage was approved by the board under Cal. No. 424-23 B.Z.

2. Proposed extension to present garage is contrary to Art. II of the zone resolution as plot is partly in a residential and partly in a business use district. A public garage for more than five motor vehicles was granted by the board under Cal. No. 414-29 B.Z."

and,

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 194.4 feet on Nostrand avenue, 101 ft. 2 in. on Sullivan place and 54 ft. 7 in. on Montgomery street. An irregular portion at the westerly end of the plot is in a residence use district—the remainder is in a business use district. On the northerly end of the plot there is located a garage for more than 5 motor vehicles, having a frontage of 119 ft. 2 in. which was granted by the board under Cal. 424-23-BZ. On the southerly end

of the plot the board under Cal. 414-29-BZ granted a variation permitting the erection of a garage having a frontage of 75 ft. 2 in. on Nostrand avenue; this garage has not been erected. This garage was granted for one story in height. It is now proposed to erect a new basement story under this garage and also, to alter the garage granted under Cal. 424-23-BZ, so as to permit the inclusion of 4 stores having a frontage of 54 ft. 8 in. on Nostrand avenue; it is proposed, also to omit the walls between the two garages; and

WHEREAS, the board under Calendar No. 424-23-BZ, granted a zoning variance on June 19, 1923, to permit a one story garage to be erected on the south west corner of Nostrand avenue and Montgomery street which garage now exists; and

WHEREAS, under Calendar No. 414-29-BZ a zoning variance was granted December 3, 1929, to permit a garage to be erected on the north west corner of Nostrand avenue and Sullivan place, adjoining the plot where the garage has been erected under variance granted under Calendar No. 424-23-BZ; and

WHEREAS, the action of the board under Calendar No. 414-29-BZ was subject to Court review and the decision of the board was sustained; and

WHEREAS, the resolution of the board was reaffirmed on April 27, 1937 and time to complete extended for one year and an opening permitted in the wall to connect with the adjoining building; and

WHEREAS, it is now desired to make a more practical connection between the two buildings by omitting the dividing walls and because of the grade of Nostrand avenue, to raise the floor to the level of the existing garage and to construct a basement under the proposed garage; and

WHEREAS, in the opinion of the board the revised proposal will result in a more desirable condition and at the same time provide all the safeguarding conditions for the more restricted area and should be granted as a modification of the former grants under section 21.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted*, permitting the construction of one-story-and-basement garage in lieu of the one-story garage already permitted under Cal. No. 414-29-BZ, to be connected to the existing garage adjoining at the southwesterly corner of Montgomery street and Nostrand avenue, variance for which was granted by the board under Cal. No. 424-23-BZ, *on condition* that in the new portion of the garage no vehicular entrance shall be from Sullivan place and that no windows from the basement portion of the garage shall open on Sullivan place; that the garage shall be erected solely within the area zoned for business uses; that no lot line windows shall open upon adjoining premises to the west; that the building shall otherwise be constructed substantially as indicated on plans filed with this appeal and that complete working drawings shall be submitted to this board for approval prior to filing same with the commissioner of buildings; that the existing wall between the garage on Montgomery street and Nostrand avenue and this proposed extension may be removed as indicated; that the stores proposed to be erected along the Nostrand avenue front to the corner of Montgomery street shall be constructed; that the building throughout shall be constructed fireproof except the roof beams and roof boarding may be of wood, provided the ceiling is fire-retarded throughout and a sprinkler system is installed throughout the 1st story, including both the garage occupancy and the store occupancy; that gasoline tanks may be located within the area occupied by the existing garage but no gasoline tanks shall be installed in this new portion on either the first floor or basement floor; that no motor vehicle repairing shall be permitted and that no sign shall be erected other than a neat sign over the entrance to this addition on Nostrand avenue, prohibiting all roof signs and temporary signs; that all other requirements, not inconsistent with the conditions herein and as required in resolution adopted April 27, 1937 under Calendar No. 414-29-BZ shall also be complied with; and that all permits shall be obtained and all work shall be completed within one year after the approval of the working drawings to be submitted as hereinbefore required.

Adjourned, 2:30 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

SPECIAL MEETING

FRIDAY AFTERNOON, MARCH 4, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

170-37-BZ.

APPLICANT—William R. McVay, for Hermine Corlis, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—79-05 Little Neck road, southeast corner of Union turnpike (Block No. 12, Lot Nos. 4, 5 and 6), Floral Park, Borough of Queens.

APPEARANCES—

For Applicant: William R. McVay and Mrs. H. Corlis.

For Opposition: D. C. Foster, Charles A. Kussmaul, George M. Misulia and Edward Lynch.

ACTION OF BOARD—Laid over to April 5, 1938 at 2 P. M. Applicant to submit new plans.

528-37-BZ.

APPLICANT—Jacob Morgenthaler, for Jacob Morgenthaler's Sons, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under sections 7c and 21 of the building zone resolution, to permit in a business use district the alteration of a garage for more than five (5) motor vehicles (granted by the board) by the removal of a portion thereof and the extension over the plot of an existing gasoline service station with the conversion of a portion of the premises to a brake testing station.

PREMISES AFFECTED—164-176 Fourth avenue and 334-344 Douglass street, southwest corner (Block No. 420, Lot No. 34 and part of Lot No. 37), Borough of Brooklyn.

APPEARANCES—

For Applicant: Joseph Lynch.

For Opposition: None.

MINUTES

ACTION OF BOARD—Laid over to March 22, 1938, at 2 P. M., for further consideration by the board. No further argument.

334-37-BZ.

APPLICANT—L. C. James, for The New York Central Railroad Company, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—412-414 Lexington avenue, west side, opposite East 43rd street (Block No. 1280, Lot No. 54), Borough of Manhattan.

APPEARANCES—

For Applicant: Gerald E. Dwyer and R. D. Brooks.

For Opposition: None.

For Administration: Inspector Maher, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(334-37-BZ)

WHEREAS, L. C. James, for The New York Central Railroad Company, owner, filed June 30, 1937 an application under the building zone resolution to permit in a business use district the parking and storage of more than five (5) motor vehicles: Premises: 412-414 Lexington avenue, west side, opposite East 43rd street (Block No. 1280, Lot No. 54), Borough of Manhattan, and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 4, 1938 after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Lexington avenue is in a business use district; Depew place is in a business and restricted retail use district; 42nd street is in a business and restricted retail use and 43rd street is in a business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered December 30, 1937, reads:

"The parking and storage of more than five motor vehicles is contrary to section 4, subdivision 15 of the zoning resolution.

Your application to park more than five motor vehicles cannot be approved."

and

WHEREAS, the premises in question (part of Lot 54, a larger plot of ground) consists of a plot of ground having a frontage of 45 ft. on Lexington avenue, and a depth of 150 feet. The rear (west portion of Lot 54) is now developed with a one story moving picture theatre; it is proposed to occupy the easterly portion of premises in question for parking and storage of more than 5 motor vehicles; and

WHEREAS, the board deemed that this was a proper case in which to exercise its discretion under section 7, subdivision H of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-h thereof for a period of two years from the date of this action, to permit that portion of Lot 54 with a frontage of 45 feet on Lexington avenue and a depth of 150 feet to be used for transient parking of more than five motor vehicles of the pleasure car type, *on condition* that the sidewalks, as indicated, shall be maintained on both sides, continuously from Lexington avenue to the rear at the west and that such cars shall be so parked that this sidewalk passageway on both sides shall be maintained at all times; that no signs shall be displayed except a neat sign at the entrance, indicating parking use; that all permits required shall be obtained within three months from the date of this action.

496-37-BZ.

APPLICANT—Samuels and Samuels, for Mary E. Dimmerling, Frederick C. Berger and Elsie M. Boesch, owners.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7-f and 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—59-17 to 59-25 108th street and 60-01 to 60-03 Penrod street, northeast corner (Block No. 1965, Lot Nos. 54 to 62 inclusive), Corona, Borough of Queens.

APPEARANCES—

For Applicant: Archie H. Samuels and Louis Gallucci.

For Opposition: None.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(496-37-BZ)

WHEREAS, Samuels and Samuels, for Mary E. Dimmerling, Frederick C. Berger and Elsie M. Boesch, owners, filed October 20, 1937, an application under the building zone resolution to permit in a business use district the erection and maintenance of a gasoline service station; Premises: 59-17 to 59-25 108th street and 60-01 to 60-03 Penrod street, northeast corner (Block No. 1965, Lot No. 54 to 62 inclusive), Corona, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 4, 1938 after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 108th street is in a business use district; Penrod street is in a residence and business use district; Horace Harding boulevard is in a business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered October 6, 1937, re N.B. App. No. 4330-1937, reads:

"1. The erection of a gasoline service station within a business district is contrary to section 4-a-46 of the building zone resolution."

and

WHEREAS, the premises consist of an irregularly shaped plot of ground, having a frontage of 140 ft. on 108th street, 44.9 ft. on Penrod street and a distance of 142.6 ft. along the north lot line. It is proposed to erect upon the site a one-story lubritorium and office structure 55 ft. by 25 ft. in area, and, also, to install the necessary tanks and pumps for a gasoline service station; and

WHEREAS, the site under appeal was inspected by a committee of the board prior to the hearing; and

WHEREAS, the applicant amended his application for consideration also under section 7, subdivision F; and

WHEREAS, the board deemed that the applicant did not substantiate his basis of appeal under either section 7-F or section 21 of the building zone resolution and that the property can be developed for a conforming use.

MINUTES

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed* and that the application be and it hereby is *denied*.

Adjourned, 4:10 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, MARCH 8, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the regular meeting of the board held on Tuesday morning, March 1, 1938, and the minutes of the regular meeting of the board held on Tuesday afternoon, March 1, 1938, were approved as printed in Bulletin No. 10, Vol. XXIII.

BUILDING ZONE CASES

491-37-BZ.

APPLICANT—Sidney H. Kitzler, for Asness Bros., owners.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the extension of an existing gasoline service station and, also, the inclusion of a brake testing station.

PREMISES AFFECTED—429-439 Crescent street and 1044-1048 Liberty avenue, southeast corner (Block No. 4198, Lot No. 7), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sidney H. Kitzler.

For Opposition: Herman H. Torborg.

For Administration: Inspector Meyers, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to March 15, 1938 at 10 A. M. Applicant to file revised plans.

599-37-BZ.

APPLICANT—Lama and Proskauer, for DeWitt Holding Corporation, owner.

SUBJECT—Application (decision of the commissioner of buildings) under sections 7h and 21 of the building zone resolution, to permit for a temporary period of not more than two (2) years partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—1663-1681 St. Nicholas avenue, west side, 14 ft. 5 in. north of Fairview avenue and 59-61 Hillside avenue (Block No. 2170, Lot No. 129), Borough of Manhattan.

APPEARANCES—

For Applicant: Melvin E. Reinow.

For Opposition: D. Delman, Aaron Dorfman, Clarence C. Ferris and F. Lieberman.

For Administration: Fred Dahlen, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to March 15, 1938, 10 A. M. upon request of representative of attorney for opposition.

598-37-BZ.

APPLICANT—Patrick Quilty, Acting Chief Engineer, for Department of Water Supply, Gas and Electricity, City of New York, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7d and 21 of the building zone resolution, to permit in a residence use district the erection and maintenance of a laboratory building.

PREMISES AFFECTED—349-367 Park place, northeast corner of Underhill avenue (Block No. 1160, part of Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel Judenfreund, T. Hochlerner, Frank E. Hale, M. Michaelowitz, and Commissioner Joseph Goodman.

For Opposition: J. Kenneth McCabe, Thomas F. Flynn, jules K. French, and others.

ACTION OF BOARD—Laid over to March 15, 1938 at 10 A. M. pending a conference of objector's representatives with Commissioner of Department of Water Supply, Gas and Electricity and Commissioner of Parks.

581-37-BZ.

APPLICANT—Joseph Schafran, for Anna Endler and Max Endler, owners.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7b of the building zone resolution, to permit partly in a business use district and partly in a residence use district the alteration and conversion of occupancy of an existing dwelling to an undertaking establishment and funeral parlor.

PREMISES AFFECTED—356 East 200th street (Bedford Park boulevard), south side, 93.80 ft. east of Marion avenue (Block No. 3284, Lot No. 62), Borough of The Bronx.

APPEARANCES—

For Applicant: Harold Epstein, and Joseph Schafran.

For Opposition: S. D. Moorehead, A. L. Fred Krug, John J. Fitzpatrick, Jack G. Marks, Robert Green, Ernest Damiane and Sidney H. Zuckerman.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(581-37-BZ)

WHEREAS, Joseph Schafran, for Anna Endler and Max Endler, owners, filed December 8, 1937, an application under the building zone resolution to permit partly in a business use district and partly in a residence use district the alteration and conversion of occupancy of an existing dwelling to an undertaking establishment and funeral parlor; Premises: 356 East 200th street (Bedford Park boulevard), south side, 93.80 ft. east of Marion avenue (Block No. 3284, Lot No. 62), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 8, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Decatur avenue is in a business and residence use district; East 200th street (Bedford Park boulevard) is in a business and residence use district and Marion avenue is in a residence use district; and

WHEREAS, the decision of the commissioner of buildings, rendered February 1, 1938, reads:

"3. Proposed change of occupancy from a dwelling to an undertaking establishment and funeral parlor located in residence district and partly in business use district is contrary to section 7-B, article 2 of the amended building zone resolution."

and

WHEREAS, the building is of frame construction 2½ stories in height, with a frontage of 20 ft. and a depth of 70 ft. 10 in. occupied as a dwelling; it is proposed to occupy part of the 1st story and basement as an undertaking establishment and funeral parlor; and

WHEREAS, the premises and area were inspected by a committee of the board; and

WHEREAS, the board deemed that it should not exercise its discretion under the provisions of section 7, subdivision B of the building zone resolution and that to permit a variance would not be in harmony with the general purpose and intent of the building zone resolution.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed*, and that the application be and it hereby is *denied*.

601-37-BZ.

APPLICANT—Van Wart and Ackerman, for Fred F. French Investing Co., Inc., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a residence use district the alteration and conversion of occupancy of an existing residence building to business use (executive management office).

PREMISES AFFECTED—332-334 East 42nd street, south side, 341 ft. 8 in. east of Second avenue (Block No. 1334, Lot Nos. 38 and 38½), Borough of Manhattan.

APPEARANCES—

For Applicant: F. G. Ackerman.

For Opposition: None.

For Administration: Jacob J. Sharf, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(601-37-BZ)

WHEREAS, Van Wart and Ackerman, for Fred F. French Investing Company, Inc., owner, filed December 20, 1937 an application under the building zone resolution to permit in a residence use district the alteration and conversion of occupancy of an existing residence building to business use (executive management office). Premises: 332-334 East 42nd street, south side, 341 ft. 8 in. east of Second avenue (Block No. 1334, Lot Nos. 38 and 38½), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 8, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that East 42nd street is in a residence, business and unrestricted use district; East 41st street is in a residence, business and unrestricted use district; 1st avenue is in a business and unrestricted use district and Second avenue is in a business district; and

WHEREAS, the decision of the commissioner of buildings, rendered November 29, 1937, re Application No. 4220-1937, reads:

"1. Proposed business use in a residence district contrary to Sec. 3 of the zone resolution."

and

WHEREAS, the buildings are of non-fireproof construction 3 stories and basement in height, with a total frontage of 33 ft. 4 in. and a depth of 45 feet, occupied as dwellings to be occupied for a business use (executive management office for Tudor City); and

WHEREAS, the board deems that the applicant has substantiated section 21 of the building zone resolution as to a temporary hardship existing and should be granted a variance for a temporary period under certain conditions.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted*, under section 21, *for a temporary period of five* (5) *years* from the date of this action, to permit the building under appeal to be used as executive offices of the Management Division of the Fred F. French Company in connection with Tudor City, *on condition* that the residential character of the fronts of the buildings shall not be changed, except as to changing of basement doors to windows; that no signs of any nature shall be displayed on the buildings except a sign at the basement entrance, designating the offices of the company; that all requirements of the building code and all other laws, rules and regulations applicable to construction and use of this building shall be complied with; and that all permits shall be obtained and all work shall be completed within six months from the date of this action.

184-29-BZ.

APPLICANT—Murray Klein, for Low Housing Corporation, lessee, for Maccalso, Inc., owner.

SUBJECT—Application reopened January 25, 1938 for consideration under new proposal (re decision of the commissioner of buildings) under sections 7h and 21 of the building zone resolution, to permit for a temporary period of not more than two (2) years in a business use district the storage and parking of more than five (5) motor vehicles and accessory gasoline tanks and pumps for sale of gasoline (previously granted by the board for a garage for more than five (5) motor vehicles—garage not built).

PREMISES AFFECTED—42-46 West 66th street, south side, 375 ft. west of Central Park west (Block No. 1118, Lot Nos. 48, 49 and 50), Borough of Manhattan.

APPEARANCES—

For Applicant: Murray Klein, Walter R. Kuhn, R. J. Harrigan, George J. Wilson and Andrew Michaelson.

For Opposition: Sidney Newborg, Frank Steinberg, Charles Moore, Joseph Zaretzki, Louis Tamlers, Joseph Friedman, Leon Ottinger, Myles B. Amend, Victor M. Earle, David M. Myers, Joseph F. Addonizio, William J. Ryan, E. G. Megrue, Eldridge C. Thompson, Philip Lippner, Henry H. Goodwin, Addison S. Pratt and others.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative: Commissioners Savage and Blum	2
Negative: Chairman Murdock and Assistant Chief Walsh	2
Absent	0

THE RESOLUTION—

(184-29-BZ)

WHEREAS, an application, to permit in a business use district, the erection and maintenance of a garage for more

than five motor vehicles was granted by the Board under certain conditions July 16, 1929, time to complete work extended from time to time, the garage not having been erected; and

WHEREAS, Murray Klein, architect for the Low Housing Corporation, lessee, requested a reopening of the case, to permit for a temporary period of not more than two (2) years in a business use district the storage and parking of more than five (5) motor vehicles and accessory gasoline tanks and pumps for sale of gasoline. Premises: 42-46 West 66th street, south side, 375 ft. west of Central Park west (Block No. 1118, Lot Nos. 48, 49 and 50), Borough of Manhattan, and

WHEREAS, this case was reopened by vote of the board January 25, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 8, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that West 66th street is in a business and residence use district; Central Park west is in a residence use district; West 65th street is in a residence use district and Columbus avenue is in a business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered December 23, 1937. (Applic. 1195-37), reads:

> "1. Proposed parking and storage of more than five motor vehicles and accessory gasoline tanks and pumps for sale of gasoline in connection therewith in a business use district is contrary to article 2, section 4 (a) subdivisions 15 and 46 of the building zone resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 75 ft. and depth of 105 ft. 5 in.; it is proposed to occupy the plot for a temporary period of not more than two (2) years for storage of more than five motor vehicles and to install upon the plot two 550 gallon gasoline tanks and two (2) pumps for sale of gasoline to owners of cars using the lot; and

WHEREAS, the premises and the area were inspected by a committee of the board prior to the hearing; and

WHEREAS, the board deemed that although a zoning variance had previously been granted to permit the construction of a garage that the use now proposed for parking and a gasoline station should not be permitted under 7H and section 21 in temporary substitution therefor.

Resolved, that the Board of Standards and Appeals does hereby *affirm* the decision of the commissioner of building, and that the application be and it hereby is *denied*.

528-25-BZ.

APPLICANT—Joseph M. Lonergan, for Estate of Morris Erde, owner.

SUBJECT—Application reopened November 3, 1937 for consideration re extension of permit—(decision of the acting borough superintendent of buildings) under section 7f of the building zone resolution, to permit for a temporary period of not more than two (2) years the maintenance of a poultry slaughter house in a residence use district.

PREMISES AFFECTED—227 Bay 37th street, east side 285 ft. north of Cropsey avenue (Block No. 6892, part of Lot No. 16), Borough of Brooklyn.

APPEARANCES—

For Applicant: Joseph M. Lonergan.

For Opposition: M. Michaelowitz and John Potts.

ACTION OF BOARD—Resolution amended and permit extended.

THE VOTE TO AMEND RESOLUTION AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(528-25-BZ)

WHEREAS, this application affecting premises east side of Bay 37th street, 285 ft. north of Cropsey avenue (Block No. 6892, part of Lot No. 16), Borough of Brooklyn, to permit in a residence use district the erection and maintenance of a poultry slaughter house was granted by the board, November 16, 1925, on certain conditions for a temporary permit of two years, time extended May 10, 1927 extension of time denied by the board February 4, 1929 and granted by the Court July 9, 1930; and

WHEREAS, the owner through his attorney Joseph M. Lonergan, requested a reopening of the case and a further extension of time; and

WHEREAS, the case was reopened by vote of the board November 3, 1937; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 8, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the board deemed that conditions are unchanged and that the extension should be granted.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution of May 10, 1927, only so far as it refers to the term of the permit, so that as amended this portion will read:

> "*Granted* under Section 7-F, for a temporary period of two years from the date of this action, *on condition* that the Health Department shall supervise the conduct and operation of the chicken slaughterhouse in these premises that the existing building shall not be increased in height or area and that the lot line walls shall be unpierced through their entire height and length and that no openings shall be permitted, except windows on the street and opening on property unbuilt upon on this particular plot; that the permits from the Health Department and all departments having jurisdiction shall be obtained within ninety days from the date of this action."

430-37-BZ.

APPLICANT—Goelet Realty Company (lessee), for Robert Walton Goelet, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7c of the building zone resolution, to permit partly in a retail use district and partly in a restricted retail use district, the erection and maintenance of a motion picture theatre.

PREMISES AFFECTED—384-390 Park avenue and 51-67 East 53rd street northwest corner (Block No. 1289, Lot No. 36), Borough of Manhattan.

APPEARANCES—

For Applicant: John N. Regan, Robert W. Goelet and Rosario Candela.

For Opposition: Gerald E. Dwyer and others.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(430-37-BZ)

WHEREAS, Goelet Realty Company (lessee) for Robert Walton Goelet, owner, filed September 2, 1937 an application under the building zone resolution to permit partly in a retail use district and partly in a restricted retail use district, the erection and maintenance of a motion picture theatre; Premises: 384-390 Park avenue and 51-67 East 53rd street, northwest corner (Block No. 1289, Lot No. 36), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 8, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Park avenue is in a restricted retail use district; East 53rd street is in a retail use and restricted retail use district; East 54th street is in a retail use and restricted retail use district and Madison avenue is in a restricted retail use district; and

WHEREAS, the decision of the commissioner of buildings, rendered August 3, 1937, re Alt. App. 786-1937, reads:

11. "Motion picture theatre is unlawful in a restricted retail district, zone resolution, sec. 4b as amended June 4, 1937," Reconsideration denied.

and

WHEREAS, the premises consist of a plot of ground having a frontage of 200 ft. 10 in. on Park avenue, 155 ft. on East 53rd street and 156 ft. 3 in. on East 54th street. The easterly part of the plot (for a depth of 100 ft) is located in a restricted retail use district and the remainder of the plot is located in a retail use district. The Park avenue front of the plot is developed with one story stores to a depth of 61 feet. It is proposed to develop the East 53rd street front of the plot with stores and to erect a motion picture theatre on the balance of the plot; and

WHEREAS, the board deemed that the provisions of section 7, subdivision C of the building zone resolution, under which section this application was made, empowers the board to exercise its discretion and to grant this application under such conditions as would safeguard the character of the more restricted district.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-C thereof, to permit the erection of the proposed motion picture theatre to extend into the restricted retail district, *on condition* that the building shall be of fireproof construction throughout and shall comply with all laws, rules and regulations applicable to the construction and use; that no portion of the proposed theatre use shall extend into the restricted retail district for a distance greater than 39 feet and that there shall be no entrance to or exit from the proposed theatre on Park avenue or on East 53rd street within 100 feet of the westerly building line of Park avenue, except that an emergency exit may be maintained on East 53d street at a distance of not less than 61 feet from the westerly building line of Park avenue; that the use of this applicant's property for theatre purposes shall not be extended north of a point 85 feet south of the southerly building line of East 54th street; that there shall be no entrance to or exit from the proposed theatre on East 54th street; that no illuminated sign of any description shall be placed or maintained on the roof or sides of any building or structure now erected or to be erected upon the premises bounded by the west side of Park avenue, south side of East 54th street and the north side of East 53rd street for a distance of 155 feet west of the westerly building line of Park avenue, except such an illuminated sign or signs on the front of any building on East 53d street and East 54th street, at a distance of not less than 100 feet west of the westerly building line of Park avenue, as shall not extend above the roof or beyond the side walls of such building and except any illuminated sign on the roof of any building more than 150 feet in height; that complete working drawings shall be submitted to the board and approved by the chairman in behalf of the board prior to filing with the Borough Superintendent of the Department of Housing and Buildings and that after said approval all permits required shall be obtained and all work involved completed within one year from the date of this action.

Adjourned, 1:00 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, MARCH 8, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

732-29-BZ.

APPLICANT—John H. Scheier, for Esther Nathanson, present owner.

SUBJECT—Application for consideration—reopening and extension of time—time having expired by limitation—re application (decision of the superintendent of buildings) under section 21 of the building zone resolution, permitting the extension, from a business use district into a residence use district, of a business use (stores and restaurant).

PREMISES AFFECTED—1670-1678 East 17th street, west side, 76 ft. 9¼ in. south of Kings highway (Block No. 6779, Lot No. 33), Borough of Brooklyn.

APPEARANCES—

For Applicant: John H. Scheier.

ACTION OF BOARD—Application reopened and set for hearing April 5, 1938, at 2 P. M.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

318-30-BZ.

APPLICANT—Samuel Rosenblum, for Edward F. McNally, owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the superintendent of buildings) under sections 7c and 21 of the building zone resolution, permitting partly in a business use district and partly in an unrestricted use district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles.

PREMISES AFFECTED—441-451 89th street and 8814-8824 Fifth avenue, northwest corner (Block No. 6065, Lot Nos. 32 and 35), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel Rosenblum.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

MINUTES

366-37-BZ.

APPLICANT—F Oscar Larson (lessee), for Queensboro Investing Company and Jaekson Avenue Corporation, owners.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7h and 21 of the building zone resolution, to permit partly in a business use distriet and partly in a residence use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—37-05 75th street, 37-04 76th street and 75-10 37th avenue, south side, between 75th street and 76th street (Block No. 465, Lot Nos. 30, 31, 35, 38, 40 and 42), Jaekson Heights, Borough of Queens.

APPEARANCES—
For Applicant: None.
For Opposition: Irving A. Fienstem.

ACTION OF BOARD—Applieation granted on condition.

THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(366-37-BZ)

Whereas, F. Osear Larson (lessee), for Queensboro Investing Company and Jackson Avenue Corporation, owners, filed July 15, 1937, an application under the building zone resolution to permit partly in a business use district and partly in a residence use distriet for a temporary period of not more than two years the parking and storage of more than five (5) motor vehieles; premises: 37-05 75th street, 37-04 76th street and 75-10 37th avenue, south side, between 75th and 76th streets (Bloek No. 465, Lot Nos. 30, 31, 35, 38, 40 and 42), Jackson Heights, Borough of Queens; and

Whereas, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, Mareh 8, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

Whereas, the use district maps aecompanying the building zone resolution show that 37th avenue is in a business use district; 75th and 76th streets are in both business and residenee use districts; and

Whereas, the decision of eommissioner of buildings, dated July 16, 1937, reads:

> "Supplementing our letter of July 7th, 1937, be informed that your applieation for certifieate of oecupancy for a parking and storage lot for more than five motor vehieles at 37-05 75th street, 75-10 37th avenue and 37-04 76th street, Jackson Heights, is hereby *denied* as of the aforesaid date, as being eontrary to article 2, seetion 3 and section 4, Subdivision 15 of the building zone resolution."

and

Whereas, the premises consist of a plot of ground having a frontage of 195 ft. on 37th avenue, 127.6 ft. on 75th street and 125 ft. on 76th street; the south part of the plot extends into the residenee use district for a distance of approximately 27 ft.—the remainder of the plot is in a business use distriet. It is proposed to use the plot for a temporary period of not more than two (2) years for the parking and storage of more than five (5) motor vehieles, and

Whereas, the site under appeal was the subjeet of an inspeetion by a Committee of the Board, report of which inspection was read at this hearing and which report is as follows:

REPORT OF COMMITTEE

March 7, 1938.

Cal. No. 366-37-BZ.

Premises—37-05 75th street, 37-04 76th street, and 75-10 37th avenue, S.S., between 75th and 76th streets, Jackson Heights, Borough of Queens.

The plot under appeal is located on the southerly side of 37th avenue between 75th and 76th streets, Bloek 465, lots 30, 31, 35, 38, 40 and 42, in a business use zone, extending into a residence use zone. It has been and is now used for storage of automobiles. It was subject to a violation for this use and, in the Magistrate's Court, the complaint was dismissed pending action by this Board on a zoning variance to permit continuance. The eonsents fi'ed represent other nearby vaeant property owned by the same or affiliated owner as the plot under appeal. The objections are from owners of private houses on 75th and 76th streets and an adjoining multiple dwelling. A partial list of users of this plot indicates that out of a total of 84 ear owners listed, a total of eleven come from the area of notification of which ten are from residential buildings where owners have objected to the use of this plot. Eighteen ears are listed as eoming from addresses within a radius of 500 ft. The other cars come from the general area for a distance of seven or more bloeks away, including apartment houses on the other side of 37th avenue.

From the observation of the committee of inspeetion and from faets brought out at the hearing, the committee is of the opinion that while this plot should not be used for parking and storage, in the absenee of adequate garage spaee in the area, aceomodation for ears is required and that the lot eould be used temporarily, without causing annoyanee to the owners of private houses, provided the parking and storage is restricted to the portion in the business use district, and an adequate solid fenee is constructed so that the portion in the residence distriet will not be used. The entrance should be from 37th avenue only and ears should not be parked within ten feet of the side street lines of 75th and 76th streets.

(Sgd.) HARRIS H. MURDOCK, Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
PATRICK WALSH, Committee.

and

Whereas, this report reeommended the granting of this application with proper safeguards, and the board deemed that this was a proper case to exereise its diseretion under section 7, subdivision H, of the building zone resolution and that hardship existed to warrant granting, under seetion 21, the use desired.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted*, under section 7-H, *for a temporary period of two years from the date of this action*, to permit that portion of the plot within the business use area to be used for parking and storage of more than five motor vehicles of the pleasure-ear type, *on condition* that the entrance shall be solely from 37th avenue; that the existing hedge shall be maintained and, continued across existing entranee from 76th street; that there shall be erected on the line dividing the business use area from the residential use area eontinuously from 75th to 76th street a solid fence, either of wood or metal, which shall be kept painted, for a height of at least six feet; that barricades or bumpers shall be erected parallel to 75th and 76th streets to preclude cars being parked within ten feet of either building line, that the plot shall be levelled substantially to the level of 37th avenue and covered with steam cinders or other suitable material,

properly rolled and bound so as to prevent dusting, and graded so as to provide surface drainage; that any lights erected for illumination shall have metallic reflectors and shall be so placed as to reflect away from the residential property on 75th and 76th streets; that during the term of this variance, the plot shall be used for no other use; that no building shall be erected thereon except there may be a small building not over 100 square feet in area, one story in height, near the entrance, as a shelter for attendant; that existing signs shall be removed and no signs shall be erected other than a sign near the entrance, not exceeding 5 square feet in area, advertising the parking and storage; that the entrance to 37th avenue shall not exceed 10 feet with curb cut opposite not exceeding 15 feet; that no cars shall be parked or stored other than those having up-to-date license plates and which are capable of operation; that proper aisle spaces shall be maintained, that such portable fire-fighting appliances shall be installed as the commissioner shall direct and that all permits shall be obtained and all work completed within six months from the date of this action.

662-30-BZ.

APPLICANT—Vincent J. Bensi, for Elvira Pizzo, owner.

SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the superintendent of buildings) under sections 7g and 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a garage for more than five (5) motor vehicles.

PREMISES AFFECTED—37 Jackson street and 645-651 Lorimer street, west side, 25 ft. north of Jackson street (Block No. 2741, Lot Nos. 31, 32, 33 and 36), Borough of Brooklyn.

APPEARANCES—

For Applicant: Vincent J. Bensi.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(662-30-BZ)

WHEREAS, this application affecting premises 37 Jackson street and 645-651 Lorimer street, west side, 25 ft. north of Jackson street (Block No. 2741, Lot Nos. 31, 32, 33 and 36), Borough of Brooklyn, was granted by the board July 7, 1931, on certain conditions, time extended April 19, 1932, May 9, 1933, April 10, 1934, April 9, 1935, April 14, 1936, and March 9, 1937, and applicant requests a further extension.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of July 7, 1931, in view of applicant's statement that all permits have been obtained and a certain amount of foundation work completed, to extend the time within which to complete all work to one year from the date of this amended resolution; that other than as amended herein, the resolution adopted by the board on July 7, 1931, shall be complied with in all respects.

179-37-BZ.

APPLICANT—Maurice G. Uslan, for Louis M. Brann, et al., owners.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a garage for more than five (5) motor vehicles.

PREMISES AFFECTED—461 Bay street, east side, 434.23 ft. north of Wave street (Block No. 488, Lot No. 18), Stapleton, Borough of Richmond.

APPEARANCES—

For Applicant—Maurice G. Uslan.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(179-37-BZ)

WHEREAS, this application affecting premises 461 Bay street, east side, 434.23 feet north of Wave street (Block No. 488 Lot No. 18), Stapleton, Borough of Richmond, was granted by the board July 9, 1937 on certain conditions and owner through his architect, M. G. Uslan, requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on July 9, 1937, only so far as it has reference to lot line windows, so that as amended the resolution shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21 thereof, to permit the plot under appeal to be developed by the erection of a two-story business and garage building, as indicated on plans filed with this application marked 'received December 21, 1937', *on condition* that the garage use shall be limited to the street story and shall be solely for the storage of more than five automobiles used exclusively by the laundry; that the ceiling of the first story shall be fire-retarded throughout in accordance with the rules of the Board of Standards and Appeals; *that any openings in the lot line wall to the north shall be substantially as indicated on revised plans marked 'received January 29, 1938', and shall be fireproof and self-closing and shall have a sprinkler head opposite each window and not more than 4 feet away;* that any openings in the wall to the south between the proposed garage occupancy and the existing laundry buildings shall be protected with fireproof self-closing doors; that any storage of gasoline permitted shall be solely for use in servicing the motor vehicles used for the laundry use; that no roof sign shall be installed upon this building; that all requirements of the zoning resolution as to required rear yards shall be complied with; that all permits shall be obtained and all work completed within one year from the date of this action."

69-36-BZ.

APPLICANT—William P. Hennessy, Assistant Engineer, Office of the President of the Borough of Brooklyn, for City of New York, owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the commissioner of buildings) under section 7a of the

building zone resolution, permitting in a residence use district the erection and maintenance of a building to be used as carpenter shop, welding shop, asphalt roller storage and storage shed.

PREMISES AFFECTED—5511-5629 19th avenue, northeast corner of 57th street (Block No. 5495, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Joseph H. Hudson.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(69-36-BZ)

WHEREAS, this application affecting premises 5511-5629 19th avenue, northeast corner of 57th street (Block No. 5495, Lot No. 1), Borough of Brooklyn, was granted by the board July 10, 1936, on certain conditions and applicant requested an amendement of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on July 10, 1936, so that as amended, the resolution shall read:

"Granted under section 7-A, permitting the erection of the proposed building to be occupied as a carpenter shop, welding shop and storage for equipment, *on condition* that the existing frame buildings in which these uses are now housed shall be discontinued except that the frame building existing near the street building line of 19th avenue, used for oil storage, may be re-constructed with fireproof walls; that such building shall not exceed 40 feet by 20 feet and one story in height; that all such equipment and work of this nature now done in the open shall be carried on in proposed building; that proposed building shall be constructed of fireproof materials, as indicated on plans filed with this appeal, except that the walls may be constructed of brick and exterior window frames and sash and door frames and doors may be of wood; that any portion of the wall or fence separating the premises from the cemetery, now consisting of wood, shall be replaced with a brick or concrete wall, stuccoed on both sides, or a wrought iron fencing; that the fencing along the street building line of property shall be replaced with a new fence constructed of brick piers and brick panels with wrought iron picket gates; and that all permits required shall be obtained and all work shall be completed within one year from the date of this amended action."

APPEALS FROM ADMINISTRATIVE ORDERS

114-38-A.

APPLICANT—Albert Goldhammer, for Bandes-Stillman Construction Co., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—390-396 E. 153rd street, south side, 25 ft. west of Melrose avenue (Block No. 2399, Lot Nos. 20, 21, 22 and 23), Borough of The Bronx.

APPEARANCES—

For Applicant: Albert Goldhammer.

For Administration: Inspector Harris, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to March 15, 1938, at 2 P. M., for further consideration by the board.

39-38-A.

APPLICANT—Frank E. Redmond, for Parker, Stearns & Company, owner.

SUBJECT—Appeal from an order of the commissioner of buildings.

PREMISES AFFECTED—284-300 Sheffield avenue, southwest corner of Belmont avenue (Block No. 3753, Lot No. 9), Borough of Brooklyn.

APPEARANCES—

For Applicant: Mr. Passage.

ACTION OF BOARD—Laid over to March 22, 1938, at 2 P. M., on request of applicant's representative.

135-38-A.

APPLICANT—Edwin W. Kleinert and A. Stanley Miller, for Villett Homes, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—42-04 to 42-26 Auburndale lane, west side, 95.47 ft. north of Northern boulevard (Block No. 5350, Lot No. 42), Auburndale, Borough of Queens.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Laid over to March 15, 1938 at 2 P. M., no appearances.

72-38-A.

APPLICANT—Walter S. Schneider, for New China Amusement Co., Inc., lessee.

SUBJECT—Appeal from a decision of the acting borough superintendent, department of housing and buildings (Manhattan).

PREMISES AFFECTED—73-79 Henry street and 75-85 East Broadway, northwest corner (Block No. 282, part of Lot No. 3), Borough of Manhattan.

APPEARANCES—

For Applicant: William M. Chadbourne and Walter S. Schneider.

For Administration: Inspector J. S. Scharf, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(72-38-A)

WHEREAS, Walter S. Schneider for New China Amusement Co. Inc., lessee, filed on February 4, 1938, an appeal from a decision of the Acting Borough Superintendent, department of housing and buildings, affecting premises 73-79 Henry street and 75-85 East Broadway, northwest corner (Block No. 282, part of Lot No. 3) Borough of Manhattan; and

WHEREAS, the decision of the acting borough superintendent dated January 7, 1938, alt. 4536-37 reads:

"1. New construction should be fireproof. Show proposed construction to agree with amendment.

2. State use of extended platform or stage. Arrangement should comply with sections 529-530 and 533. Bldg. Code. Reconsideration denied."

and

WHEREAS, the building is one story, 30 feet in height, 116 feet 4 inches, by 99 feet 2½ inches irregular in area, of fireproof construction, located in an unrestricted use district, erected in 1920 and occupied throughout as a

theatre; at present 1,130 seats; proposed 916 seats; and

WHEREAS, the applicant contends that the entire building is directly under the Manhattan Bridge, being approximately 4 feet below the bridge steel work; that the present platform or stage is 13 feet in depth and constructed of wood. It is approximately 3 feet above the low point of the auditorium floor. It is intended to increase the depth of the stage by six feet by reducing the seating capacity. Permission is requested to make the proposed addition of the same material, wood, as the existing platform or stage. That sections 529-30 and 533 of the Old Code are not applicable for the following reasons: The building is occupied as a Chinese theatre. There is no division between the auditorium and the stage, due to theatrical requirements. There are no footlights, no orchestra pit, no scenery or drapes; that it is impossible to carry a parapet wall above the roof or install a skylight above the stage inasmuch as the roof is only 4 feet below the steel work of Manhattan Bridge. It is proposed to erect temporary screens on either side of any front of the stage, these screens to be of either sheet rock or wire lath and cement plaster on angle iron and to extend 16 feet above the low point of the auditorium floor. It is also proposed to install steel stairs with iron handrails to give access to platform, as shown on plans filed with the building department.

Resolved, that the decision of the acting borough superintendent, alt. 4536-37, dated January 7, 1938, be and it hereby is *modified*, and that the appeal be and it hereby is *granted*, permitting the proposed extension of the existing platform as proposed, *on condition* that such extension shall not exceed 6 feet and that the stairs thereto shall be erected of steel, and that any screens erected on either side of the platform shall be constructed of non-combustible material; that the general conditions shall be maintained as described in this appeal and in accordance with the certificate of occupancy; that the exits to Henry street and the open court to the north shall be maintained; and that in all other respect all laws, rules and regulations applying to the use and construction of this building shall be complied with.

77-38-A.

APPLICANT—Peter Copeland for Jaurale Corporation, adjoining owner.

OWNER OF PREMISES—Wood, Dolson Company, Inc.

SUBJECT—Appeal from a decision of the acting borough superintendent, department of housing and buildings (Manhattan) re Revocation of approval of Alteration Application No. 4582-37 for the erection of a marquise on front of building.

PREMISES AFFECTED—2091 Broadway, west side, 106.10 ft. north of West 72nd street (Block No. 1164, Lot No. 34), Borough of Manhattan.

APPEARANCES—

For Applicant: Peter Copeland and John E. Carroll.

For Opposition: None.

For Administration: Engineer Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(77-38-A)

WHEREAS, Peter Copeland for Jaurale Corporation, adjoining owner, filed on February 9, 1938, an application to revoke the approval given by the acting borough superintendent, department of housing and buildings (Manhattan) on Alt. App. No. 4582-37, affecting premises 2091 Broadway, west side, 106.10 feet north of west 72nd street (Block No. 1164, Lot No. 34), Borough of Manhattan; and

WHEREAS, the decision of the acting borough superintendent, dated February 2, 1938, reads as follows:

> "I have your letter of February 1, 1938, requesting that Alteration Application 4582-1937, which was approved by this department on January 13, 1938, for the erection of a marquise on the front of a building at above stated premises, be revoked for the reason that the marquise as shown on approved plans is not to be erected at right angles to the front wall of the building.
>
> As there is no definite provision in the Building Code, requiring that a marquise should be built at right angles to the front wall of a building, and if the owner should elect to erect a marquise within and parallel to his property lines as extended, I believe that the requirements of the Building Code have been complied with. Therefore, I am unable to comply with your request to revoke this permit. This matter, of course, can be taken before the Board of Standards and Appeals for a decision."

and

WHEREAS, the building is 3 stories (40 feet) in height, 24 feet 2¾ inches by 112 feet 9¾ inches in area; of fireproof construction; erected in 1922; located in a business use district and occupied as follows: Cellar—boiler room and storage; 1st floor—offices, 28 persons; 2nd floor—offices, 21 persons; 3rd floor—20 persons; for which Certificate of Occupancy No. 6411 was issued on June 21, 1923; that it is proposed to erect a marquise on the front of the building; and

WHEREAS, applicant contends that the sides of the marquise are shown to be parallel with the lot line extended, and the front to be parallel with the curb line; the applicant, representing the owner of the adjoining premises, northwest corner of 72nd street and Broadway, 2081-2087 Broadway, 201 west 72nd street, on which location a new building is being constructed under New Building Application No. 245-1937, objects to the marquise extending over a portion of the sidewalk which must be maintained by this owner. The Department of Borough Works requires that the sidewalks and curbs must be maintained by the owner within the limitations of the property; these limitations as defined by the aforementioned department are that at a point of intersection of the Building Line and the Lot line, and extending in a line to the curb at right angles to the building line, as in this case, south along Broadway, as shown on the plot plan; the board is petitioned to clarify as to whether the owner of 2091 Broadway can build a marquise within this triangular space formed by the extended lot line and the right angle to the intersection of the Building and Lot line; applicant further contends that the Department of Housing and Buildings should revoke this approval and require that the said marquise be erected at right angles to the building line and thereby extend over the sidewalk to be maintained by the owner of the building and;

WHEREAS, these premises were the subject of an inspection by a committee of the board, report of which inspection was read at this hearing and which report follows:

REPORT OF COMMITTEE.

March 7, 1938.

Cal. No. 77-38-A

Premises: 2091 Broadway, Manhattan.

This application, filed by the adjoining owner, is to review the decision of the acting superintendent of buildings in refusing to revoke an approval of an application to remodel the entrance to the building and to erect a marquise. Plans and applications were filed on December 24, 1937, under application No. 4582 of 1937 and were approved on January 13th, 1938. There has been no permit issued as yet to authorize the work to be constructed and the record in the department does not indicate that an application for a permit has been made. When the application for approval of

plans was filed, the provisions of the old Building Code were in effect and, at the time the plans were approved, the provisions of the new Building Code were in effect and which contains the saving clause that the provisions of the old Building Code may be applied as to plans filed prior to its effective date, namely, January 1, 1938, provided the work is completed within a specified time thereafter. The owners of 2091 Broadway claim that all provisions of the old code and the new code are being complied with and the acting superintendent of buildings states that the plans comply with the code provisions.

The proposed marquise is to be erected with its sides in a line parallel to the lot lines as prolongated and because of the direction of Broadway the marquise would not be at right angles thereto. The applicant claims that the marquise should be at right angles and points to marquises along Broadway so erected as indicating a generally accepted rule that every marquise should be so erected. The Code makes no such requirement. The new Code permits the superintendent of buildings to exercise his discretion in unusual cases. He may well have decided that this was such an unusual case because of the angle of the interior lot lines with Broadway and that he was empowered to approve the plans.

Under the Administrative Code, section C26.219.0 (g) (former Building Code number 2.4.1.4.8), the permission for a marquise is limited to certain types of buildings of a public nature, which would not include the building in question, but under the old Code, under which the application was filed, section 170, subdivision 1, no such restriction is indicated.

In the absence of any provision of law or general rule adopted by the board to supplement the provisions of the code as to the erection of a marquise, there appears to be no basis for granting this application.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
PATRICK WALSH,
Committee.

Resolved, that the decision of the acting Borough superintendent, dated February 2, 1938, be and it hereby is *affirmed*, and that the appeal be and it hereby is *denied*.

104-38-A.

APPLICANT—Commercial Control and Device, Inc., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—28-46 Roebling street, northwest corner of North 9th street (part of 2nd floor); (Block No. 2306, Lot No. 18), Borough of Brooklyn.

APPEARANCES—
For Applicant: William W. Ross.
For Administration: Inspector Meyer, Fire Department.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(104-38-A)

WHEREAS, Commercial Control & Device, Inc., lessee, filed on February 17, 1938, an appeal from an order of the fire commissioner affecting premises 28-46 Roebling street, northwest corner of North 9th street (part of 2nd story), (Block No. 2306, Lot No. 18), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, No. 74095-LC, dated January 26, 1938, reads as follows:

"Pursuant to the requirements of the rules governing the use of equipment for spraying of paints, varnishes, lacquers, and other flammable surface coatings, adopted by the Board of Standards and Appeals, the following must be done:

"2. Provide sprinkler heads, installed in accordance with the sprinkler rules of Board of Standards and Appeals, in all spray, dipping or immersing spaces and storage rooms. Rule 6.3, Spray Rules.

NOTE: In non-sprinklered buildings, sprinkler connection may be made to the house water supply.

3. Remove the dipping tank from the adjoining enclosure occupied as a paint factory.

4. Provide that spray, dipping and immersing rooms shall be constructed of fireproof or fire-resisting partitions with waterproof floors. Rule 4.1.1-a, Spray Rules.

5. Provide a fire proof door for all openings in spraying, dipping or immersing rooms. Rule 4.1.4-a, Spray Rules."

and

WHEREAS, the building is four (4) stories in height, 50 ft. by 200 ft. in area, of non-fireproof construction, located in an unrestricted district, erected in 1908 occupied since February 1, 1937, as follows: 1st floor—offices, 8 persons; 2nd floor—offices and assembly, 8 persons; 3rd floor—assembly and stockrooms, 1 person; 4th floor—vacant; and

WHEREAS, the applicant contends as to Item No. 2 of the order that there are no sprinklers in the building; that the tenant's lease has twenty months to run and for this reason compliance with the order is out of the question; the only space used for spraying is a small booth occupying 12 sq. ft., which is used only on rare occasions; not exceeding two gallons of spray material kept on hand; as to Item 3 of the order, this reference to the adjoining enclosure, portion of which is under lease with the applicant for the purpose of painting and dipping, the balance of the adjoining building is a paint factory. As to Item 4 of the order, insofar as the painting is all done within a building which is used entirely for the manufacture of paint, the construction of such a room as required by the order is totally unnecessary. The construction of such a room could not be approved under the building code due to the nature of the building.

Resolved, that the order of the fire commissioner, No. 74095-LC, be and it hereby is *modified*, and that the appeal be and it hereby is *granted* as to the second floor occupancy, *on condition* that a sprinkler head connected from the house water supply shall be erected in the spray booth; that there shall be constructed over the dipping tank, a metal cover held in place with a fusible link or in lieu thereof an automatic foam type extinguisher suspended above the tank; that pails of sand and portable fire-fighting equipment shall be installed as the commissioner shall direct; that the spraying and dipping facilities shall not be increased other than as now existing; that the condition as to exits shall comply with the requirements of the resolution adopted by the board under Cal. No. 203-25-S; and that this modification is granted for a period of two years from the date of this action.

129-38-A.

APPLICANT—Vincent M. Cajano, for Saverio Scerbo, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—152 Avenue U, south side, 38 ft. 6 in. west of West 7th street (Block No. 7119, Lot No. 8), Borough of Brooklyn.

MINUTES

APPEARANCES—
For Applicant: Vincent M. Cajano.
For Administration: Assistant Engineer Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(129-38-A)

WHEREAS, Vincent M. Cajano, for Saverio Seerbo, owner, filed on February 28, 1938, an appeal from a decision of the Acting Borough Superintendent, Department of Housing and Buildings (Brooklyn), affecting premises 152 Avenue U, south side, 38 feet 6 inches west of West 7th street (Block No. 7119, Lot No. 8), Borough of Brooklyn; and

WHEREAS, the decision of the acting borough superintendent, dated February 21, 1938, re App. No. 1201-38, reads as follows:

"1. Second floor to be good for 75 lbs. live load in business portion.

2. Business buildings must have 12 inch walls on 1st floor, 8.4.2.5 Bldg. Code.

3. As to stairs, comply with section 6.4.1.11 for ladder to scuttle.

4. Fire retard stair enclosure as per section 6.4.1.8.1 and provide proper fire door assemblies."

and

WHEREAS, the building in question is 2 stories (23 feet) in height, 19 feet by 70 feet in area at 1st story and 19 feet by 45 feet in area above; of non-fireproof construction; located in a business use district; erected in 1926; and occupied as follows: Cellar—storage and boiler room, no persons; 1st floor—store and one family; 2nd floor—one family and beauty parlor; for which no Certificate of Occupancy has been issued; and

WHEREAS, the applicant contends that the objections made by the building department are made in consideration of change of occupancy and consequently are not applicable under the New Building Code.

Resolved, that the decision of the Acting Borough Superintendent, on Applic. No. 1201-38, be and it hereby is *modified*, and that the appeal be and it hereby is *granted*, to to objections Nos. 1, 2, 3, and 4, and permitting the proposed occupaney of the second floor as a beauty shop in view of the statement by applicant that the walls of the stairhall are wire lath and plaster on the first floor and the absence of hazard of the proposed occupancy for the present approved floor load.

137-38-A.

APPLICANT—Sidney L. Strauss, for North River Savings Bank, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—3070 West 1st street, west side, 191 ft. 10 in. north of Sea Breeze avenue (Block No. 7281, Lot No. 170), Borough of Brooklyn.

APPEARANCES—
For Applicant: Irving Altman.
For Administration: Assistant Engineer Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(137-38-A)

WHEREAS, Sidney L. Strauss for North River Savings Bank, owner, filed on March 4, 1938, an appeal from a decision of the acting borough superintendent, department of housing and buildings, affecting premises 3070 West 1st street, west side, 191 ft. 10 in. north of Sea Breeze avenue (Block No. 7281, Lot No. 170), Borough of Brooklyn; and

WHEREAS, the decision of the acting borough superintendent, dated March 1, 1938, reads as follows:

"1. Re-construction of lockers is contrary to Sec. 6(a) of the Zone Resolution.

2. Construction of frame lockers within the fire limits is contrary to 4.1.2 of Code."

and

WHEREAS, the premises consist of a plot of ground 37 ft. by 90 ft., irregular in area, on which are located a structure one story in height, occupied as bath house, office and a series of bathing lockers erected in 1919, located in a residence use district; and

WHEREAS, occupant contends the present lockers are of wood construction and are now rotted due to neglect; that the premises have been taken over by the first mortgagee, who in turn now has an opportunity for re-sale, providing these lockers are properly repaired; that it is intended to remove all of the present wood lockers and substitute new 26 gauge sheet metal lockers set on wood frames; and

WHEREAS, in the opinion of the board, the proposed change from lockers constructed of wood to lockers constructed of wood frame and covered with 26 gauge metal is not a structural alteration within section 6 of the Zone Resolution and that the provisions of section 412 of the Building Code should be waived to permit erection of such lockers within the fire limits.

Resolved, that the decision of the acting borough superintendent, dated March 1, 1938, be and it hereby is *modified*, and that the appeal be and it hereby is *granted on condition* that the plot occupied shall not be increased in area and the buildings thereon shall not be extended, and permitting the substitution of lockers constructed with wood frame covered with 26 gauge metal for the existing wood lockers, provided present aisles and exits are maintained.

141-38-A.

APPLICANT—Benjamin H. Sylvan, for West End Realty Corporation, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—357-359 West 58th street, north side, 57 ft. west of 9th avenue (Block No. 1049, Lot Nos. 3 and 4), Borough of Manhattan.

APPEARANCES—
For Applicant: Benjamin H. Sylvan.
For Administration: Inspector J. S. Scharf, Department of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(141-38-A)

WHEREAS, Benjamin M. Sylvan, for West End Realty Corporation, owner, filed on March 7, 1938, an appeal from a decision of the Borough Superintendent, Department of Housing and Buildings (Manhattan), affecting premises 357-359 West 58th street, north side, 57 feet

west of 9th avenue (Block No. 1049, Lot Nos. 3 and 4), Borough of Manhattan; and

WHEREAS, the decision of the Borough Superintendent, dated March 4, 1938 reads as follows:

"Kitchen required 49 square feet in area as originally approved or else shown to comply with section 33 M. D. L. as to fire-retarding. NOTE.—Kitchen must be arranged as one room without any sub-dividing arch, jambs or other device. Section 32, M. D. Law."

and

WHEREAS, the buildings are 5 stories (57 feet) in height, each 38 feet by 83 feet in area; of non-fireproof construction; located in a business use district; erected prior to 1900; occupied as multiple dwellings, it is proposed to combine the two buildings into one and to convert large apartments into small units with new fireproof stairways, new plumbing, etc. The kitchens in question are part of two room apartments; and

WHEREAS, applicant contends that the practical necessity for the hiding of pipes in the kitchen walls made the thickness of the partitions a little in excess of original calculations, thus resulting in a slight shrinkage in remaining area; this, together with a trifling error in layout, was sufficient to bring down the originally calculated area of 49 square feet to approximately 44 square feet; that the area marked "foyer" on the original plans in the apartments affected may really be termed a portion of the kitchen, joining same by an arched opening, with the window area in the portion designated "kitchen" on the original plans being ample to ventilate both portions; that the work has been completed and it would be a hardship to make any changes at the present time; and

WHEREAS, the arrangement proposed constitutes a subdividing partition, thereby creating an illegal interior room; and

WHEREAS, the board is without power to modify the provisions of the multiple dwelling law.

Resolved, that the decision of the Borough Superintendent be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

2-38-A.

APPLICANT—Childs Company, lessee.

SUBJECT—Application for consideration—approval of plans—re Appeal from a decision of the fire commissioner.

PREMISES AFFECTED—1551-1553 Broadway, northwest corner of West 46th street (Block No. 1018, Lot Nos. 26 and 126), Borough of Manhattan.

APPEARANCES—

For Applicant: W. H. Ballman and M. Le Gette.

ACTION OF BOARD—Plans approved.

THE VOTE TO APPROVE PLANS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(2-38-A)

WHEREAS, Childs Company, applicant and lessee, filed on January 3, 1938, an appeal from a decision of the fire commissioner affecting premises 1551-1553 Broadway, northwest corner of West 46th street (Block No. 1018, Lot Nos. 26 and 126), Borough of Manhattan; and

WHEREAS, the decision of the fire commissioner, dated December 17, 1937, reads as follows:

"In reply to your letter of December 15, 1937, relative to a proposed refrigerating system for air cooling the first floor of Childs' restaurant at 1551 Broadway, Manhattan, we regret that a permit cannot be granted for the reason that the system, as shown on the drawings submitted, is located on the second floor. This is in violation of section 219 (b) of article 18, chapter 10, Code of Ordinances.

However, this department has no objection if you will avail yourself of your right to appeal from the fire commissioner's decision by appealing to the Board of Standards and Appeals, Room 1002, Municipal Building, Manhattan."

and

WHEREAS, the building is three stories and basement, 40 ft. in height, 49 ft. 9 in. by 100 ft. 3 in. in area, of ordinary brick construction; erected in 1925 and occupied since 1927, as follows: Cellar—restaurant, 10 persons; 1st floor—restaurant, 150 persons; 2nd floor—vacant, 25 persons; 3rd floor—dance hall, 150 persons; for which Certificate of Occupancy No. 17556 has been issued; and

WHEREAS, it is proposed to install an air-conditioning system in the restaurant on the first floor, the compressor and condensing units to be located at the rear of the 2nd story; and

WHEREAS, the applicant contends that the refrigerating equipment will be placed entirely outside the building and separated from the building by a fireproof door. Fusible dampers will be installed in the duct where passing through the floor and equipment room; that these dampers will be so designed that upon closing of any damper, all equipment will automatically cease operation; that ceiling outlets on the first floor will be plaster sealed against the ceiling and constructed of metal; that all ducts passing through combustible construction will be constructed double, as recommended in the Building Code; that ducts piercing the floor will not be adjacent to any fire exit; that heat will be furnished to the air conditioning unit by means of steam piping from the boiler room in the basement; that the refrigerant to be used is F-12; and

WHEREAS, this appeal was granted by the board at its meeting January 18, 1938, on certain conditions and applicant requested an amendment of the resolution and approval of plans.

Resolved, that the decision of the fire commissioner, dated December 17, 1937, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* so as to permit the proposed refrigerating system, as described in this appeal, *on condition* that no open flames shall be permitted in the space in which the refrigerating machinery is to be installed and that complete working drawings shall be submitted to this board for approval before the work is commenced.

Resolved, further, that the Board of Standards and Appeals does hereby *approve* plans as complying with resolution adopted by the board on January 18, 1938, *on condition* that the refrigerating unit shall be limited to two (2) F-12 units not exceeding 50 lbs. capacity each.

VARIATIONS OF LABOR LAW

40-38-S.

APPLICANT—Frank E. Redmond, for Parker, Stearns & Company, owner.

SUBJECT—Variation of the labor law as cited in orders of the commissioner of buildings.

PREMISES AFFECTED—284-300 Sheffield avenue, southwest corner Belmont avenue (Block No. 3753, Lot No. 9), Borough of Brooklyn.

APPEARANCES—

For Applicant: Mr. Passage.

ACTION OF BOARD—Laid over to March 22, 1938, at 2 P. M., on request of applicant's representative.

381-37-S.

APPLICANT—Tinker Realty Corporation, owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the commissioner of buildings.

MINUTES

PREMISES AFFECTED—443 Park avenue, east side, 50 ft. north of 56th street (Block No. 1311, Lot No. 3), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application withdrawn on written request.

THE VOTE TO WITHDRAW:

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

30-38-S.

APPLICANT—Jack Z. Cohen, for 229-235 Grand Street Corporation, owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the commissioner of buildings.

PREMISES AFFECTED—235 Grand street, north side, 149 ft. 2 in. east of Driggs avenue (Block No. 2382, Lot No. 30), Borough of Brooklyn.

APPEARANCES—

For Applicant: Larry Meltzer.

For Administration: Inspector Tim Meagher, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(30-38-S)

WHEREAS, Jack Z. Cohen, for 229-235 Grand Street Corporation, owner, filed January 18, 1938, an application for a variation of the Labor Law, as cited in an order and a decision of the Commissioner of Buildings, affecting premises 235 Grand street, north side, 149 feet 2 inches east of Driggs avenue (Block No. 2382, Lot No. 30), Borough of Brooklyn; and

WHEREAS, the order of the Commissioner of Buildings, No. 12875-LD, dated November 18, 1936, reads as follows:

"1. Discontinue the use of above premises for factory purposes as same is in violation of sections 271 and 272 of the Labor Law and the Certificate of occupancy No. 66788.

Among the defects noted as per orders served herewith are:

A. No secondary means of exit from all stories.

B. Required exit stairway does not extend to roof.

C. No safe egress from termination of substandard fire escape.

D. Entrance doors open inwardly obstructing exits.

E. No exit lights and signs at exits where required by section 272 of the Labor Law."

and

WHEREAS, the decision of the Commissioner of Buildings, dated December 30, 1937, reads as follows:

"In reply to your letter of November 27th, 1937, advising that you have been retained by the owners to appeal from requirements of Order 12875 L. D. and that you are unable to do so due to the fact that the Board of Standards and Appeals will not accept an appeal for the reason that the time limit, thirty (30) days, had elapsed, and request dismissal and reissuance of the above order, you are advised that the order cannot be dismissed or reissued. Therefore, your request is denied."

and

WHEREAS, the building is 3 stories, 34 feet in height, 25 feet 3 inches by 42 feet in area, of nonfireproof construction; erected in 1875; occupied as follows: Cellar—ordinary use—no persons; 1st floor—store, 5 persons; 2nd floor, cloth mfg., 21 persons; 3rd floor—1 family dwelling; the building is equipped with one 3 foot 10 inch wide stairway, enclosed in wood studs, wire lath and ¾ inch Portland cement plaster on both sides, with fireproof self-closing doors at the openings and one substandard fire escape extending from the second story to the yard of premises adjoining on the west, No. 231 Grand street, by means of a ladder, exit can be had from the yard of adjoining premises by a gate in the fence to open yards of buildings situated on Fillmore Place at the rear; and

WHEREAS, the applicant contends that in 1927 an alteration was made which consisted of new stairs from 1st floor to the roof, new fire-retarded stair halls from bulkhead to roof, dressing room and toilet facilities for the factory on the 2nd floor and upon completion of this alteration Certificate of Occupancy No. 66788 was issued for 1st floor—store; 2nd floor—loft; 3rd floor—one family; that the loft occupancy as shown on the certificate of occupancy was intended for factory use; that recently an order was issued to discontinue the factory occupancy —as same is a violation of sections 271 and 272 of the Labor Law and the existing certificate of occupancy; that there are adequate means of egress from the 2nd floor; no hazardous inflammable materials are stored and in view of the small occupancy, the variation is requested.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in order and decision of the Commissioner of Building (Order No. 12875-LD), and that the application be and it hereby is *granted on condition* that the rear fire-escapes shall be porvided with a drop ladder leading to steel balcony, at the 1st story level, with steel steps, to give access to the adjoining premises; that a consent shall be filed with the Borough Superintendent, Dept. of Housing and Buildings, from the owner of adjoining premises, permitting such exit across his property; that there shall be provided at the balcony at the 2nd story level, means to reach the 1st story extension roofs continuously to Driggs avenue; that the existing doorway on the 2nd floor, giving access to the existing stairway of No. 231, shall be bricked up, for the protection of the residential occupancies of these two buildings; that all entrance doors shall open in the direction of exit; that the order as to exit signs and lights shall be complied with; and that in all other respects the requirements of the Labor Law shall be complied with as to the building at No. 235 Grand street.

APPLIANCES SUBMITTED FOR APPROVAL

10-34-SA.

APPLICANT—Isaac Huppert, for Hupp Oil Burner, owner.

SUBJECT—Application for consideration—re changing of model designations—Hupp Oil Burner—approval of.

APPEARANCES—

For Applicant: Isaac Huppert.

ACTION OF BOARD—Application reopened, placed on Reserve Calendar and referred to engineer of the board.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

11-35-SA.

APPLICANT—E. J. Phalen, for New York Brass Foundry Co., Inc., owner.

MINUTES

SUBJECT—N.Y.B.F. 4 inch, 5 inch and 6 inch Standpipe and Automatic Sprinkler Siamese Connection—approval of.

APPEARANCES—

For Applicant: E. J. Phalen.

ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(11-35-SA)

WHEREAS, E. J. Phalen, for the New York Brass Foundry Co., Inc., owner, filed January 10, 1935, an application with the Board of Standards and Appeals for approval of their device known as the N.Y.B.F. 4 inch, 5 inch and 6 inch Standpipe and Automatic Sprinkler Siamese Connection; and

WHEREAS, the applicant states that owing to the requirements in the new building code he does not desire to proceed with this application for approval of the siamese connection but does desire an approval of the use of connections to the extent of his present stock of 4 inch, 5 inch and 6 inch sizes, to a total not exceeding twenty-five (25), on the understanding that no siamese will be installed except on replacement jobs; and that such permission has previously been given by the Fire Prevention Bureau after the appliance had been tested and evidence had been supplied of the approval of the device by the Factory Mutual Laboratories.

Resolved, that the Board of Standards and Appeals does hereby *so approve* the N.Y.B.F. 4 inch, 5 inch and 6 inch Standpipe and Automatic Sprinkler Siamese Connection, *on condition* that this approval shall be terminated two (2) years from the date of this action.

Adjourned: 4:00 P. M.

EDWARD V. BARTON, *Chief Clerk.*

RULES

SMOKING IN FACTORIES

Adopted by the Board of Standards and Appeals, August 12, 1918.

RULE 1. PERMIT.

(a) **Prohibition.** No person shall smoke, or carry a lighted cigar or cigarette in any factory as defined in Article 1, Section 2, of the State Labor Law, nor in any portion of a factory, within the City of New York, except in such protected portions or special classes of occupancies as are specified in Rule 2 of these rules, and then only after the issuance of a permit by the administrative official.

It shall be the joint and several duty of the owner and of the lessee or lessees of the building containing such factory or factories to cause to be posted in each and every entrance hall, stair hall or room throughout the building, as well as in every elevator-car, in English, and also in such other language or languages as the administrative official shall direct, a notice of such prohibition, and the penalty for its violation.

(b) **Application.** Application for such permit shall be made only by the owner of the building on suitable blank forms to be furnished by the administrative official.

(c) **Time Limit.** Such permit shall be for a definite period, not exceeding one year, and shall not be renewed upon expiration until a reinspection of the premises for which it is issued has been made for the purpose of determining whether existing conditions warrant a renewal.

(d) **Conditions.** The permit shall state the conditions under which, the hours between which, and the place or places in such factory where smoking may be permitted, and this permit shall be framed and kept posted in a conspicuous place in the factory.

(e) **Revocation.** Violation of any of the conditions specified in the permit, in addition to incurring such penalties as are prescribed by law, shall be full and sufficient cause for the revocation of such permit by the administrative official, and he shall not again issue a permit for the same premises until at least one year has elapsed.

RULE 2. PERMISSIBLE CASES.

Smoking may be permitted in:—

(a) Factories engaged in the manufacture of cigars, cigarettes, or smoking tobacco, when necessary for the efficient conduct of the business, provided that:

(1) No smoking other than that for sampling, testing and experimental purposes is carried on.

(2) Such smoking is conducted in a room provided especially for that purpose, separated from the rest of the building by fireproof or fire-resisting partitions, with all openings therein protected by self-closing fire doors, and, further, unless the building is of fireproof construction or equipped with an approved automatic sprinkler system, the floor and ceiling of such room shall be covered with fire-retarding material.

(3) Such chemical fire extinguishers as the administrative official may direct are installed.

(4) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

(b) Factories devoted entirely to one of the following occupancies:

Blacksmithing or horseshoeing;
Boiler making;
Brick, terra cotta or artificial stone works;
Forge shops;
Foundries;
Iron, steel, brass or copper works;
Machine shops;
Smelting;
Stone or monumental works;

provided that in any case:

(1) The building is not of wooden construction;

(2) Such chemical fire extinguishers as the administrative official may direct are installed;

(3) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, February 15, 1938, as they appeared in Bulletin No. 8, Vol. XXIII are hereby corrected to read as follows:

THE RESOLUTION—

(25-38-S)

WHEREAS, Maurice Deutsch, applicant for Charles Broadway Rouss Realty Corporation, owner, filed on January 17, 1938, an application for a variation of the requirements of the labor law as cited in a decision of the Acting Borough Superintendent of Buildings, Department of Housing and Buildings, Manhattan, affecting premises 123-125 Mercer street, west side, 151 feet south of Prince street, and 104-108 Greene street, east side, 138 feet 6 inches south of Prince street (Block No. 499, Lot Nos. 7 and 25), Borough of Manhattan; and

WHEREAS, this application was granted by the board January 18, 1938, on certain conditions and applicant requested an amendment of the resolution as to windows.

Resolved, that the resolution adopted by the board on January 18, 1938 be and it hereby is *amended*, only so far as it has reference to the street line windows on Mercer street and Greene street, so that as amended this portion of the resolution will read:

"*Resolved*, that the Board of Standards and Appeals does hereby *make a variation* from the requirements of the Labor Law, and that the application be and it hereby is *granted, modifying* the decision of the Acting Borough Superintendent of Buildings, as to alteration application No. 4440-37, items 3 and 4, only so far as it has reference to the requirements for a fire tower, fireproofing of beams and girders, width of stairways and fireproofing of windows on the 2nd story, *on condition* that there shall be additional exits in lieu of the fire tower to a total of four (4) continuous stairways, legally enclosed, extending throughout the building and exiting directly to the street, two such stairways being not less than 3 feet 8 inches in width, one not less than 3 feet 4 inches and one not less than 3 feet in width; that the fireproofing of columns, beams and girders throughout shall be not less than 1½ inches of concrete; that the windows on both Mercer and Greene streets on the 2nd story need not comply with the requirements of the Labor Law as to size and glazing; *that the windows on Mercer street may be accepted as complying with the requirements of the Labor Law, provided such windows above the second story are provided with steel frames and sash and glazed with wire glass, with no light exceeding* 1,056 *square inches in area and are made self-closing; that in all other respects all windows above the second story level shall comply with the requirements of the Labor Law, Sections* 262 *and* 264; that the sprinkler system shall be maintained in accordance with the rules applicable thereto; and that in all other respects the building and occupancy shall comply with the building code, the Labor Law and all laws, rules and regulations applicable thereto."

* Correction—Words "provided that no pane shall exceed 720 square inches in metal frames and sash" deleted in lines 38 and 39 of resolution.

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Friday, February 25, 1938, as they appeared in Bulletin No. 9, Vol. XXIII are hereby corrected to read as follows:

THE RESOLUTION—

(64-38-BZ)

WHEREAS, Matthew W. DelGaudio, for Rose Ianotta, owner, filed February 3, 1938, an application under the building zone resolution to permit the extension, from a business use district into a residence use district of proposed stores; premises: 262-264 East 204th street, south side, 103.25 ft. west of Mosholu parkway south (Block No. 3309, Lot Nos. 59 and 106), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, February 25, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone restriction show that East 204th street is in business and residence use dictricts; Mosholu parkway south is in a residence use district and East 203rd street is in a residence use district; and

WHEREAS, the decision of the Commissioner of Buildings, rendered January 22, 1938 (App. No. 989-1937), reads:

"1. Proposed building to be occupied by stores located partly in residence district and partly in business district is contrary to Art. 2, Sect. 3 of Amended Building Zone Resolution of the City of New York."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 50 feet and a depth of 68 ft. 9 in. A small irregular area (having a frontage of approximately 9.7 feet on East 204th street) at the northwest corner of the plot is in the residence use district the remainder of the plot is in a business use district. It is proposed to erect upon the plot a one story building, having a frontage of 50 feet and a depth of 55 feet at 1st story and a depth of 68 feet 11 inches at the cellar level; the 1st story will be used for 3 stores; upon the *westerly* store it is proposed to superimpose a 2 story dwelling now located upon the opposite side of the street. Part of the cellar story will be used for a 5 car garage with exit to Valentine avenue across lot 106, block 3309, which is under same ownership as lot 59, block 3309 (the lot in question); and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board in order that it might be informed prior to the hearing; and

WHEREAS, the board deemed that the provisions of Section 7, subdivision b of the building zone resolution, under which this application was made, empowered the board to exercise its discretion and to grant this application under such conditions as would safeguard the character of the more restricted district.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under Section 7-B thereof, to permit the variation within the residential area to be used for business purposes in conjunction with the proposed building to be erected on the plot, *on condition* that this business use shall be restricted to one story above grade and that no advertising sign shall be erected on the side walls of this building facing the east or on the roof of that portion of the building; that nothing herein contained shall be deemed to prevent the raising of the building in height and its use above the first story for residential purposes; that all permits required shall be obtained and all work completed within one year from the date of this action.

*Correction—Word "easterly" changed to *"westerly"* in line 33 of resolution.

RULES

RULES FOR FUSION WELDING AND GAS CUTTING.

RULES COVERING THE SPECIFICATIONS FOR DESIGN, FABRICATION AND INSPECTION OF FUSION WELDED STRUCTURES AND THE QUALIFICATIONS OF WELDERS AND SUPERVISORS.

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS FEBRUARY 25, 1938.
EFFECTIVE MARCH 21, 1938.

[Cal. No. 1-38-SR]

Authority:
Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, paragraph 2, of the Charter of the City of New York and C26-514.0 of the Administrative Code (8.6.2.2).

SCOPE.

These rules are supplementary and additional to the requirements for Fusion Welding as permitted under C26-514.0 of the Administrative Code (8.6.2.2) reading:

Fusion welding may be substituted for, or used in combination with, riveting or bolting to connect or assemble the component parts of steel beams, girders, lintels, trusses, columns and other structural steel used in building construction if done under rigid inspection and specification, in accordance with the rules of the Board. These Rules shall also apply to gas cutting.

NOTE: Where a reference in parenthesis appears after the Administrative Code Section, it refers to the Section of the New Building Code as formerly numbered.

Rule 1. Application For Permits.

1.1 No person shall perform gas or electric welding on structures or parts thereof erected or to be erected within the City of New York except as provided in these Rules and in conformity with C26-211.0 of the Administrative Code (2.3.2).

1.2 The commencement of any structural welding work is forbidden until an application for a permit to perform such work is filed with and approved by the superintendent. The superintendent shall be notified in writing at least 48 hours prior to the date when the structural welding work is to commence. C26-172.0 of the Administrative Code (2.1.1.12).

Rule 2. Definitions.

2.1 ARC WELDING. A fusion welding process wherein the welding heat is obtained from electric arc formed between the base metal and metal electrode.

2.2 BASE METAL. The metal upon which the weld or cut is made.

2.3 BUTT WELD. A butt weld is a weld whose throat lies in a plane disposed approximately 90 degrees with respect to the surfaces of at least one of the parts joined. The size of a butt weld shall be expressed in terms of its net or unreinforced throat dimension in inches. C26-158.0 of the Administrative Code (1.149).

2.4 CONTINUOUS WELD. A weld which is uninterrupted throughout the length of the joint.

2.5 CRATER. An unfilled concave depression in the fusion area of an arc weld resulting from penetration of the welding arc into the metal thereunder.

2.6 FILLER METAL. Metal especially prepared for addition to the weld. This term shall apply to this material only before deposition.

2.7 FILLET WELD. A fillet weld is a weld of approximately triangular cross section, whose throat lies in a plane disposed (inclined) approximately 45 degrees with respect to the surfaces of the parts joined. The size of a fillet weld shall be expressed in terms of the width in inches of its adjacent fused sides. C26-158.0 of the Administrative Code (1.149).

2.8 FLAT WELD. A weld made by the fusion welding process on a horizontal plane or one inclined not over 45 degrees to the horizontal, the weld being made from the upper side of the parts joined.

2.9 FUSION WELDING. Fusion welding is the process of joining metal parts in the molten, or molten and vapor states, without the application of mechanical pressure or blows. Under these rules fusion welding is restricted to arc and gas welding processes. C26-75.0 of the Administrative Code (1.67).

2.10 GAS CUTTING. Gas cutting is the process of severing ferrous metals by means of the chemical behavior of oxygen, in the presence of ferrous metals at high temperatures, to produce a kerf, or cut, of uniform width without burning the edges of the kerf or cut. C26-77.0 of the Administrative Code (1.69).

2.11 GAS WELDING. A fusion welding process in which the heat of welding is supplied by the combustion of oxygen and acetylene or other fuel gas in a suitable torch. Filler metal may be melted from a welding rod. Under these rules, gas welding is restricted to the oxy-acetylene process wherein filler metal is added.

2.12 HORIZONTAL WELD. A weld made by the fusion welding process on a plane vertical or inclined less than 45 degrees with the vertical, the linear direction of the weld being horizontal or inclined not more than 45 degrees to the horizontal.

2.13 LAYER. A stratum of weld metal of a fusion weld and consisting of one or more interwoven beads.

2.14 OVERHEAD WELD. A weld made by the fusion welding process on a horizontal plane or one inclined not over 45 degrees to the horizontal, the weld being made from the underside of the parts joined.

2.15 OVERLAP. A condition of lack of fusion where the deposited metal has overflowed the fused area of metal.

2.16 PENETRATION. The linear distance that the deposited metal penetrates below the original surface of the base metal.

2.17 ROOT. A root is the zone at the bottom of the cross-sectional space provided to contain a fusion weld. C26-312. (CL) of the Administrative Code (1.122).

2.18 SLOT WELD. A weld made in an enclosed or partially enclosed opening formed in one of the parts of a lap joint.

2.19 SUPERINTENDENT. Wherever the word "Superintendent" appears in these Rules, it shall mean the Superintendent of Housing and Buildings of the borough having jurisdiction.

2.20 TACK WELD. A weld of random size or shape intended only to fix a member or part thereof of a structure, in correct position preparatory to final welding, and shall not be considered to transmit stress.

2.21 THROAT. The minimum thickness of a weld along a straight line passing through the root. Throat of a fillet weld is the distance along a line from the root to the hypothenuse at right angles thereto, of the largest isosceles triangle which can be constructed in the cross section of the fillet weld. The throat of a butt weld shall be equal to the thickness of the thinner part joined. C26-53.0 of the Administrative Code (1.144).

2.22 UNDERCUT. A condition wherein the base and weld metal is melted away leaving a depression, the surface of which lies below the designed surface contour of the joint.

2.23 VERTICAL WELD. A weld made by the fusion welding process on a plane vertical or inclined less than 45 degrees with the vertical, the linear direction of the weld being vertical or inclined not more than 45 degrees to the vertical.

2.24 WELD DIMENSIONS. The dimensions of a weld shall be expressed in terms of its size and length. C26-158.0 of the Administrative Code (1.149).

2.25 WELD LENGTH. Shall be considered to be the unbroken length of the full cross-section of the weld exclusive of the length of any craters. C26-158.0 of the Administrative Code (1.149).

Rule 3. Design and Supervision.

3.1 The licensed architect or licensed professional engineer designing or supervising the construction of a welded structure shall be experienced and skilled in such work. C26-515.0 (c) (8.6.2.3.3).

3.2 PERMISSIBLE UNIT STRESSES.

In the design of welded structures or parts thereof the stress at every connection must be accurately calculated and the required amount and the exact type and location of weld and filler metal with respect to the parts joined be specified.

3.2.1 Welded joints shall be so proportioned that the maximum stresses shall be less than the following amounts in pounds per square inch:

Shear on section through the throat of a weld	11,300
Tension on section through the throat of a weld	13,000
Compression on section through the throat of a weld	15,000

Maximum fiber stresses due to bending shall not exceed the maximum values allowed above for tension and compression respectively. C26-368.0b (6) of the Administrative Code (7.4.5.6).

3.2.2 Stress on a fillet weld shall be considered as shear for any direction of the applied stress.

3.2.3 Adequate provision shall be made for bending stresses due to eccentricity in the disposition or section of base metal parts.

3.2.4 The allowable compressive strength mentioned in these Rules is not intended to prevent butt welds being used across the entire section to transmit the total compressive stress in compressive flanges of beams, girders, truss plates or compression blocks or other members protected against lateral deflection even though such stress exceeds 15,000 lbs. per sq. in., but not exceeding the maximum allowable compressive stress in the parts joined.

3.3 WORKING STRESSES FOR WINDLOADS. When the stress in any member due to wind is less than 33⅓% of the stress due to live and dead loads, it may be neglected. For combined stresses due to wind and other loads, the permissible working stresses may be increased 33⅓%, provided the section thus found is at least that required by the dead and live loads alone. For stresses due to wind only, the permissible working stress shall be the same as for live and dead loads. C26-372.0, 373.0 and 374.0 of the Administrative Code (7.4.8).

3.4 WELDED GIRDERS. In welded girders the connection of component parts of flanges to each other and of flanges to webs shall be by continuous or intermittent fillet welds designed to transmit the stress. C26-520.0 (d) of the Administrative Code (8.6.2.8.4).

3.5 Girders shall be proportioned either by their moments of inertia or by the flange-area method; in the latter method, when applied to a welded girder having no holes in the web, 1/6 of the web area may be considered a part of the area of each flange. Stiffeners may be either angles or flat plates, welded to the web and flanges by welds designed to transmit the stresses.

3.6 BEAMS. The use of continuous beams and girders, shall be permitted provided their welded connections be designed to transmit the stresses involved in continuous beam construction and columns are designed for the moment added by such construction. At the ends of non-continuous beams, the connections shall be designed to avoid excessive secondary stresses due to bending.

3.7 WELDED COLUMNS. C26-520.0 (e) of the Administrative Code (8.6.2.8.5). Fillet welds connecting the component parts of a built-up column may be either continuous or intermittent. If intermittent, the length of each weld at the ends of the column shall be equal to the least width of the column. The length of the intervening welds shall be at least one and one-half inches, spaced at most four inches in the clear. The size, length and spacing of the fillet welds shall be such as to provide the same strength, per unit of column length, as the allowable shearing stresses in structural steel for power driven rivets. Lattice bars and tie plates shall be welded so as to obtain strength equal to that specified in C26-368.0b (6) of the Administrative Code (7.4.5.4). Shearing stresses.

3.7.1 Where column splices are welded, welds must be provided equal in strength to the shear of the standard column splice.

3.8 WELDED BUTT JOINTS. The edges of base metal parts, one-quarter inch or more in thickness, transmitting stress by means of butt welds shall be beveled. For single and double "V" joints, the bevel of each part shall be at least 30 degrees. For single and double bevel joints, the bevel shall be at least 45 degrees.

Before welding, the root edge or face of one part shall be separated from the root edge or face of the other part by not less than 1/16 inch nor more than ¼ inch.

Butt welds shall be reinforced by depositing additional metal on the weld to a height extending beyond the surface of the thinnest part joined. The height of such reinforcement shall be at least the following percentages of the thickness of the thinnest part joined: 20 percent for single "V" and single bevel butt welds, and 12½ percent on each side, for double "V" and double bevel butt welds. C26-520.0(f) of the Administrative Code (8.6.2.8.6).

3.9 FILLET WELDS. The length of any fillet weld shall be made not less than four times the weld size or else the size of the weld shall be considered not to exceed ¼ of the length for purposes of calculating strength under these rules.

3.10 WELDS IN SLOTS OR HOLES. When welding inside a slot or hole in a plate or other part, in order to join same to an underlying part, fillet welding may be used along the wall or walls of the

slot or hole, but the latter shall not be filled with weld metal or partially filled in such manner as to form a direct weld-metal connection between opposite walls, except that fillet welds along opposite walls may overlap each other for a distance of one-fourth of their size. No slot or hole shall be less in width or diameter than 1½ times its depth.

3.11 FIELD RIVETED, BOLTED AND WELDED CONNECTIONS. C26-521.0 of the Administrative Code (8.6.2.9).

3.11.1 In tier structures less than 125 feet high, in which the height is less than two and one-half times the minimum horizontal dimension, all column splices and field connections may be bolted.

3.11.2 In structures in which the height is over 100 feet and is more than two and one-half times the minimum horizontal dimension, and in structures 100 feet or less in height in which the height is more than four times the minimum horizontal dimension, column splices and connections to columns shall be riveted or welded.

3.11.3 In structures over 125 feet in height and in all structures of a special character, connections of beams and girders to columns, and beams and girders bracing columns shall be riveted or welded. Column splices in structures 200 feet or more in height shall be riveted or welded. Column splices in tier structures less than 200 feet high (except as provided in the preceding paragraph) may be bolted.

3.11.4 All other field connections may be bolted (except that, in all structures, the connections for supports for running machinery or other moving loads shall be riveted or welded).

3.11.5 Within existing structures steel work for alterations, or additions (except to the main structural framework), which do not affect existing column splices, connections and other riveted or welded work, may be bolted.

3.12 COMPLETION OF WORK.
Upon the completion of all structural welding operations, the licensed architect or licensed professional engineer responsible for the design of the structure shall certify to the Superintendent that the fabrication and welding of such structure have been carefully inspected and that the requirements of his design and these Rules have been fulfilled in every respect by the contractor who has done the welding.

Rule 4. Board of Examiners for Welders.

4.1 The Board of Examiners for Welders provided for in C26-209.0 of the Administrative Code (2.3), shall be appointed by the Commissioner of Housing and Buildings from members of the staff of the Department as recommended by the Superintendents. All certificates of qualification issued shall be uniform for the five Boroughs. There shall be a separate certificate for gas welding and for electric arc welding, which certificates shall not be interchangeable and shall apply specifically to the type of work to be done and shall be issued in accordance with Rule 5.

4.2 WELDERS TO BE QUALIFIED. No person shall perform welding work on any structural member of a structure without having obtained a certificate of qualification from the Board of Examiners for Welders. C26-211.0 of the Administrative Code (2.3.2).

4.2.1 Before a certificate of qualification may be issued authorizing a person to perform welding work on any structural member of a structure, the person applying for such certificate shall have submitted to and satisfactorily passed an examination to determine his qualifications, conducted by Board of Examiners for Welders to be appointed by the Commissioner. A certificate of qualification shall be issued to each applicant having proved his qualifications and upon the payment of a fee of Two Dollars. Such certificate shall continue in effect for a period of one year unless sooner revoked or suspended and to be effective thereafter shall be renewed annually. The annual renewal fee shall be One Dollar.

4.2.2 No person shall be eligible for a certificate of qualification to perform welding work as provided in this section unless he is a citizen of the United States of America.

4.2.3 The Superintendent may revoke or suspend a certificate of qualification of any person, if workmanship on any structural welding is such as to indicate incompetency or negligence which might endanger a structure or result in injury to humans.

Rule 5. Qualification Test for Welders.

5.1 These qualification tests shall be conducted by the Board of Examiners for Welders or its representative but, in the discretion of the Board of Examiners for Welders documentary or other evidence, or both, that the applicant has passed the qualification test, conducted by a standard testing laboratory or an inspection by the Superintendent or his representative may be accepted as satisfactory proof of the applicant's fitness to make structural welds in accordance with Rule 5.4. Welders performing work outside New York City may be qualified under this rule. C26-381.0 of the Administrative Code (8.1.2).

5.2 Qualification for arc welding shall not constitute qualification for gas welding, and vice versa. Qualification for welding with bare electrodes shall not constitute qualification for welding with flux-coated electrodes, and vice versa.

5.3 The foregoing provisions are not intended to bar an applicant from further trial in case of one or more failures, or to require an operator who has passed the tests to qualify anew for every job he may undertake.

5.4 QUALIFICATION REQUIREMENTS.

5.4.1 Before issuance of a certificate of qualification by the Board of Examiners for welders the applicant shall have passed the qualification tests prescribed as follows:

5.4.2 The minimum qualification requirements shall be the welding of test specimens of the type shown in Fig. 2 and specified in Rule 5.4, each specimen to be tested for failure in a reliable tension testing machine and to develop ultimate resistance not less than 80 kips if welded with filler metal of grade 2, 4, 10 or 15; or 67 kips if welded with filler metal of grade 20, 30 or 40.

5.4.3 Two specimens shall be welded in the downward or flat welding position, two in the vertical welding position and if the operator is to perform overhead welding, two in the overhead welding position.

5.4.4 The form of test specimen shall be as shown in Fig. 2, consisting of four steel bars or plates connected by four approximately equal

fillet welds. The specifications of the bar steel shall conform to Rule 7. The welding edges of the splice bars shall be cut flat and square and any burrs shall be removed. The bars shall be clamped securely together and tack welded in proper position with the splice bars centered on the main bars and the faces of the main bars in true planes, in preparation for the test welding. Welding shall be performed with the same process (arc or gas), the same welding procedure, and the same type of electrodes or welding rods as are to be used in the work for which the operator is being tested; the diameter of electrodes or rods shall be the largest to be used in the work, for which the applicant proposes to qualify.

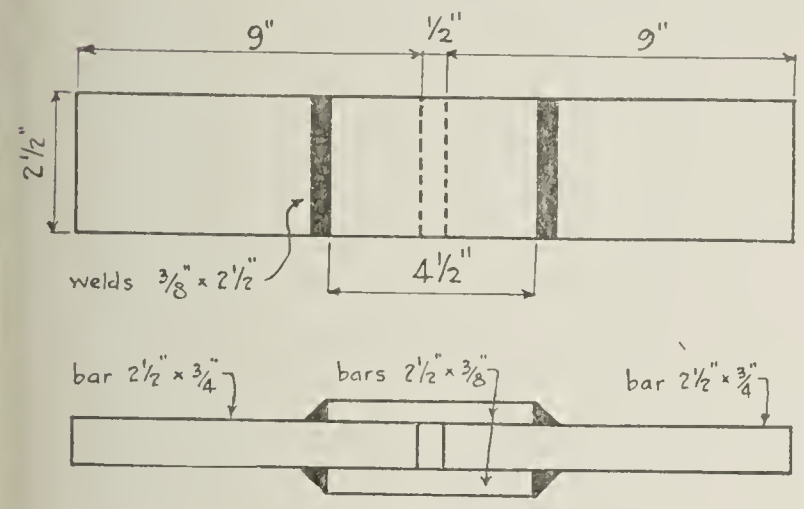


FIG. 2

Welds shall be made as nearly as possible to the designed dimensions, and in conformity with the practices set forth in Rule 6; at every cross-section the weld size in each direction shall be within 1/16 in. of the prescribed 3/8 in.

Rule 6. Quality of Welds.

The quality of welds permitted under these rules shall conform to the following requirements:

6.1 The Quality of Test Welds and Construction Welds shall fulfill all requirements with regard to shape and internal quality.

6.1.1 All lap welds shall indicate good penetration to the root of the weld and good fusion at both sides of the bead.

6.1.2 All fillet welds shall show absence of undercutting, proper shape of the bead, lack of overlaps and proper fusion.

6.1.3 All butt welds shall show good fusion without overlapping or undercutting.

6.2 UNDERSIZE WELDS. Undersize or undercut welds shall be built up by welding to conform to the weld cross-section called for in the drawings and specifications. The surface of previously deposited welds shall be cleaned of oxides or slag before any reinforcing weld metal is applied.

6.3 Shape.

6.3.1 Welds shall conform in shape to those shown on Figs. 3a and 4a and shall not be undersized

6.3.2 Surfaces of weld shall be reasonably smooth and uniform in contour. Weld metal along the toe of the weld shall not overlap the base metal surface but shall form an intimate contact therewith as shown in Figure 3.

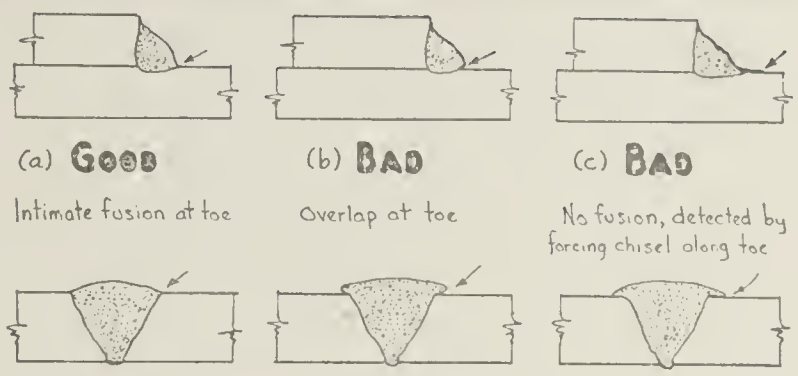


FIG. 3

6.3.3 INTERNAL QUALITY. The weld metal shall be sound throughout and shall be free from oxides, non-metallic inclusions and gas pockets. The weld metal shall be thoroughly fused with the base metal along all surfaces and edges of union, and shall penetrate into the root of the weld, as shown in Fig. 4a.

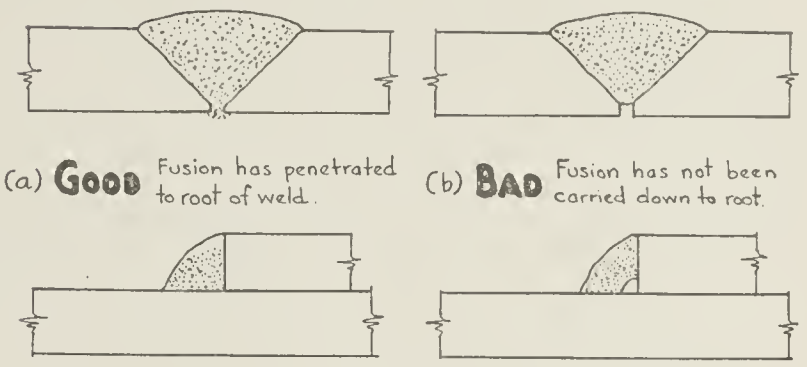


FIG. 4

6.3.4 WELD ENDS. The ends as well as the body of the welds shall conform to all the requirements of Rule 6.

Rule 7. Specifications and Tests of Welding Materials.

7.1 Structural steel shall conform to A.S.T.M. Specifications A-7-36 or A-9-36.

7.2 Filler metal (electrodes or welding rods) shall conform to all requirements of A.S.T.M. Specifications A205-37.T and the superintendent may accept certified test results from a reputable manufacturer that tests have been made in conformance with these specifications.

Rule 8. Gas Cutting of Structural Steel.

C26-526.0 (a) to (g) of the Administrative Code (8.6.3.2.1-7 inc.).

8.1 Contractors desiring to do gas cutting shall be required to satisfy the Superintendent as to their ability to produce satisfactory gas cuts.

8.1.1 Gas cutting shall be done by one experienced in this work and under the continual supervision, as provided in 9.1.

8.2 Gas cutting on any member while it is carrying stress is prohibited (except for detail cutting to correct minor fabricating errors where the removal of metal resulting from such detail cutting would leave unimpaired the required strength of the members to be cut).

8.2.1 Any field cutting of structural members to provide openings or to remove portions of flanges shall not be done, unless provided for in the design.

8.3 Gas cut edges shall be smooth and regular in contour.

8.4 Gas cutting may be used in the preparation of base metal parts for welding provided the edges are thoroughly cleaned after cutting so as to expose clean steel.

8.5 Gas cutting to replace the milling of surfaces is prohibited.

8.6 Gas cutting of holes in a member designed without provision therefor is prohibited.

8.7 The radii of re-entrant gas cut fillets shall be as large as possible and at least one inch. To determine the net area of members so cut, one-eighth inch shall be deducted from the gas cut edges.

Rule 9. Supervision and Inspection.

9.1 Any welding to be done on a structure or any part thereof shall be performed under the supervision of a representative of a standard testing agency or an inspecting agency responsible to the owner or licensed architect or licensed engineer. Such agency shall be acceptable to the Superintendent.

9.2 The agency as provided for in 9.1 shall take adequate means to assure that the preparing, gas cutting, assembling and welding of the joints of the structure conform to the design and that the resulting structure is free from deficiencies and injurious defects. He shall keep and submit daily to the licensed architect or licensed professional engineer responsible for the work adequate records of the progress of the work, of difficulties experienced, and of his decision of acceptance and rejection. His records shall allocate a definite and personal responsibility for his acceptance of every weld as to size, location, type of filler metal used and quality of workmanship, and shall evidence that no weld called for in the design has been omitted. He shall require that each welder stamp his identification symbol on his work, and the inspector after inspecting each weld shall do likewise.

9.2.1 He shall inspect for defects and irregularities, plate cracks adjacent to or behind welds crater cracks or cracks in the weld metal.

9.2.2 He shall gauge all welds for deficiency of throat or other critical cross-section.

9.2.3 He shall carefully observe and reject undercutting, overlap or lack of fusion at edges of weld, lack of penetration, or porosity, location of craters, size and shape of bead, and order occasional chipping to determine penetration and correct all or any irregularities of workmanship contrary to the design.

9.3 The contractor who is to do welding shall submit to the Superintendent a statement that the work will be done in accordance with these rules and the Administrative Code and shall include in such statement, the detailed procedure he proposes to follow, which shall include the following:

That each welder or group of welders shall be under the continual supervision of an experienced foreman.

That only welders qualified under these rules be employed. Each welder shall exhibit, when required, his Certificate of Qualification.

That each welder shall be provided with proper gauges to check his work.

That the foreman shall be able to read blueprints and shall lay out and allocate the work each welder is to perform and he shall carefully observe the burn-off of the electrode; the fusion, and penetration of crater; the formation of the bead; and the sound of the arc.

That only the base metal and filler metal conforming to the job specifications and these rules be used.

That the welding equipment furnished shall have proper characteristics to allow good work.

That whenever deemed necessary by the Superintendent, such tests of the finished welds, shall be made as required by him.

Rule 10. Workmanship on Welded Structures.

10.1 The arrangement of the joints to be welded shall be such as to enable the operator to have an unobstructed view of the surfaces to be welded at all times during the welding operation.

10.2 Welds found deficient in dimensions, but not in quality may be enlarged by additional welding. Where a deficient weld renders the weld inaccessible or has caused new conditions which would make reinforcement dangerous or ineffectual, the weld shall be removed and original conditions restored or in lieu thereof a revised design, correcting this condition shall be submitted to the superintendent. Any weld found deficient in quality, size, or made contrary to the requirements of these rules shall be removed by chipping or melting and shall be remade. The weld metal shall be removed throughout its depth to clean base metal. A cracked weld shall be removed throughout its entire length.

The cutting or chipping of a weld shall not extend into the base metal. In removing welds, care shall be taken not to burn or otherwise injure the base metal and after melting the exposed base metal shall be cleaned by chipping and wire brushing.

10.3 TACK-WELDS. In making tack-welds, the same precautions should be observed as when starting welds. Where a designed weld will later be made over the tack-weld, the tack-weld shall be made with the same care as required for designed welds.

Whenever tack-welds are located where a designed weld will later be made, they shall be made according to the foregoing requirements. When encountered in the final welding operation, they shall be thoroughly fused in with the final weld. Tack-weld should be thickest at the center and should taper at both ends for convenience in carrying the regular weld over the tack-weld (see Fig. 19).

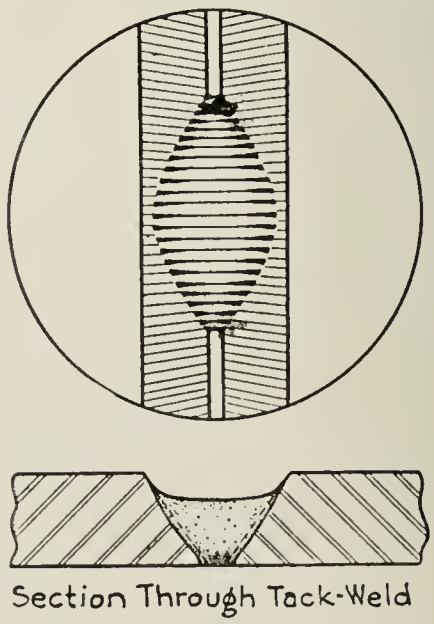


FIG. 19

10.4 Surfaces to be welded shall be free from mill scale, rust, paint or other foreign matter. A thin coat of

linseed oil or its equivalent over the surfaces to be welded need not be removed. These provisions shall apply to new structures and where new steel is to be welded to steel in any existing structure.

Structural steel shall not be painted on any areas where shop or field welding is to be performed, except that a coat of linseed oil without pigment may be used for temporary protection. However, structural members which have been painted, may be welded, provided that the paint is completely removed from the areas to be welded. Parts which are welded in the shop, to be erected by bolts or rivets, shall receive the usual painting if any is required after the shop welding is finished. Parts to be field welded shall receive a coat of linseed oil after shop work is completed, and after erection and field welding, they shall be given two coats of acceptable metal protection if painting is required. C26-522.0 of the Administrative Code (8.6.2.10).

10.5 Where rivets are under load there shall be no welding at the connections between structural members so riveted unless precautions are taken to prevent loss of tension of rivet in a manner approved by the superintendent. See 3.11.5.

10.6 In assembling and during yelding, the component parts of a built up member shall be held by sufficient clamps, or other adequate means shall be employed for temporarily fastening the members together and bracing the framework until the joints are welded. This shall consist of erection bolts or positive devices imparting sufficient strength and stiffness to resist all temporary weights and lateral forces, including wind.

For all welded structures, erection bolts, or equivalent means shall be employed for temporarily supporting the members, and existing loads, and for insuring proper alignment.

The temporary support of girders carrying columns or other heavy loads shall be made rigid by such means as shall be designed by the licensed architect or licensed professional engineer in charge and approved by the Superintendent.

In tier building erection, members shall not be erected more than two tiers, or more than one-column length above any column connections yet unwelded.

Rule 11. Metal Chimneys and Tanks.

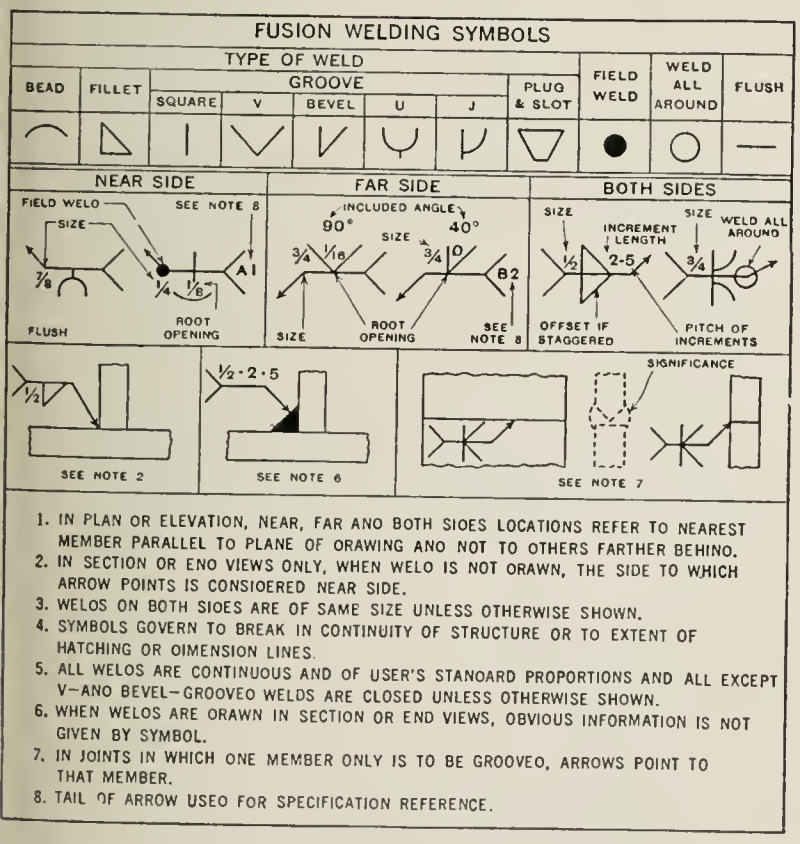
Metal Chimneys and Tanks and all materials entering into their construction, when welded, shall conform to these Rules.

APPENDIX.

The following is not to be considered as part of the Rules for Fusion Welding and Gas Cutting, but is printed for general information only:

I. Weld Symbols.

To provide for uniformity when plans are filed with the superintendent symbols for fusion welding and a method of showing them on drawing shall be as shown in figure 1.



NOTE: All dimensions in inches.

FIG. 1

II. Sizes, Chemical Composition and Tests of Filler Metal.

Standard sizes of filler metal are as follows: 1/16, 3/32, 1/8, 5/32, 3/16, 7/32, 1/4, 5/16 and 3/8 in. in diameter. In the case of coated or covered filler metal, the standard sizes refer to the diameter of the core wire.

TABLE 1.—TENSILE REQUIREMENTS FOR DEPOSITED METAL.

Grade	Base Metal	Treatment of Welded Specimen *a*	All-Weld Tension Test: Tensile Strength, min., lb. per sq. in.	All-Weld Tension Test: Elongation in 2 in., min., per cent
No. 2..	Firebox quality steel plate, tensile strength 55,000 lb. per sq. in., min.; or Steel for bridges, tensile strength 60,000 lb. per sq. in., min., with carbon not over 0.25 per cent and manganese not over 1.00 per cent., or equivalent steels.	stress-relieved	80 000	20*b*
		non-stress-relieved	80 000	15*b*
No. 4..	same as for Grade No. 2	stress-relieved	75 000	20*b*
		non-stress-relieved	75 000	15*b*
No. 10.	same as for Grade No. 2	stress-relieved	60 000	25
		non-stress-relieved	60 000	20
No. 15.	same as for Grade No. 2	stress-relieved	60 000	20
		non-stress-relieved	60 000	17
No. 20.	same as for Grade No. 2	stress-relieved	52 000	10
		non-stress-relieved	55 000	7
No. 30.	same as for Grade No. 2	stress-relieved	45 000	7
		non-stress-relieved	47 000	5
No. 40.	same as for Grade No. 2	stress-relieved	45 000	5
		non-stress-relieved	47 000	3

a Stress-relieving where called for in these specifications is for the purpose of developing the fundamental properties of the weld metal unaltered by locked-up stress. Values obtained from stress-relieved welded specimens are about 5 per cent lower in tensile strength and 10 to 20 per cent higher in ductility than those of non-stress-relieved specimens. The fact that a filler

metal test requires stress-relief signifies only that it must develop the strength required regardless of stress-relief, and not that stress-relief must always be used in actual work. Stress-relieving shall be within the range of 1100 to 1200 F. for 1 hr. per 1 in. of thickness. Gas-welded specimens may be heat-treated at higher temperatures than the temperature specified above for stress-relief.

b It is immaterial how these high physical properties are obtained, that is, whether by carbon-steel filler metal with manganese and silicon contents or by the use of some other alloying elements, but the total amount of such other elements shall be less than 4 per cent.

CHEMICAL COMPOSITION.

The filler metal shall be capable of depositing metal conforming to the following requirements as to chemical composition:

Phosphorus, max., per cent	0.04
Sulfur, max., per cent	0.04

CHEMICAL ANALYSIS.

For arc-welding electrodes, the sample for analysis shall be prepared as follows: A specimen of standard base metal (see Table 1 below) of sufficient size, shall be prepared, and a pad of five superimposed layers of arc metal deposited thereon. The fifth or top layer shall be ground or machined away and discarded. The fourth layer shall be carefully milled off and used for the analysis specified.

For gas-welding rods, the sample for analysis may be prepared as described in preceding paragraph, except that three layers shall be considered sufficient and the top layer used for the analysis, or analysis may be made of the welding rod. In the latter case, ten rods shall be selected at random from the lot, and milled in such manner as to represent the entire cross-section.

TEST SPECIMENS.

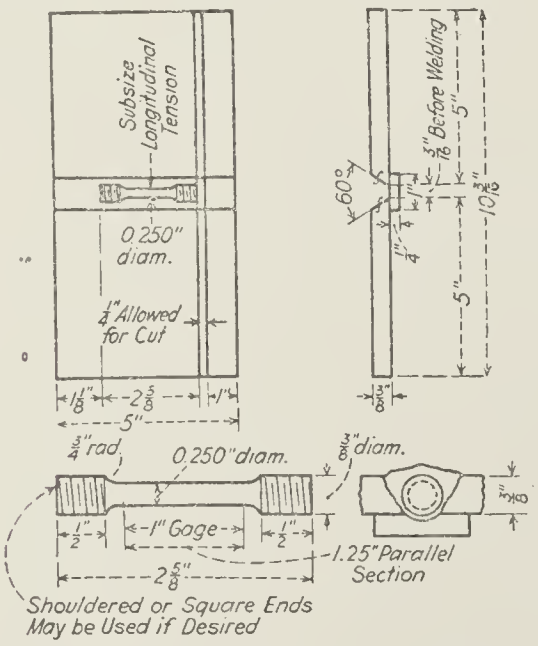
ALL WELD METAL TENSION TESTS. The deposited metal shall conform to the minimum tensile properties specified in Table 1.

SPECIMENS (Test).

From each lot of each size of filler metal, a sufficient number of electrodes or welding rods shall be selected at random and a deposited metal specimen prepared. The specimen shall be prepared in accordance with its proposed use.

For 1/16, 3/32 and 1/8 in. filler metal, a plate 3/8 in. in thickness shall be prepared as illustrated in Fig. 5 and the sub-size all-weld tension specimen prepared as shown.

For 5/32 in. and larger sizes of filler metal, a plate 3/4 in. in thickness shall be prepared as illustrated in Fig. 6 and the tension specimen prepared as shown.



NOTE 1.—The above plate shall be used for 1/8-in. filler metal.
NOTE 2.—Welds shall be deposited in either layers or beads.
NOTE 3.—Welds in vertical position shall be deposited upwards.
NOTE 4.—Electric welds shall cool to at least 100 F. between the deposition of each layer or bead.

Test Plate for 1/8-in. Diameter Filler Metal and Method of Machining Specimen.

FIG. 5

Test plates shall be so supported that warping due to welding shall not throw the finished test plate out of line by an angle of over 5 deg. If plates are warped, they shall be straightened cold before being stress-relieved where required.

SPECIAL TESTS. The Superintendent or his representative may require such additional standard tests as will properly develop the strength of the filler metal.

RETESTS. If any tension test specimen fails, additional test plates shall be prepared at the direction of the inspector.

ELECTRODES FOR MANUAL WELDING. In the case of coated or covered electrodes for manual welding, about 1 in. of the electrode shall be bare or free from coating at the one end for making contact with the holder. The arc end shall be sufficienty bare to permit easy striking of the arc, but the length of the bare portion of the arc end, measured from the end to the point where the full cross-section of the coating obtains, shall not exceed one nominal diameter.

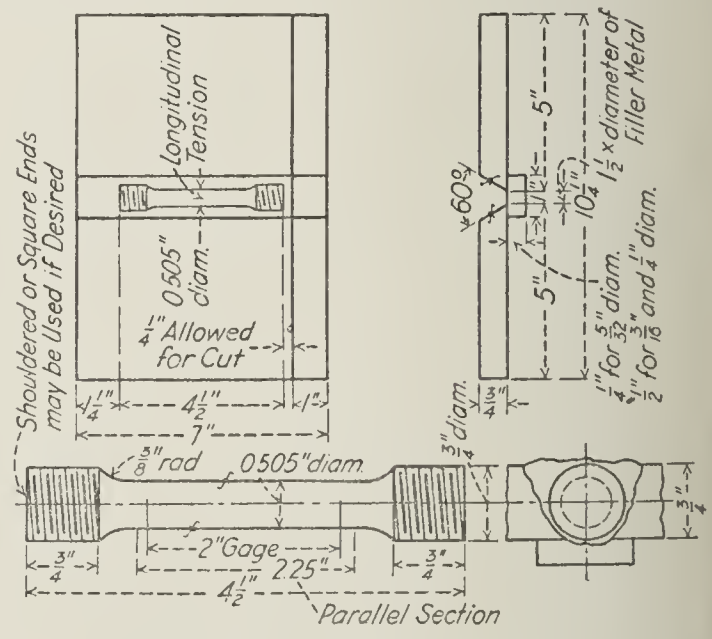
PREPARATION OF FILLER METAL.

Uncoated filler metal and the core of coated or covered filler metal shall be of uniform quality free from injurious segregation, oxides, pipe, seams or other irregularities.

On coated or covered filler metal, the coatings and coverings shall be such that they are not readily damaged by ordinary handling and shall be of commercially uniform thickness and shall present a workmanlike appearance. Coatings and coverings shall be free from injurious scabs, blisters, abnormal pockmarks, bruises or other surface defects.

The surface of gas-welding rods and bare electrodes shall be smooth and free from harmful scale, oil, or grease and shall be plain or copper finished, as specified.

Cross-sectional dimensions shall not vary from that specified by more than 3 per cent.



NOTE 1.—The above plate shall be used for filler metal 5/32-in. in diameter and larger.
NOTE 2.—Welds shall be deposited in either layers or beads.
NOTE 3.—Welds in vertical position shall be deposited upwards.
NOTE 4.—Electric welds shall cool to at least 100 F. between the deposition of each layer or bead.

Test Plate for Filler Metal 5/32-in. in Diameter and Larger and Method of Machining Specimen.

FIG. 6

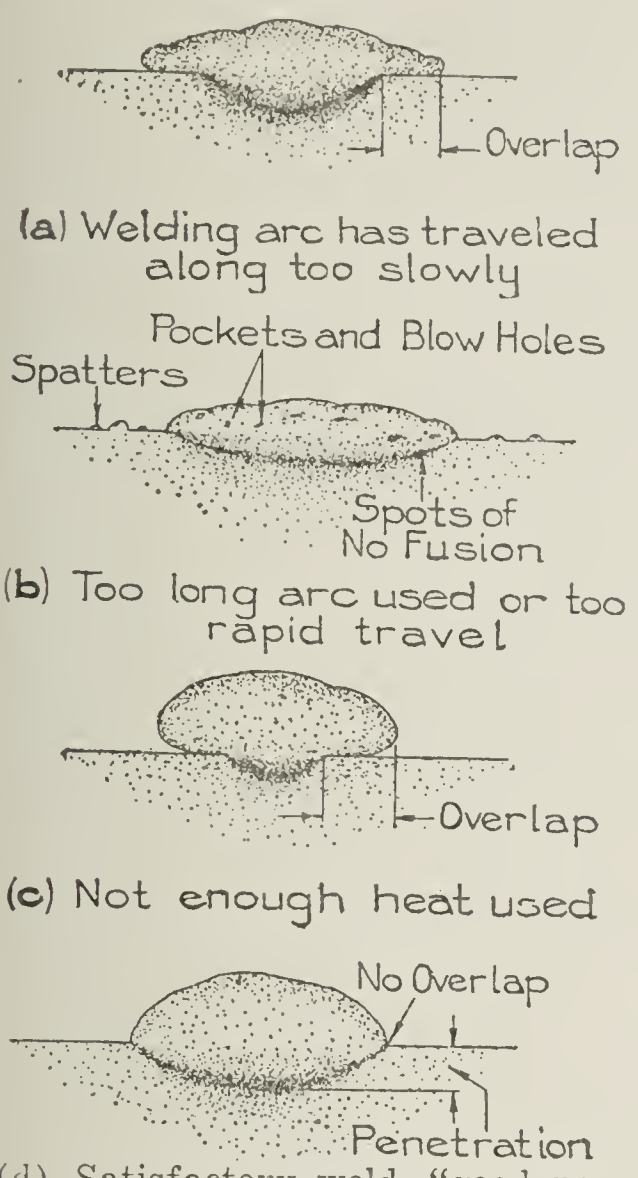
REQUIREMENTS FOR ARC WELDS

III. Bare and Lightly Coated Electrodes.

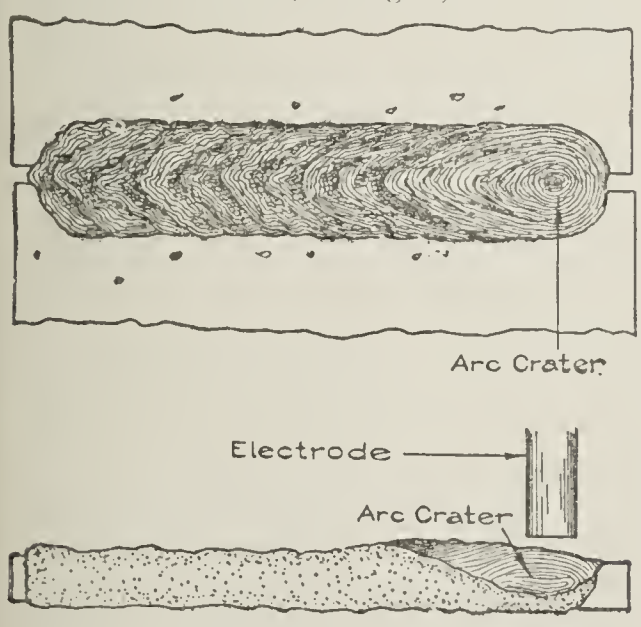
WELDING ARC. Unsound welds, insufficient penetration and overlap in general, resulting from improper arc

length and amount of current and incorrect rate of travel, are prohibited. The characteristics of these different conditions are illustrated in Figs. 7 and 8.

FIG. 7



DEPTH OF CRATER. The depth of arc crater should not be less than 1/16 in. (see Fig. 8).



Longitudinal section of deposited metal showing penetration and arc crater.

FIG. 8

LENGTH OF ARC. In manual metal arc-welding, proper fusion, penetration and soundness of weld shall be secured by using as short an arc as can be maintained for each form of weld. A typical example of proper arc length for given thickness of base metal and for a 3/8-in. fillet weld is shown in Fig. 9. When properly manipulated, the arc will throw a steady shower of small sparks, and (in the case of bare electrodes) will be accompanied by a regular, crackling, snappy sound with fractional intervals less than

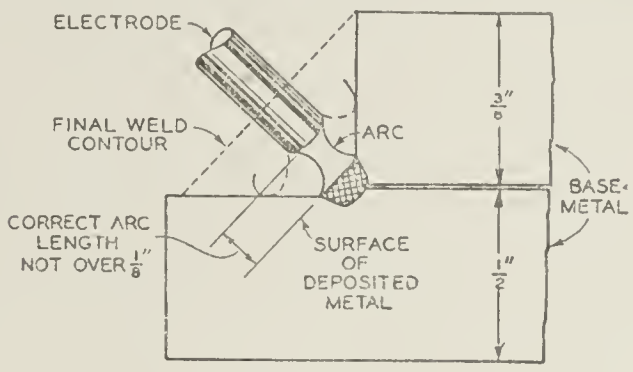


FIG. 9

one-half second between explosions. With a given current, the length of arc depends upon the arc voltage which should not exceed 20 volts.

CURRENT. The amount of current shall be such as will best suit the arrangement and the thickness of the base metals to be joined. Sizes and current values shall conform to those given in Table 2. In special cases other approved sizes and currents may be specified, when permitted by the Superintendent. The current and voltage used shall be measured by suitable meters, either mounted on the arc welding machine panel, or portable, for use at the point of welding. Allowance shall be made for line drop where the meters are not adjacent to the point of welding.

Table 2—Current Values and Sizes of Bare and Lightly Coated Electrodes for Various Sizes of Welds

Size of Weld In.	Minimum Number of Layers	Electrodes and Current Values
1/4	1	In all these cases use either 5/32-in. electrodes with 160-180 amps., or 3/16-in. electrodes with 180-225 amps.
3/8	1	
1/2	2	
5/8	2	
3/4	3	

MANUAL OPERATION OF ARC. The arc shall be started by drawing a long arc momentarily to preheat base metal before deposition of filler material to insure thorough fusion at start of weld, or it shall be started moving a short arc rapidly back and forward over a limited area at start.

In case of a long weld where more than one electrode is used, the arc shall be re-started about 1/4 in. to 3/8 in. ahead of the crater, going back over the crater to properly fill it and keep a uniform contour, thus insuring proper preheating as in start of weld.

On single layer welds the arc shall progress with either a straight forward motion or an oscillatory motion depending on size of joint to be filled to bring it up to proper contour and insure proper fusion in root zone.

In multi-layer welding the first layer shall be deposited by moving the arc in a straight forward motion to secure proper fusion in the root zone, while subsequent layers shall be deposited with an oscillatory motion to build up the weld to the proper contour. The first layer shall be

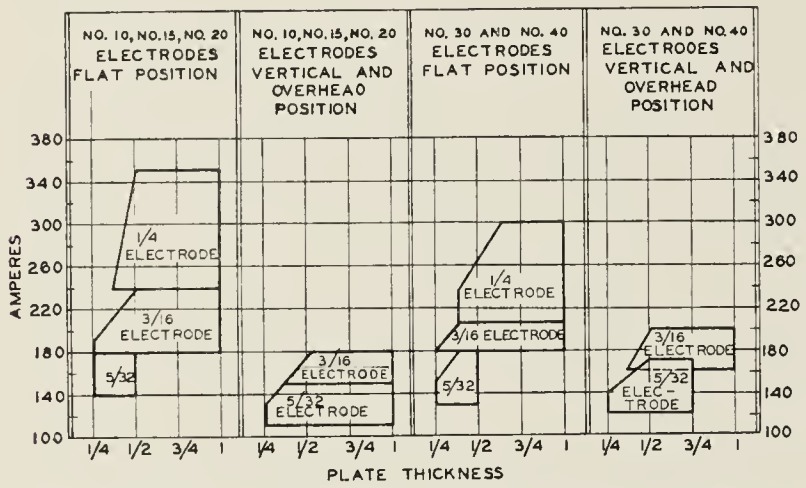
made with an electrode small enough to get thorough penetration at the root zone.

Each layer shall be thoroughly cleaned by brushing or chipping to remove all excess scale and oxides before depositing succeeding layers. The surface of each layer shall be reasonably smooth and uniform in contour.

IV. Heavily Coated Electrodes.

WELDING PROCEDURE. In making welds with heavily coated electrodes the procedure recommended by the manufacturer of the electrodes being used shall be followed, but if such instructions are not available, the procedures given below shall be followed.

CURRENT. The amount of current shall be such as will best suit the arrangement and the thickness of the base metal to be joined. The current ranges in Fig. 10 are given as a guide in selecting the best operating conditions for various electrode sizes and plate thicknesses for flat, vertical and overhead welding. In special cases, other approved sizes and amounts of current may be specified. The current and voltage used shall be measured by suitable meters, either mounted on the arc welding panel, or portable, for use at the point of welding. Allowance shall be made for line drop where the meters are not adjacent to the point of welding.



Current Values and Sizes of Heavily Coated Electrodes for Various Plate Thicknesses for Manually Welded Operations.

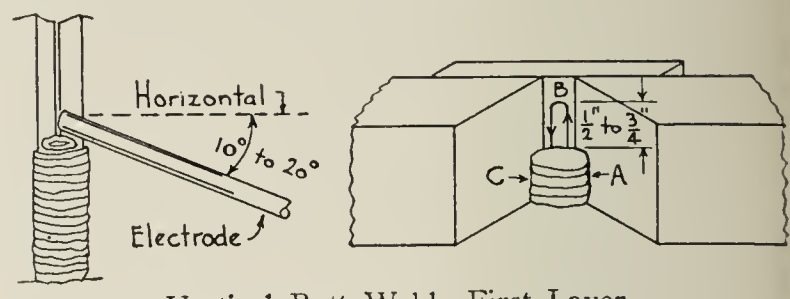
FIG. 10

WELDING PROCEDURE FOR FLAT BUTT WELDS. In making butt welds on bevel joints, weave the electrode from one side of the joint to the other. This weaving may not be necessary on the first pass. These oscillations shall be regulated so that the weld metal fuses into the side walls without directing the arc against the walls. This shall be accomplished by pointing the electrode downward and allowing the outer edges of the arc to play lightly on the walls. A stay shall be made long enough on the turns to insure complete fusion into the side walls.

The travel speed shall be regulated to limit the thickness of the layer per pass to not more than ⅛ in.

WELDING PROCEDURE FOR VERTICAL AND OVERHEAD BUTT WELDS. One-eighth (⅛)-in. and 5/32-in. diameter electrodes should be used in the vertical and overhead welding positions, but the 3/16-in. diameter may be used in vertical welding when necessary.

Vertical welds shall be made by welding upward. The first pass should be started by oscillating or weaving the electrode from side to side (Fig. 11*A*) to produce a weld metal bridge across the "V." Then the arc is to be moved rapidly upward for ½ to ¾ in. along the bottom of the "V" (Fig. 11*B*), drawing a long arc (about 30 volts), and then back down to the crater again (Fig. 11*C*), shortening the arc to its previous length. The movement up and down should require about 1/3 sec. and should be easily accomplished with a bending action of the wrist. Its purpose is to allow the molten metal in the pool to solidify and to preheat the plates ahead of the crater.

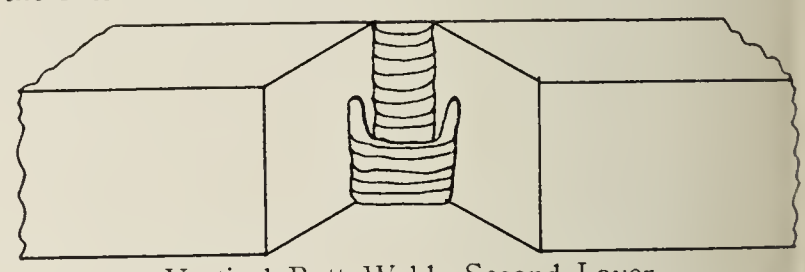


Vertical Butt Weld—First Layer.

FIG. 11

The above cycle of operation shall be repeated all the way up, each time depositing a thin layer of metal on top of the preceding layer. The travel speed on the first pass shall be regulated to limit the deposit to the equivalent of about a ¼-in. fillet weld. On succeeding passes, the thickness shall not exceed ⅛ or 5/32 in. The successive passes shall be made by this up and down technique or by successive horizontal weaving.

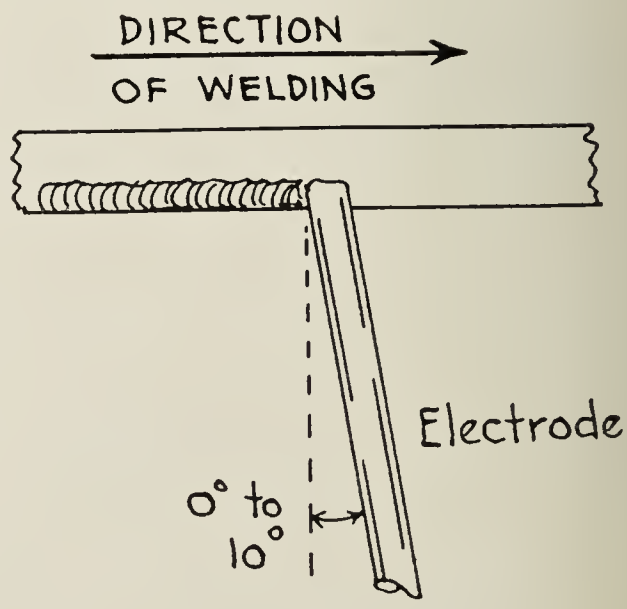
If, in making the second and succeeding passes, a procedure similar to that of the first pass shall be used, the motion (Fig. 12) to be across the pool or shelf, then upward and back at one side of the "V," then across the shelf to the other side, and up and back to the shelf again. The up and down motions shall be done rapidly, lengthening the arc while doing so. If the procedure of weaving straight across is used, it shall be similar to the above except that the up and down motion at each end of the shelf is eliminated.



Vertical Butt Weld—Second Layer.

FIG. 12

For overhead butt welds, the procedure shall be the same as that previously described for vertical welds. The electrode shall be pointed upward and sometimes leaning slightly forward, as shown in Fig. 13. A shelf on which to work shall be deposited at the start and the cycles of operation shall be the same as those for vertical welding.



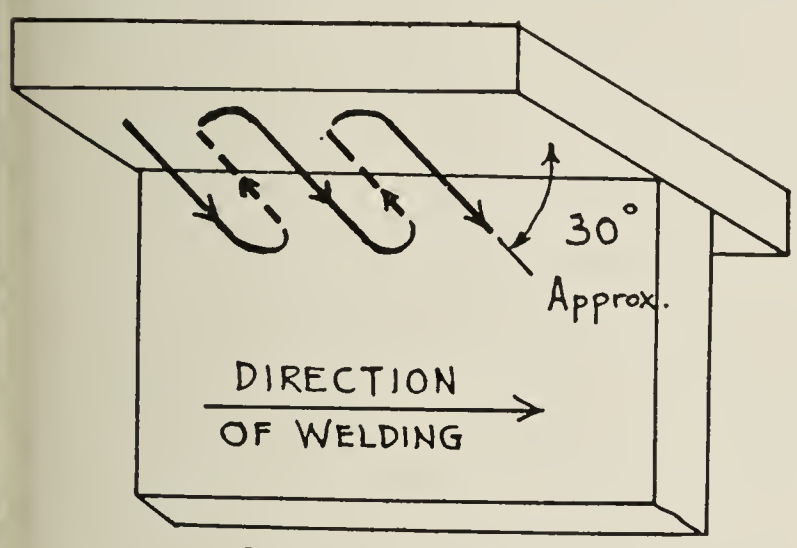
Overhead Butt Weld.

FIG. 13

WELDING PROCEDURE FOR FLAT AND OVERHEAD FILLET WELDS. For light fillet welds (¼ in. or less) and the first pass of multiple pass welds, the electrode shall be moved only in the direction of travel. The second and successive passes or heavy single-pass welds (⅜ in. for example) shall be made by weaving the electrode in a plane making an angle of about 30 degrees with the underside of the plate, as shown in Fig. 14. The solid line represents actual welding. The dotted line represents an upward skip done in about 1/3 sec.

WELDING PROCEDURE FOR VERTICAL FILLET WELDS. Vertical fillet welds shall be made in the same manner as vertical butt welds.

WELDING PROCEDURE FOR MULTI-LAYER FILLET WELDS IN ANY POSITION. In certain cases fillet welds in sizes up to ⅜ in. may be made in a single pass by holding the electrode at a suitable angle and moving it along at a uniform rate. Where the fillet weld

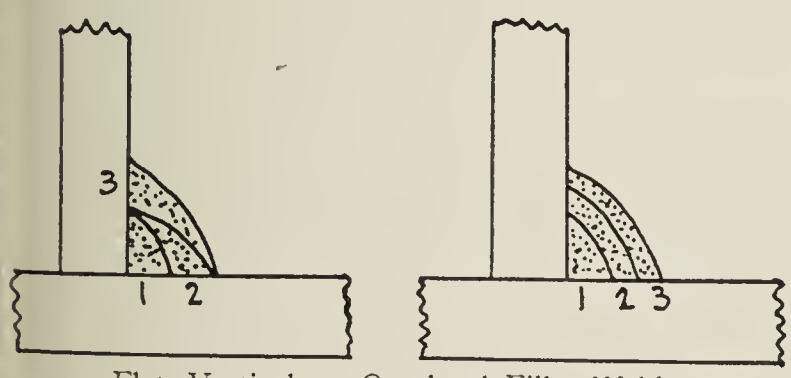


Overhead Fillet Weld.

FIG. 14

requires more than one layer, the second and subsequent layers shall be deposited as a complete spread over the previously deposited metal or in two or more parts as shown in Fig. 15.

ALTERNATE METHODS OF MAKING MULTI-LAYER WELDS



Flat, Vertical, or Overhead Fillet Weld.

FIG. 15

V. Requirements for Gas Welds.

WELDING FLAME. Torches may be either single or multiple flame. The adjustment of the welding flame shall be the same as used in the qualification tests.

The size of the inner cone or inner cones shall be regulated for varying thicknesses of base metal so that the proper amount of heat and flame condition is obtained to properly perform the welding operation. The criterion for welding flame regulation is that the inner cone or inner cones should be of a size and character which produce sufficient heat to maintain the welding puddle in a quiet molten state, and to cause fusion of the welding puddle with the base metal.

The orifice of the welding tip shall be kept clean at all times during the welding operation so that the regular and symmetrical inner cone or cones can be maintained.

WELDING ROD. The size of the welding rod to be used shall be such that the rod shall be of sufficient diameter to maintain the welding puddle in a quiet molten state.

STARTING WELDS. In starting a weld, the base metal shall be heated to a dull red for a distance of from 1 to 2 in. along the joint so that the point of welding can be brought to the fusion temperature evenly before welding rod is added. If the weld is stopped for any reason, the same precautions should be observed upon restarting.

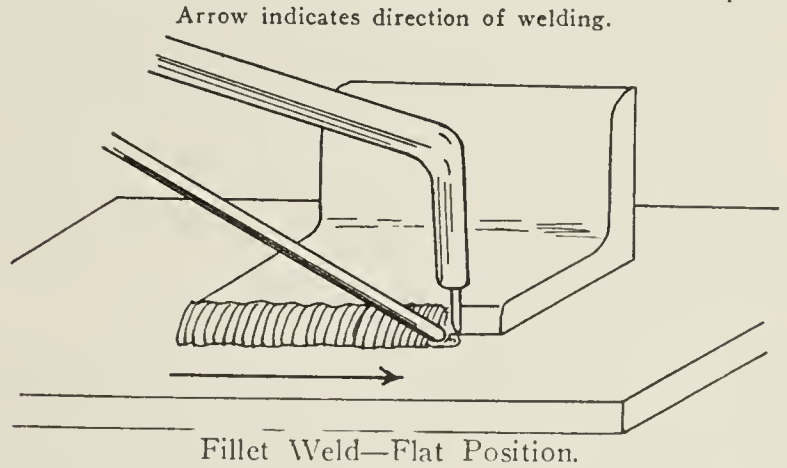
WELDING TECHNIQUE—GENERAL. The welding torch and welding rod shall be manipulated so as to maintain a definite puddle of molten weld metal without overheating either the base metal or deposited metal. The end of the welding rod shall be kept within the limits of the puddle at all times, particular care being taken not to disturb the rear edge of the puddle which might cause slag on the surface to become entrapped in the weld metal. In manipulating the flame, the tip of the inner cone shall preferably not touch either base metal, puddle or welding rod.

Either backhand or forehand technique may be employed. The various positions of welding rod and flame with respect to each other in backhand and forehand techniques are illustrated in Figs. 16 and 17.

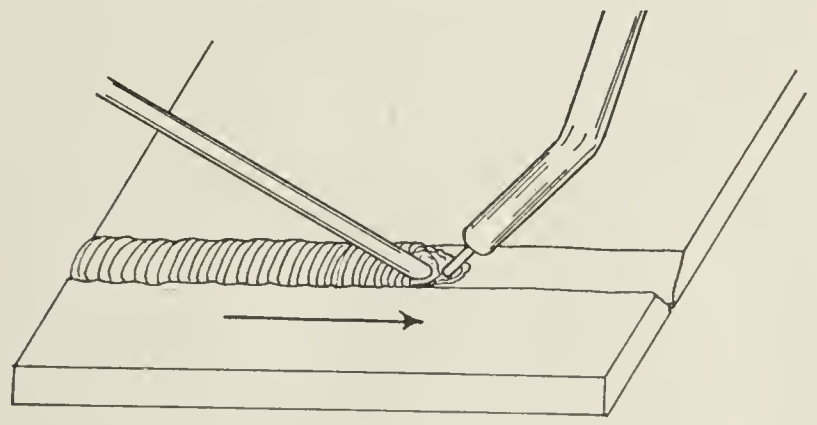
In carrying the puddle forward, the base metal surfaces just in advance of the puddle shall be prepared for fusion with the puddle by melting sufficient surface metal to remove oxides and expose sound base metal. In some cases this depth of melting may be 1/32 in. or less. Manipulation of the rod and flame in controlling the puddle shall

FIG. 16

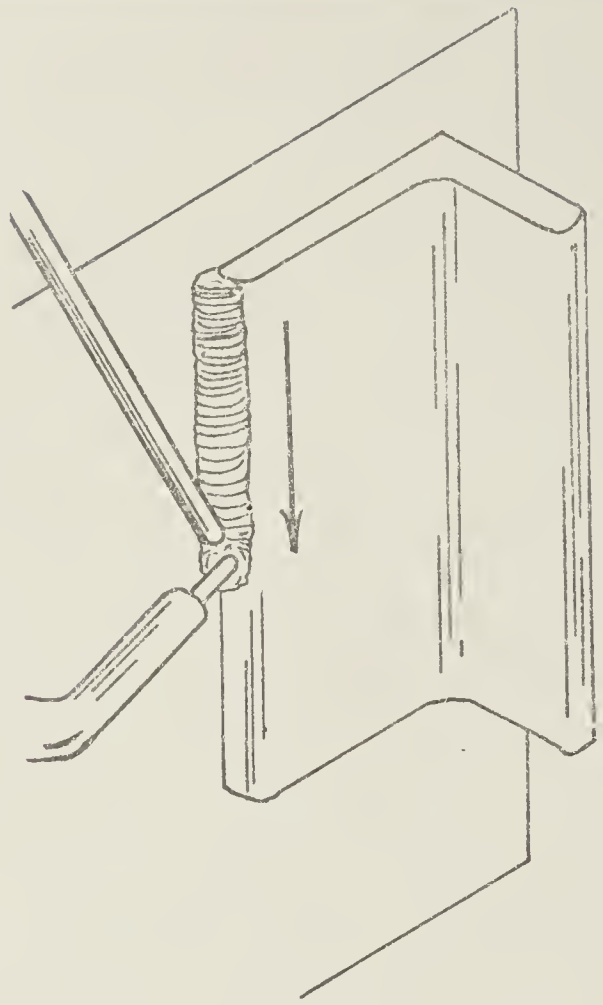
Positions of Rod and Flame in Backhand Technique.
Arrow indicates direction of welding.



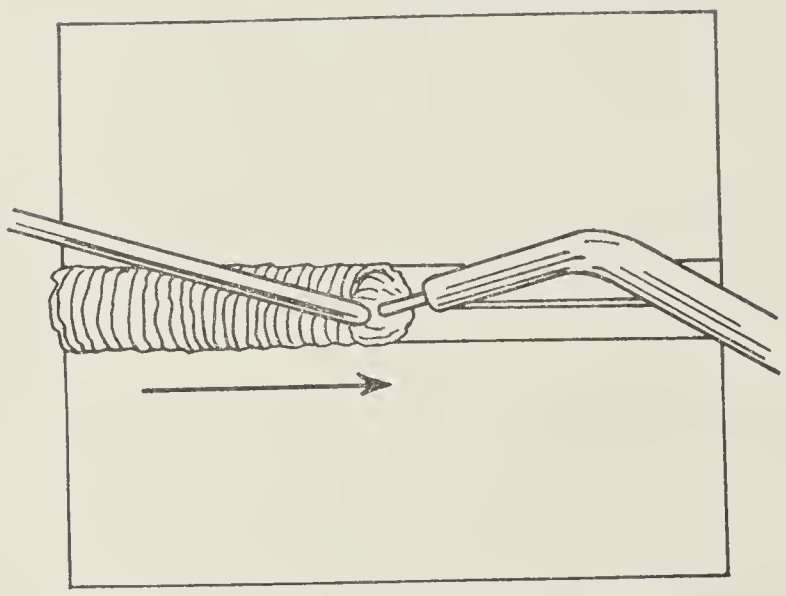
Fillet Weld—Flat Position.



Butt Weld—Flat Position.



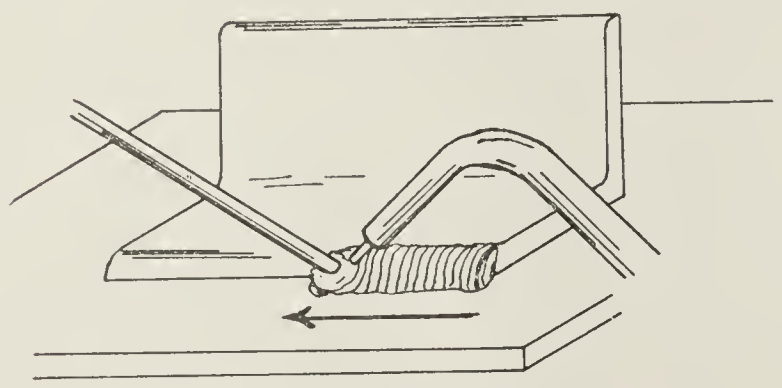
Fillet or Butt Weld—Vertical Position.



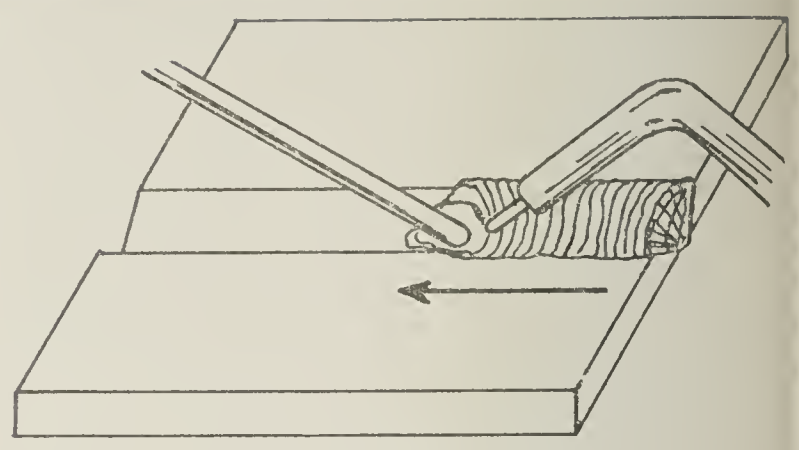
Fillet or Butt Weld—Horizontal Position.

FIG. 17

Positions of Rod and Flame in Forehand Technique.



Fillet Weld—Flat Position.



Butt Weld—Flat Position.

be such that at no time is molten metal from the puddle permitted to flow ahead until this melting has occurred.

For welding in positions other than flat, it shall be permissible to carry a fairly shallow puddle for convenience in controlling it. When using backhand technique, this shall be done by distributing the molten metal in the puddle with the end of the welding rod, providing the puddle is kept sufficiently molten so that surface oxides do not become entrapped in the weld.

FILLET WELDS. When fillet welding in the flat position, there is a tendency for the top plate to melt before the bottom plate. This shall be avoided by pointing the flame more against the lower plate as shown in Figs. 16 and 17. It is essential that fusion be secured at the inside corner or root of the joint, the welding rod and inner cone shall be manipulated so this result will be secured. If desired, the welding rod may be stirred lightly, well within the bounds of the puddle, to maintain a shallow puddle and distribute the molten metal so as to obtain readily welds of proper size and shape.

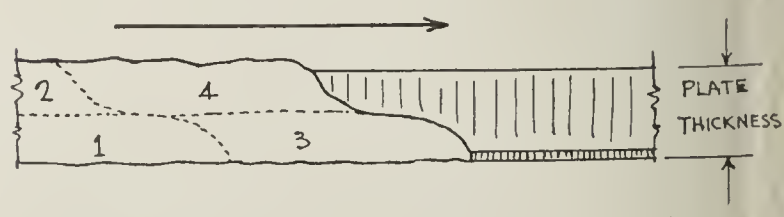
BUTT WELDS. When butt welding in the flat position, manipulation of rod and inner cone shall be such that the bottom of the vee is fused together at the same time but in advance of the upper walls of the vee so that the weight of the puddle does not cause molten metal to sag inside the joint. Where spacing of the joint exceeds 1/6 in., it is allowable to weld the bottom of the vee together in a separate operation, ½ in. to 1 in. at one time ahead of the principal point of welding.

MULTI-LAYER WELDING. Multiple layer welding may be used in place of single layer welding for all positions of welding and thicknesses of metal, but especially for welds of larger size. The criterion shall be the size of puddle that can most effectively be carried by the welder for the particular position of welding. If the completion of a weld in one layer requires a puddle larger than indicated by this criterion, two or more layers shall be made.

The layers of the weld may be made continuously for the full length, or the welding may be done by the "step" method illustrated in Fig. 18.

FIG. 18

"Step" Method of Multi-Layer Welding.

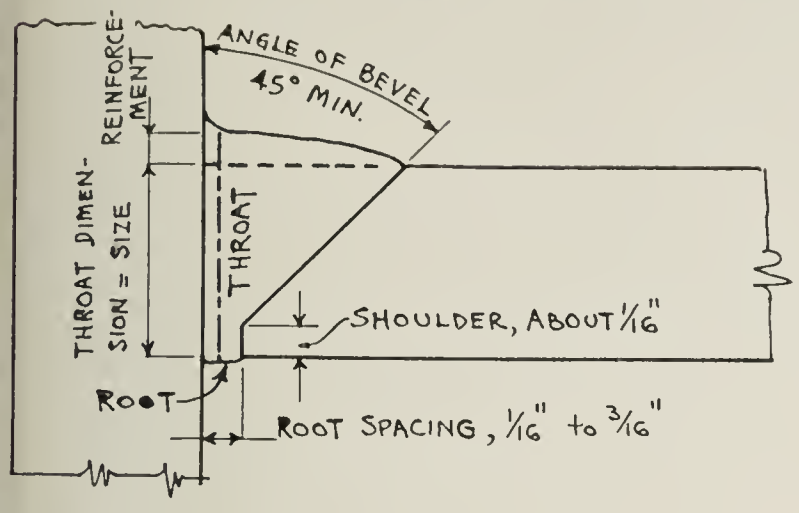


Sequence of "Step" Welds Shown by Numbers.

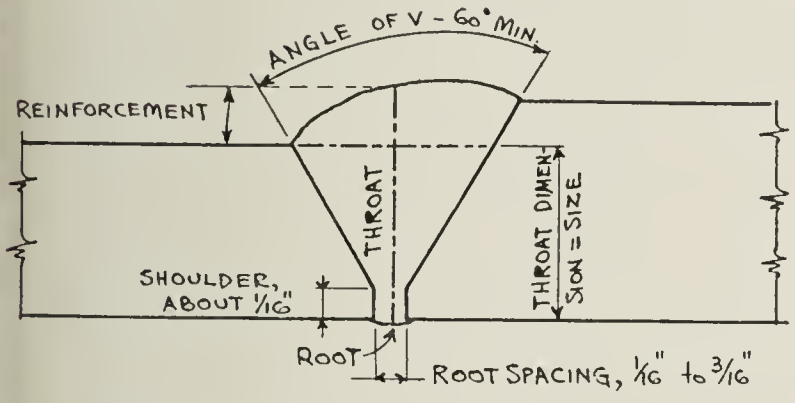
VI. Illustrations of Butt and Fillet Welds.

RULES

FIG. 20

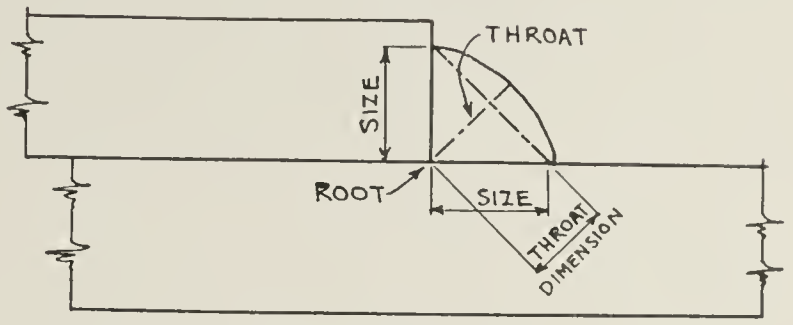


Single Bevel Butt Weld.

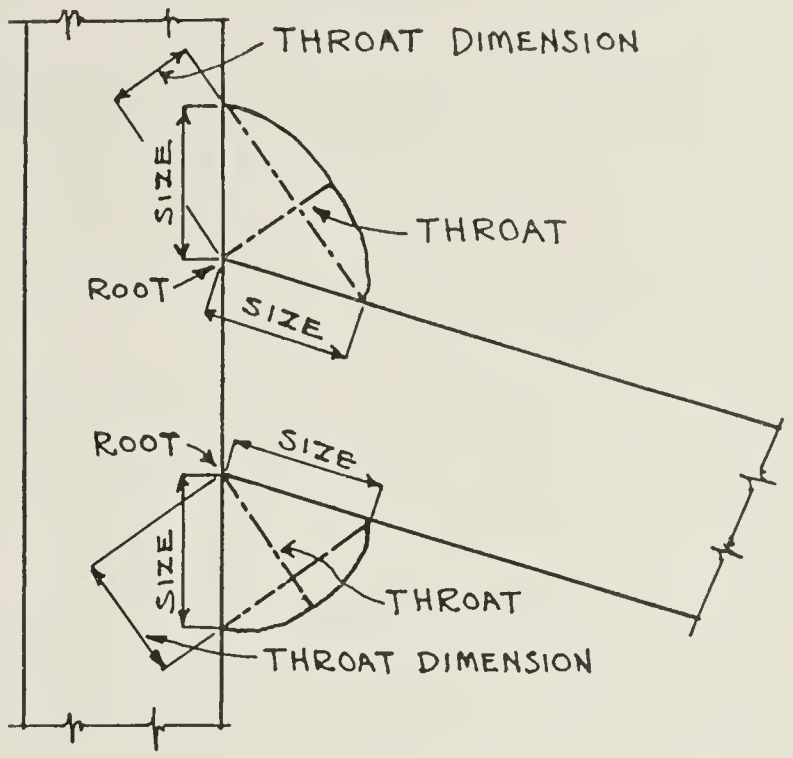


Single-V Butt Weld.

FIG. 21



Right Fillet Weld.



Oblique Fillet Weld.

APPROVED APPLIANCES

APPROVED FIRELINE HOSE VALVES

TYPE A—150 LBS. WATER WORKING PRESSURE

May be installed on all 4-inch and 6-inch systems and on uppermost stories on 8-inch systems

Name	*Calendar No.*
Fairbanks Company	81-20-SA
Walworth Company	899-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Croker National Fire Prev. Eng. Co.	304-28-SA
Jenkins Brothers	779-28-SA
W. D. Allen Mfg. Co.	890-28-SA
John Simmons Co.	209-29-SA
Grinnell	651-30-SA
Elkhart	14-31-SA

TYPE B—250 LBS. WATER WORKING PRESSURE

May be installed on all standpipe systems

Name	*Calendar No.*
New York Brass Foundry Co. (Stillbech)	53-21-SA
Walworth Company	900-27-SA
W. D. Allen Mfg. Company	1151-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Jenkins Brothers	780-28-SA
Croker National Fire Prev. Eng. Co.	970-28-SA
Fairbanks Company	268-29-SA
Pratt & Cady	231-30-SA
Elkhart	15-31-SA

APPROVED FUEL OIL FILL PIPE TERMINALS

Name	*Calendar No.*
Fee and Mason	10-36-SA
Flagg	345-35-SA
I. H. N.	292-35-SA
Newbury	223-35-SA
Preferred	213-35-SA
Rhode Island	204-35-SA
Seal-O-Strain	48-35-SA
Sealtite	231-35-SA
Simplex	214-35-SA

RULES

RULES FOR LIQUEFIERS USED TO CONVERT SOLID CARBON DIOXIDE TO A LIQUID AND /OR A GAS, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 214, ARTICLE 17 OF CHAPTER 10 OF THE CODE OF ORDINANCES

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS JUNE 26, 1936.

EFFECTIVE, JULY 27, 1936.

(262-35-SR)

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 718-A, sub-division 3 of Chapter XIV-A of the Charter of the City of New York for the carrying into effect the provisions of Section 214, Article 17, Chapter 10 of the Code of Ordinances.

Rule 1. Certificate of Approval.

A Certificate of Approval shall be obtained by the manufacturer from the Fire Chief and Commissioner for each type of liquefier or converter to be used for the conversion of solid carbon dioxide to liquid carbon dioxide as in full compliance with these Rules. A Certificate of Approval shall also be obtained from the Fire Chief and Commissioner for each system used to convert solid carbon dioxide to liquid carbon dioxide for filling portable cylinders or other containers as in full compliance with these Rules.

Rule 2. Certificate of Fitness.

A Certificate of Fitness shall be obtained from the Fire Chief and Commissioner for each operator of a liquefier system used to convert solid carbon dioxide to liquid carbon dioxide for filling portable cylinders or other containers.

Rule 3. Inspection Test Report.

A disinterested inspection service, approved by the Fire Chief and Commissioner, shall inspect all material and workmanship of all liquefiers at the place of manufacture and shall verify compliance with these Rules, witness all tests and shall furnish the Fire Chief and Commissioner with a test report as follows:

A. Test reports for liquefiers, other than redesigned portable cylinders, shall show all information called for in paragraph 23, I. C. C. Specification 3A, except as follows:
   1. "Marks stamped into shoulder of cylinder." This shall be as per Rule "11 Marking" hereinafter specified. Actual markings shall be shown on test report.
   2. "Record of hydrostatic tests." This shall be as per Rule "9 Testing" hereinafter specified.
   3. Statement shall be furnished that liquefier covered in said test report comply with these Rules, and Certificate of Approval Number for the type of liquefier covered in said test report.

B. Test report for converted portable cylinders for liquefier use shall show for each converted cylinder the following:
   1. Liquefier Serial Number.
   2. Original number of cylinder used for conversion.
   3. Original ownership initials of cylinders used for conversion.
   4. Original I. C. C. marking of cylinder used for conversion.
   5. Original manufacturing test date of cylinder used for conversion, and name of original manufacturer.
   6. Test pressure applied to cylinder before conversion.
   7. Total expansion obtained on cylinder before conversion.
   8. Permanent expansion obtained on cylinder before conversion.
   9. Per cent expansion obtained on cylinder before conversion.
   10. Elastic expansion obtained on cylinder before conversion.
   11. Outside diameter and length of cylinder before conversion.
   12. A statement that the above cylinders before conversion into liquefiers were tested in a water jacket in accordance with these Rules and I. C. C. Regulations and the results appear above.
   13. A statement that the top thickness, opening for cover plate and distance across the corner where the side wall meets the bottom and at 45° to the side wall, was measured and the dimensions were found to conform with Rule 6, F. G. H and I.
   14. A statement that after assembly each liquefier was given an open hydrostatic test to 3,000 lbs. and this pressure was held for at least two minutes without showing a pressure recession of more than 75 lbs.
   15. The liquefier was marked as follows: (See Rule "11 Marking" for requirements.)
   16. A statement that these liquefiers conform to these Rules, and that the type of liquefier has been approved under New York City Fire Department Certificate of Approval Number .....

Rule 4. Construction Other Than Screw Thread Type.

New liquefiers designed for the purpose of converting solid CO^2 to liquid CO^2 shall be constructed of seamless drawn steel in accordance with Specifications of I. C. C. governing cylinders for CO^2. Closure devices other than screw thread type shall conform with the following:

A. The minimum wall thickness for a test pressure of 3,000 lbs. per sq. in. shall be in accordance with the following formula:

$$t = \frac{OD \times P \times .43}{S}$$

Where OD = Outside diameter of container
t = Wall thickness.
P = 3,000 lbs. PSI.
S = Minimum yield point of hard steel (not to be figured in excess of 50,000 lbs.).

B. The "Top" is defined as that portion of the liquefier in which the closure device is installed and where the ice is introduced.

C. The minimum thickness of the top before machining shall be at least 3½ times the wall thickness.

D. The minimum thickness of the top after machining shall be at least 3 times the wall thickness.

E. The minimum distance from edge of the hole cut or shaped for the closure device to the outside of wall shall be 4½ times the wall thickness.

F. The maximum width of the machined seat shall not be more than 1½ times the wall thickness.

G. The outside radius connecting the top of the liquefier to its side wall shall not be more than 1½ times the wall thickness.

H. The inside radius connecting the side wall to the top before machining, shall not be less than 2½ times the wall thickness.

In lieu of the requirements as set forth in C to H inclusive above:

The top portion of the liquefier including closure plate

shall be designed with a factor of safety of not less than two at a test pressure of 3000 lbs. per sq. inch. The design shall be proven by a test to destruction for each type of liquefier before a certificate of approval shall have been issued.

I. A large fillet shall be provided in the corner of the machined seat where it meets the inside radius.

Rule 5. Construction Screw Thread Type.

New liquefiers designed for the purpose of converting solid CO^2 to liquid CO^2 shall be constructed of seamless drawn steel in accordance with specifications of I. C. C. governing cylinders for CO^2. Closure device of the screw thread type shall conform with the following:

A. The minimum wall thickness for a test pressure of 3,000 lbs. per sq. in. shall be in accordance with the following formula:

$$t = \frac{OD \times P \times .43}{S}$$

Where OD = Outside diameter of container.
t = Wall thickness.
P = 3,000 lbs. PSI.
S = Minimum yield point of hard steel (not to be figured in excess of 50,000 lbs.)

B. The thread of the device shall be designed with a factor of safety of not less than 4 at a test pressure of 3,000 lbs. per sq. in. and the wall thickness after cutting thread shall not be less than that specified in Rule 5-A above.

Rule 6. Conversion of Portable Cylinders for Liquefier Use.

Seamless portable cylinders made to I. C. C. Specification 3 or 3A for oxygen or carbon dioxide and originally designed and used for the transportation of compressed or liquefied gases shall be acceptable for alteration or conversion into carbon dioxide liquefiers only under the following conditions;

A. Cylinders which have been in a fire shall not be used for conversion into liquefiers until they have been properly heat treated and retested as specified in paragraph 423, of the I. C. C. Regulations.

B. Cylinders which show surface dents, or which fail to give a clear ring on being struck with a hammer, shall not be used for conversion into liquefiers.

C. Before conversion into liquefiers, each cylinder shall be submitted to a hydrostatic test of 3,000 lbs. pressure in a water jacket under the conditions specified in paragraph 424 of the I. C. C. Regulations and the total and permanent expansion shall be recorded. A cylinder shall be condemned when it leaks or when the permanent expansion exceeds 10 per cent of the total expansion.

D. If in the hydrostatic test in the water jacket the net elastic expansion (total expansion less permanent expansion) at 3,000 lbs. exceeds the allowable limit given in the following table for the type of cylinder involved, such cylinder shall not be used for conversion into a liquefier. If the cubic capacity of a cylinder to be tested varies from the standard capacity given in the table for that type, then the allowable limit of elastic expansion will be varied in the same proportion.

TABLE I.

Type	*Cubic Capacity*	*Elastic Expansion Allowable Limit*
220 ft. oxygen	2,660 cu. in.	170 c.c.
200 ft. oxygen	2,660 cu. in.	170 c.c.
50 lbs. CO^2	2,360 cu. in.	150 c.c.

E. No cylinders designed and used for a portable container shall have the thickness of the side wall reduced by any cutting of threads in the process of conversion into a liquefier, except as specified in Rule "5-B Construction Screw Thread Type."

F. If the closure is formed by using a portion of the former bottom as a seat, this shall only be permissible if the dimensions of the liquefier conform to those shown in the Tables II. III and IV.

TABLE II.

Type	*Minimum Bottom Thickness*
220 ft. oxygen	.66 in.
200 ft. oxygen	.66 in.
50 lbs. CO^2	.66 in.

TABLE III.

Type	*Maximum Opening Permitted*
220 ft. oxygen	6⅛ in. x 7⅛ in.
200 ft. oxygen	6⅛ in. x 7⅛ in.
50 lbs. CO^2	5¾ in. x 6¾ in.

TABLE IV.

Type	*Minimum Thickness across corner at Point where the outside of the side wall meets the inside radius of bottom and at 45° to side wall.*
220 ft. oxygen	⅝ in.
200 ft. oxygen	⅝ in.
50 lbs. CO^2	⅝ in.

G. The maximum width of the machined seat for the gasket of liquefier shall be 5/16 in., and the inside radius connecting this seat to the side wall of the cylinder shall not be less than ⅛ in.

H. The minimum thickness of closure plate shall be 5 times the wall thickness of the cylinder. The closure plate shall be of a good grade of billet steel. Castings not permitted.

I. Before conversion into a liquefier, the cylinder shall meet a new hydrostatic test at the pressure at which such cylinder was originally tested, provided however, that no cylinder shall be converted unless for its original use it was tested to 3,000 lbs. pressure. Such new test shall be in a water jacket before conversion into a liquefier.

Rule 7. Spuds.

Spuds for chain connections or for reinforcing valve or pipe connections of not over ¾ in. pipe size shall be welded before heat treatment at place of manufacture of the liquefier.

Rule 8. Safety Devices.

Each liquefier shall be provided with two safety devices of frangible disc type attached to the liquefier at a point not lower than 6 inches from the top. The cross section area of the discharge channel, or channels (of the safety device, or devices) shall be at least .006 sq. in. for each 25 lbs. of liquefier water capacity and .00024 sq. in. additional for each additional pound of water capacity. Safety devices having two or more outlets shall be so constructed that these outlets will have a combined total area of not less than one and one-half times that prescribed for the safety discharge channel. The frangible disc of the safety devices shall be designed to release at a pressure of not more than 2,000 lbs. per sq. in.

Rule 9. Testing.

Each liquefier after assembly shall be tested hydrostatically by an approved independent testing agency for not less than two minutes to a pressure of 3,000 lbs. per sq. in. without showing a pressure recession of more than 75 lbs.

RULES

per sq. in. The inspection service shall file a satisfactory record on test report stating that the liquefier passed the above required test.

Rule 10. Quinquennial Test.

Liquefiers used for any purpose shall be retested at least every five years to a pressure of 3,000 lbs. per sq. in. in the same manner and under the same requirements as at the time and place of manufacture and the date of retest shall be stamped thereon.

Rule 11. Marking.

Each liquefier shall bear marking as follows:

A. Name of owner.
B. Serial number.
C. Name or trade mark of manufacturer.
D. Date of manufacture.
E. Test pressure.
F. Inspection service mark.
G. Maximum filling charge based on filling to not more than 68 per cent of the water content by weight.

Rule 12. Filling.

Each liquefier shall be placed and used in a vertical position with filling effected while liquefier is properly secured.

Rule 13. Maximum Charge.

Liquefiers shall not be filled with solid carbon dioxide in excess of 150 lbs. nor in excess of 68 per cent by weight of the water capacity of the liquefier.

Rule 14. Use of CO^2 Systems and Liquefiers.

A. Carbon dioxide liquefier converting systems for filling portable cylinders shall not be used in any building occupied in whole or in part as a residence or as a multiple dwelling, or as place of public assembly, or in a building not used exclusively for manufacturing purposes.
B. Except in buildings used exclusively for the manufacture of carbon dioxide or other compressed gases, not more than 8 liquefiers of a maximum combined capacity of 1,200 lbs. of carbon dioxide shall be headed in a battery and not more than one such battery shall be permitted in a building.
C. Liquefiers may be manifolded only by the use of extra heavy steel or wrought iron pipe, or extra heavy seamless copper or brass tubing, of not larger than ¾ in. I. P. S. Fittings shall be high pressure forged steel or extra heavy bronze hydraulic type.
D. Each manifold shall be protected by a frangible disc safety device of the same size and type as those prescribed for the liquefier, and designed to release at a pressure of not more than 2,000 lbs. per sq. in. In addition, the liquid manifold shall be protected by a spring safety valve so set as to relieve the pressure at not more than 1,600 lbs. per sq. in.
E. When carbon dioxide gas is conducted through pressure reducing valve between liquefier and point of use, the use of a heater will be permitted, but said heater shall be so arranged that heat may be applied indirectly. This heater shall consist of a coil immersed in water. The source of heat shall then be applied to the water but not directly to the coil.

Rule 15. Test of Piping.

Each liquefier or battery of liquefiers to be used for the filling of portable cylinders or other containers with liquid carbon dioxide and all the piping connected thereto, shall be hydrostatically tested in the presence of the representatives of the Fire Chief and Commissioner before the solid carbon dioxide is first put into the system. A hydrostatic pressure of 2400 lbs. per sq. in. shall be maintained for fifteen minutes, released for five minutes, and again applied for a period of fifteen minutes without any visible leak or reduction of pressure. This test shall be repeated at least every five years.

Rule 16. Approval Systems for Filling Portable Cylinders.

Each liquefier or battery of liquefiers used for filling portable cylinders or other containers, shall be permanently labeled or marked showing the Fire Department Certificate of Approval Number together with date of last test.

Rule 17. Acceleration.

Defrosting, or acceleration of liquefaction, shall be by use of water only, the water shall be of a temperature not above 85° Fahrenheit.

Rule 18. CO^2 Portable Cylinders.

A. Portable cylinders or other containers to be filled with liquid carbon dioxide shall be constructed and marked in accordance with the Specifications of the Interstate Commerce Commission for carbon dioxide cylinders and shall have been tested within intervals of not more than five years as evidenced by official marking. Cylinders not so constructed and marked shall not be filled with carbon dioxide.
B. The maximum filling of liquid carbon dioxide, with one pound allowable variation in each cylinder, shall not be over 20 lbs. for standard cylinders 5½ in. in diameter by 51 in. long, nor over 50 lbs. for standard cylinders 8½ in. in diameter by 51 in. long and larger. No cylinder shall be filled with carbon dioxide to more than 68 per cent of the water capacity, by weight, of the cylinder.
C. The amount of liquid carbon dioxide charged into portable cylinders or other containers shall be determined by weight by use of a dial scale having a movable indicator, and this weight shall also be checked after disconnecting from the charging line.

Rule 19. Existing Installations.

Liquefiers or converters to which these rules and regulations cannot be applied, may be maintained and operated, if approved by the Board of Standards and Appeals, under such conditions as are deemed necessary in the interest of public safety.

NOTICE

MULTIPLE DWELLING LAW ON SALE

Copies of the Multiple Dwelling Law are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50c; by mail 54c.

Copies of the Supplemental Rules and Regulations of the Tenement House Department on Fire Retarding, Fire Escapes, Fire Stairs and Fire Towers are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 10c; by mail 12c.

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BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

THE LIBRARY OF THE

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

MAR 29 1938

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DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN J. MCELLIGOTT

EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.

TELEPHONE—WORTH 2-0184.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

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All hearings are held in Room 1013, Municipal Building. Borough of Manhattan.

HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*.

CALENDAR

DOCKET

New Cases Filed up to March 15, 1938.

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149-38-A.....H.B.M.....1281-1289 Lexington avenue and 147 East 86th street, northeast corner (Block 1515, Lot 20), Borough of Manhattan, Alt. 581-38.

150-38-BZ.....H.B.M.....4275-4295 Broadway, west side, 182 ft. 1¼ in. north of West 181st street (Block 2180, Lot 95), Borough of Manhattan, N.B. 210-37.

151-38-SA.....F.D.....Eclipse Spray Painting Equipment, Appliance.

152-38-A.....H.B.Bx.....1600 Garfield street, southeast corner of Baker avenue (Block 4025, Lot 1), Borough of The Bronx, Alt. 53-38.

153-38-A.....H.B.M.....32 West 72nd street, south side, 325 ft. east of Columbus avenue (Block 1124, Lot 51), Borough of Manhattan, F. P. Applic. 924-37.

154-38-A.....H.B.M.....156 West 76th street, south side, 262.6 ft. east of Amsterdam avenue (Block 1147, Lot 54), Borough of Manhattan, F.P. Applic. 994-37.

155-38-A.....H.B.M.....312 East 51st street, south side, 166 ft. east of Second avenue (Block 1343, Lot 45), Borough of Manhattan, F.P. Applic. 988-37.

156-38-A.....H.B.M.....54 West 91st street, south side, 300 ft. east of Columbus avenue (Block 1204, Lot 52), Borough of Manhattan, F.P. Applic. 1082-37.

157-38-SM.....H.B.....LITH-I-BAR Joist, Material.

158-38-S.D.B.B. and H.B.B..1265 Atlantic avenue (1263 displayed), north side, 209.11 ft. east of Nostrand avenue (Block 1867, Lot 82), Borough of Brooklyn, 18914-L.D. and Alt. 1559-38.

159-38-S.....H.B.M.....1231-1235 Broadway and 45-53 West 30th street, northwest corner (Block 832, part of Lot 1), Borough of Manhattan, Alt. 980-37.

160-38-S.....H.D.....3869 Broadway, west side, 75 ft. north of West 161st street (Block 2137, part of Lot 18), Borough of Manhattan, Decision.

161-38-A.....F.D.....40-42 Renwick street, east side, 75 ft. south of Spring street (Block 594, Lot 72), Borough of Manhattan, 11002-L.C., 11003-L.C. and Decision.

162-38-BZ.....H.B.B.....781-787 East 31st street, east side, 40 ft. north of Avenue H (Block 7559, Lot 8), Borough of Brooklyn, N.B. 1914-38.

163-38-SM.....H.B.....Asphalt Saturated Asbestos Roofing Felt, Material.

164-38-BZ.....H.B.Q.....172-07 to 172-11 Horace Harding boulevard, northwest corner of Fresh Meadow road (Block 2654, Lot 32), Flushing, Borough of Queens, N.B. 1611-38.

165-38-SA.....H.B.....Josam Plaster Interceptor, Appliance.

166-38-SA.....H.B.....Josam Grease Interceptor, Appliance.

167-38-SA.....H.B.....Sloan Vacuum Breaker, Model V-60-A (Plumbing Device), Appliance.

168-38-A.....H.B.Q.....79-01 35th avenue, northeast corner of 79th street (Block 1266, Lot 38), Jackson Heights, Borough of Queens, N.B. 1643-37.

169-38-SM.....H.B.....Insulux Glass Block, Material.

170-38-BZ.....H.B.Q.....201-02 to 201-14 47th avenue, 47-02 to 47-06 202nd street, southwest corner and 201-01 to 201-13 Rocky Hill road, northwest corner of 202nd street (Block 5560, Lots 1 and 3), Bayside, Borough of Queens, N.B. 1477-38.

171-38-A.....H.B.B.....827 Hart street, north side, 100 ft. east of Knickerbocker avenue (Block 3220, Lot 54), Borough of Brooklyn, 19043-L.F. and Decision.

172-38-A.....H.B.B.....1209 Dean street, north side, 120 ft. east of Nostrand avenue (Block 1207, Lot 66), Borough of Brooklyn, Permit 14362-37 and Applic. 1947-38.

173-38-A.....H.B.Q.....1820 Himrod street, south side, 125 ft. west of Onderdonk avenue (Block 3430, Lot 25), Ridgewood, Borough of Queens, Alt. 617-38.

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174-38-SA.....H.B.....Novac Flush Valve (Vacuum Breaker) Plumbing Device, Appliance.

175-38-SA.....H.B.....Teasdale & Edwards Incinerator Dust Extractor, Appliance.

176-38-BZ.....H.B.B.....686-694 Herkimer street, southwest corner of Utica avenue (Block 1707, Lots 46, 47 and 48), Borough of Brooklyn, Applic. 20433-37.

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682-26-BZ.....D.B.Bx.....Southeast corner of Jerome avenue and East 182nd street (Block 3186, Lots 17, 18, 20 and 23), Borough of The Bronx, Decision.

184-34-SA.....F.D.....Vapofier Oil Burner, Appliance.

330-22-BZ.....H.B.B.....1663-1669 East 17th street, east side, 57 ft. 2½ in. south of Kings Highway (Block 6780, Lot 55), Borough of Brooklyn, Applic. 1525-38.

247-37-BZ.....D.B.Q.....40-23 69th street, east side, 278 ft. south of Roosevelt avenue (Block 1301, Lot 10 and part of Lots 12 and 14), Woodside, Borough of Queens, Decision.

27-33-BZ.....D.B.Q.....212-31 115th avenue and 114-30 Springfield boulevard, northwest corner (Block 1949, Lot 1), St. Albans, Borough of Queens, Decision.

DESIGNATIONS: H.B.—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

CERTIORARI ORDER SERVED ON BOARD OF STANDARDS AND APPEALS

On March 11, 1938, Benjamin Gollay, attorney, served on Board order of certiorari on behalf of Scott & Tighe Garage Inc., objectors, in re decision of February 8, 1938, granting permission, under sect. 7-e, for stores and garage and parking and storage, partly in retail and partly in business district, Cal. No. 483-37-BZ, premises 821-825 7th avenue, 159-167 West 53rd street and 158 West 54th street, Borough of Manhattan.

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Tank Trucks, Gasoline, etc.....Nov.	24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)..Apr.	10, 1923—Vol. 8, No. 15

LIST OF APPROVED APPLIANCES

Anti-Siphon Valves .....Mar.	5, 1935—Vol. 20, No. 10
Fireline Hose Valves.....Mar.	15, 1938—Vol. 23, No. 11
Fuel Oil Burners for Domestic and Commercial Use .....Mar.	8, 1938—Vol. 23, No. 10
Fuel Oil Fill Pipe Terminals.....Mar.	15, 1938—Vol. 23, No. 11
Fuel Oil Burners for Industrial Use.Jan.	25, 1938—Vol. 23, No. 4
Fuel Oil Pumps.....Mar.	8, 1938—Vol. 23, No. 10
Paint, Varnish and Lacquer Spraying Equipment .....Mar.	22, 1938—Vol. 23, No. 12
Range Oil Burners and Space Heaters .....Mar.	8, 1938—Vol. 23, No. 10

MARCH 22, 1938, 10 A. M.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, March 22, 1938*, at 10 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 408-37-BZ—Application, August 19, 1937, under section 21 of the building zone resolution, of Alfred H. Eccles, applicant, on behalf of Jackson Avenue Corporation, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 75-13 to 75-21 Roosevelt avenue, 37-64 to 37-70 76th street, northwest corner and 75-12 to 75-20 37th road (Block No. 1286, Lot No. 66), Jackson Heights, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MARCH 22, 1938, 2 P. M.

Appeals from Administrative Orders.

80-38-A—147-08 46th avenue and 46-05 Parsons boulevard, southeast corner (Block No. 5452, Lot No. 3), Flushing, Borough of Queens.

39-38-A—284-300 Sheffield avenue, southwest corner of Belmont avenue (Block 3753, Lot No. 9), Borough of Brooklyn.

135-38-A—42-04 to 42-26 Auburndale lane, west side, 95.47 ft. north of Northern boulevard (Block No. 5350, Lot No. 42), Auburndale, Borough of Queens.

131-38-A—59 Fifth avenue, east side, 25 ft. south of East 13th street (Block No. 570, Lot No. 6), Borough of Manhattan.

148-38-A—751 Fourth avenue, southeast corner of 25th street (Block No. 655, Lot No. 7), Borough of Brooklyn.

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172-38-A—1209 Dean street, north side, 120 ft. east of Nostrand avenue (Block No. 1207, Lot No. 66), Borough of Brooklyn.

173-38-A—1820 Himrod street, south side, 125 ft. west of Onderdonk avenue (Block No. 3430, Lot No. 25), Ridgewood, Borough of Queens.

Variation of Labor Law.

40-38-S—284-300 Sheffield avenue, southwest corner of Belmont avenue (Block No. 3753, Lot No. 9), Borough of Brooklyn.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, March* 22, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 345-32-BZ—Application of Alphonsus Casey, applicant, on behalf of Patrick J. Reilly, owner, reopened February 23, 1938, for consideration as to extension of permit —re Application, previously granted on condition, under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station for a temporary period; premises north side of 47th avenue, 91 ft. east of Cross Island boulevard (Block No. 1299, part of Lot No. 105), Bayside, Borough of Queens.

CAL. NO. 528-37-BZ—Application, November 5, 1937, under sections 7c and 21 of the building zone resolution, of Jacob Morgenthaler, applicant, on behalf of Jacob Morgenthaler's Sons, owner, to permit in a business use district the alteration of a garage for more than five (5) motor vehicles (granted by the board) by the removal of a portion thereof and the extension over the plot of an existing gasoline service station with the conversion of a portion of the premises to a brake testing station; premises 164-176 Fourth avenue and 334-344 Douglass street, southwest corner (Block No. 420, Lot No. 34 and part of Lot No. 37), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MARCH 25, 1938, 10 A. M.

SPECIAL MEETING.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Friday morning, March* 25, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 217-33-BZ—Application of Benjamin N. Brody, applicant, on behalf of Helen Schrage Lehman, owner, reopened January 25, 1938, under section 21 of the building zone resolution, to permit in a business use district the extension of a proposed gasoline service station which was granted by the board on condition (by order of the Court); premises 110-38 Springfield boulevard and 217-20 110th road (Junior place); southwest corner (Block No. 2038, part of Lot No. 28), Queens Village, Borough of Queens.

CAL. NO. 360-37-BZ—Application, July 13, 1937, under section 7h of the building zone resolution, of John J. McNamara, applicant, on behalf of Long Island Railroad Co., owner, to permit in a business use district for a temporary period of not more than two (2) years the storage and parking of more than five (5) motor vehicles; premises 26 Stewart street and 63 Conway street, west side, 142 ft. 6¼ in. north of Broadway (Block No. 3474, Lot No. 15), Borough of Brooklyn.

CAL. NO. 389-37-BZ—Application, August 3, 1937, under sections 7h and 21 of the building zone resolution, of Goldenthal Brothers, applicants, on behalf of William Allan, owner, to permit partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises 31-08 to 31-12 45h street, 44-09 Newtown road and 44-16 31st avenue, south side, 5.4 ft. west of 45th street (Block No. 710, Lot Nos. 5, 20, 21 and 22), Long Island City, Borough of Queens.

CAL. NO. 559-37-BZ—Application, November 29, 1937, under section 7h of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Fellman Realty Corporation, owner, to permit in a business use district for a temporary period of not more than two (2) years the parking and storage of more than five (5) motor vehicles; premises 5020-5036 Broadway, 3996-4010 Tenth avenue, 501-517 West 213th street and 500-518 West 214th street (Block No. 2231, Lot Nos. 1, 5, 13 and 17), Borough of Manhattan.

CAL. NO. 576-37-BZ—Application, December 6, 1937, under section 21 of the building zone resolution, of Joseph Lau, applicant, on behalf of Katherine S. Galbraith, owner, to permit in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop; premises 217 East 64th street, north side, 255 ft. east of Third avenue (Block No. 1419, Lot No. 11), Borough of Manhattan.

CAL. NO. 32-38-BZ—Application, January 18, 1938, under section 7c of the building zone resolution, of Samuel Rosenblum, applicant, on behalf of Borden's Farm Products Division of The Borden Co., owner, to permit in a residence use district the extension in area of an existing milk

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bottling and pasteurizing plant; premises 80-92 Third avenue, 286-304 Dean street, southwest corner and 271-283 Bergen street (Block No. 197, Lot Nos. 25, 26, 27 and 28), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MARCH 25, 1938, 2 P. M.

SPECIAL MEETING.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Friday afternoon, March* 25, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 497-37-BZ—Application, October 20, 1937, under section 7h of the building zone resolution, of Daniel Ginsberg, applicant, on behalf of William Losak, lessee, for Jacob Litvin and Anna Litvin, owners, to permit in a business use district the parking and storage of more than five (5) motor vehicles for a period of two (2) years in addition to the existing use of the premises for the sale of used cars; premises 1203-1235 East New York avenue, northeast corner of Ralph avenue and Union street (Block No. 1477, Lot No. 1), Borough of Brooklyn.

CAL. NO. 534-37-BZ—Application, November 10, 1937, under section 21 of the building zone resolution, of James J. Millman, applicant, on behalf of Nakoma Realty Corporation, owner, to permit in a business use district the alteration and conversion of part of two (2) existing buildings to a garage for more than five (5) motor vehicles; premises 144-146 and 148-150 Frost street, south side, 100 ft. west of Graham avenue (Block No. 2739, Lot Nos. 16 and 17), Borough of Brooklyn.

CAL. NO. 562-37-BZ—Application, November 30, 1937, under section 21 of the building zone resolution, of Frank G. Burger, applicant, on behalf of Foggin-Burger Land Co., Inc., owner, to permit in a residence use district the maintenance of an open shed as an extension to an existing store use; premises 1233 Castleton avenue, north side, 75.39 ft. west of Taylor street (Block No. 202, Lot No. 43), West New Brighton, Borough of Richmond.

CAL. NO. 594-37-BZ—Application, December 16, 1937, under sections 7h and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Estate of James J. Burnes, owner, to permit in a business use district for a temporary period of not more than two (2) years the parking and storage of more than five (5) motor vehicles; premises 39-34 to 39-38 60th street, west side, 307 ft. north of Roosevelt avenue and 39-27 to 39-31 59th street (Block No. 1230, Lot No. 35), Woodside, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MARCH 29, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, March* 29, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 575-37-BZ—Application, December 7, 1937, under section 21 of the building zone resolution, of Stanley Salcinski, applicant and owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 60-89 to 60-97 Flushing avenue and 59-104 to 59-110 58th avenue (Charles street), junction of 61st street (Clermont avenue); (Block No. 2697, Lot No. 51), Maspeth, Borough of Queens.

CAL. NO. 495-37-BZ—Application, October 19, 1937, under sections 7c and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Luchas Garage Corporation, owner, to permit partly in a business use district and partly in an unrestricted use district the alteration and conversion of occupancy of part of an existing garage for the storage of more than five (5) motor vehicles to a gasoline service station; premises 1410-1418 Newkirk avenue, south side, 70 ft. 3⅛ in. west of Marlborough road and 604 Marlborough road (Block No. 5235, Lot No. 5), Borough of Brooklyn.

CAL. NO. 422-37-BZ—Application, August 27, 1937, under section 21 of the building zone resolution, of James J. C. Malone, applicant, on behalf of Spruce Estates Corporation, owner, to permit in a residence use district the erection and maintenance of a garage for more than five (5) motor vehicles; premises 413 West 26th street, north side, 162 ft. 6 in. west of Ninth avenue (Block No. 724, Lot No. 26), Borough of Manhattan.

CAL. NO. 511-37-BZ—Application, October 27, 1937, under section 21 of the building zone resolution, of Joseph Lau, applicant, on behalf of Abraham B. Cox, owner, to permit in a business use district the conversion of occupancy of part of an existing building to manufacture and assembly of iron and steel products; premises 1237-1239 Second avenue and 246-250 East 65th street, southwest corner (Block No. 1419, Lot No. 28), Borough of Manhattan.

CAL. NO. 43-38-BZ—Application, January 22, 1938, under sections 7a and 21 of the building zone resolution, of Scacchetti and Siegel, applicants, on behalf of Samcha Realty Corporation, owner, to permit in a residence use, "B" area district the ex-

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tension in area of an existing building used in part for business (stores) and to occupy the required rear yard by such proposed extension; premises 313-315 West 50th street, north side, 175 ft. 1 in. west of Eighth avenue (Block No. 1041, Lot. Nos. 24 and 25), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

MARCH 29, 1938, 2 P. M.

Appeal from Administrative Order

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

Variation of Labor Law

160-38-S—3869 Broadway, west side, 75 ft. north of West 161st street (Block No. 2137, part of Lot No. 18), Borough of Manhattan.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, March* 29, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 9-38-BZ—Application, January 5, 1938, under sections 7a and 21 of the building zone resolution, of A. C. Benson, applicant, on behalf of John DiBlasi, owner, to permit in a business use district the extension of an existing service station; premises 98-02 to 98-08 Northern boulevard, southeast corner of 98th street (Block No. 1713, Lot No. 1), Corona, Borough of Queens.

CAL. NO. 491-37-BZ—Application, October 13, 1937, under section 21 of the building zone resolution, of Sidney H. Kitzler, applicant, on behalf of Asness Bros., owners, to permit in a business use district the extension of an existing gasoline service station and, also, the inclusion of a brake testing station; premises 429-439 Crescent street and 1044-1048 Liberty avenue, southeast corner (Block No. 4198, Lot No. 7), Borough of Brooklyn.

CAL. NO. 599-37-BZ—Application, December 17, 1937, under sections 7h and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of DeWitt Holding Corporation, owner, to permit for a temporary period of not more than two (2) years partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises 1663-1681 St. Nicholas avenue, west side, 14 ft. 5 in. north of Fairview avenue and 59-61 Hillside avenue (Block No. 2170, Lot No. 129), Borough of Manhattan.

CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent, applicants, on behalf of Maude B. Mowry, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

APRIL 5, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, April* 5, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 200-37-BZ—Application, May 3, 1937, under section 21 of the building zone resolution, of Otto J. Sambach, applicant, on behalf of Howdah Securities Corporation, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 103-39 Springfield boulevard, northeast corner of 104th avenue (Block No. 2046, Lot No. 7), Queens Village, Borough of Queens.

CAL. NO. 404-37-BZ—Application, August 12, 1937, under section 21 of the building zone resolution, of Harold Borgwald, applicant, on behalf of Marie Catherine Russell, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4825 White Plains road, southwest corner of East 243rd street (Block No. 5109, Lot Nos. 1 and 3), Borough of The Bronx.

CAL. NO. 560-37-BZ—Application, November 29, 1937, under sections 7h and 21 of the building zone resolution, of The Mutual Life Insurance Company of New York, applicant and owner, to permit for a temporary period of not more than two (2) years, partly in a business use district and partly in a residence use district, the parking and storage of

more than five (5) motor vehicles; premises 279-289 East 170th street, north side, from Morris avenue to College avenue, 1400-1418 Morris avenue and 1401-1419 College avenue (Block No. 2786, Lot Nos. 2, 6 and 29), Borough of The Bronx.

CAL. NO. 479-37-BZ—Application, October 8, 1937, under section 7h of the building zone resolution, of Emery Herleth and Carol Herleth, applicants and lessees, on behalf of James F. Sullivan, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; 89-58 163rd street (Hardenbrook avenue), west side, 247 ft. north of Jamaica avenue (Block No. 836, Lot No. 76), Jamaica, Borough of Queens.

CAL. NO. 11-38-BZ—Application, January 7, 1938, under section 21 of the building zone resolution, of Wingate and Cullen, applicants, on behalf of Fulton Savings Bank, Kings County, owner, to permit in a business use district the conversion of occupancy of part of an existing building to a motor vehicle repair shop; premises 1432 Pitkin avenue, south side, 82 ft. 3½ in. west of Howard avenue and 1261-1263 East New York avenue (Block No. 1477, Lot No. 38), Borough of Brooklyn.

CAL. NO. 247-37-BZ—Application of Morton Pannaman, applicant, on behalf of Theodore Murray and Margaret Murray, lessees, for George R. Jenkins, owner, reopened March 15, 1938, under section 7h of the building zone resolution, to permit in a business use district the storage and parking of more than five (5) motor vehicles for a temporary period of two (2) years (previously denied); premises 40-23 69th street, east side, 278 ft. south of Roosevelt avenue (Block No. 1301, Lot No. 10 and part of Lot Nos. 12 and 14), Woodside, Borough of Queens.

CAL. NO. 330-22-BZ—Application of George J. Lobenstein, applicant, on behalf of Kings County Community Corporation, owner, reopened March 15, 1938, for consideration as to amendment of resolution, under section 7c of the building zone resolution, to permit in a residence use district the extension of a business use; premises 1663-1669 East 17th street, east side, 57 ft. 2½ in. south of Kings Highway (Block No. 6780, Lot No. 55), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

APRIL 5, 1938, 2 P. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, April 5, 1938*, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 472-37-BZ—Application, September 30, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of John Castagna and Salvatore Castagna, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 2761-2773 Cropsey avenue, north side, 6 ft. 9⅞ in. west of 28th avenue and 196 28th avenue (Block No. 6915, Lot No. 51), Borough of Brooklyn.

CAL. NO. 429-37-BZ—Application, September 2, 1937, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Morris Roth, owner, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station; premises 47-11 108th street and 108-09 48th avenue, northeast corner (Block No. 2003, Lot No. 84), Corona, Borough of Queens.

CAL. NO. 170-37-BZ—Application, April 14, 1937, under section 21 of the building zone resolution, of William R. McVay, applicant, on behalf of Hermine Corlis, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 79-05 Little Neck road, southeast corner of Union turnpike (Block No. 12, Lot Nos. 4, 5 and 6), Floral Park, Borough of Queens.

CAL. NO. 732-29-BZ—Application of John H. Scheier, applicant, on behalf of Esther Nathanson, owner, reopened March 8, 1938, for consideration as to extension of time to obtain permits and complete work—time having expired by limitation—re Application, granted on condition, under section 21 of the building zone resolution, permitting the extension, from a business use district into a residence use district, of a business use (stores and restaurant); premises 1670-1678 East 17th street, west side, 76 ft. 9¼ in. south of Kings highway (Block No. 6779, Lot No. 33), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MAY 3, 1938, 10 A. M.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May 3, 1938*, at 10 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 324-37-BZ—Application, June 29, 1937, under section 21 of the building zone resolu-

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tion, of Joseph M. Lonergan, applicant, on behalf of Mathilda Litchman and Bruno Bernabo, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4727-4729 Third avenue, west side and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

SPECIAL MEETING,

FRIDAY MORNING, MARCH 11, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

APPEAL FROM ADMINISTRATIVE ORDER

76-38-A-WF.

APPLICANT—Welldone Sign Corporation, for General Outdoor Advertising Co. lessee re erection of sign; 126-08 Northern Boulevard Corporation, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—126-02 Northern boulevard, northeast corner of 126th street (Block No. 1820, Lot No. 1), Corona, Borough of Queens.

APPEARANCES—

For Applicant: Charles K. Finch and William T. Totten.

For Opposition: George L. Nott and L. C. Squire for Worlds Fair Corporation.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Absent 0

THE RESOLUTION—

(76-38-A-WF)

WHEREAS, Welldone Sign Corporation, for General Outdoor Advertising Co., Inc., lessee, filed on February 8, 1938, an application pursuant to the Resolution adopted by the Board of Estimate and Apportionment on September 27, 1937, regulating the World's Fair district, for the approval of the erection of a sign, as defined in Section 4 of the World's Fair Resolution, affecting Premises 126-02 Northern boulevard, Northeast corner of 126th street (Block No. 1820, Lot No. 1), Corona, Borough of Queens; and

WHEREAS, the decision of the Acting Borough Superintendent, Department of Housing and Buildings (Queens), dated January 11, 1938, on Alt. App. No. 4446-37 reads as follows:

"Relative to premises located at 126-02 Northern boulevard, upon which premises you have erected a sign and for which you request a 'Permit to Build', please be advised that such property lies within the World's Fair District, and by Sec. 4 of the Resolution creating such a district, this Department is without power to issue a permit."

and

WHEREAS, The steel frame work of a sign 100 ft. by 20 ft. in area has been erected on the roof of a building one story (20 ft.) in height, 130 ft. by 164 ft. in area; of fireproof construction; located in a business use district; erected in July, 1928, and partly occupied as a storage garage by the United States Post Office; the building being located in the World Fair Area; and

WHEREAS, applicant contends that on or about the 17th of September, 1937, he entered into a contract with the lessee, General Outdoor Advertising Co., for the construction and erection of a sign on the premises in question; shortly thereafter, the applicant appeared at the then Building Dept. of the Borough of Queens and made application for permit to erect said sign; applicant was informed by one of the inspectors that the General Outdoor Advertising Co. obtained its own permits, and that it was not necesary for the applicant to do so; the applicant then proceeded with the construction of the sign, this first involving the fabrication of the steel necessary for the construction and erection of the same; all of this took some two or three weeks as is the normal course in construction work of this character; thereafter and early in October of 1937 the applicant proceeded with the erection of the sign framework on the building in question and completed same before he was notified by Building Department that no permit had been issued to erect the said sign; the applicant immediately made application for the issuance of a permit to erect the sign, tendering at the time a Certificate of Workmen's Compensation as is required under the rules of the Dept. of Bldgs. The Department refused to accept the application and to issue the permit on the grounds that this was contrary to the resolution adopted by the Board of Estimate and Apportionment on Sept. 29, 1937; the then Commissioner stated to the applicant that the filing of the Certificate of Workmen's Compensation would show that it had been in existence while the work was being done, although being offered for filing at a late date, but that it was in his opinion substantial compliance with the rules of the Department; however, owing to the wording of the resolution adopted by the Board of Estimate and Apportionment, he was precluded from issuing the permit; the claimant bases his appeal on the ground that the resolution in question not having been adopted until September 29, 1937, could not by its terms operate retroactively where applicants had made application, and permits been issued prior to that date. The Department itself has recognized this ruling in that it has excepted from the operation of the resolution nonconforming uses upon which work was begun prior to September 29, 1937; that in the case in question, while no permit was issued, there is no question but for the misconduct of the Building Department itself in misinforming the applicant concerning the existence of a permit to erect this sign, timely application would have been made and the permit issued; in fact, the Commissioner has held that there was substantial compliance with the rules of the Department, and that but for the resolution of the Board of Estimate and Apportionment, the permit would have been issued; in view of the fact that the contract for the erection of the sign in this case was signed some time on or about the 17th day of September, 1937, and that actual work on the construction and erection of the sign was begun (although not on the site but at the factory of the applicant), applicant respectfully submits that he comes within the law, and that the permit should be issued; the work in question was done in good faith, openly and above-board, and was not questioned by the Building Dept. until it was fully erected (all but the

painting and illumination work); the applicant has refused payment by the lessee unless and until it obtains the permit, and if no permit is issued, this structure, worth several thousand dollars, will have to be removed; and

WHEREAS, the Board deemed that the testimony presented at the hearing did not substantiate the statement of the applicant.

Resolved, that the decision of the Acting Borough Superintendent, Department of Housing and Buildings (Queens), Alt. Application No. 4446-37, be and it hereby is *affirmed* and that the application be and it hereby is *denied*.

BUILDING ZONE CASES

408-37-BZ.

APPLICANT—Alfred H. Eccles, for Jackson Avenue Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—75-13 to 75-21 Roosevelt avenue, 37-64 to 37-70 76th street, northwest corner and 75-12 to 75-20 37th road (Block No. 1286, Lot No. 66), Jackson Heights, Borough of Queens.

APPEARANCES—

For Applicant: Alfred H. Eccles.

For Opposition: John C. Reardon and Norman L. Adolph.

ACTION OF BOARD—Laid over to March 22, 1938 at 10 A. M., on request of applicant.

626-37-BZ.

APPLICANT—John M. Baker, for New York Dugan Bros., Inc., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a residence use district the conversion of occupancy of an existing dwelling to the storage of bakery products and, also, the parking of more than five (5) motor vehicles.

PREMISES AFFECTED—99-01 222nd street and 222-02 to 222-18 99th avenue, southeast corner (Block No. 1737, Lot Nos. 1, 6 and 9), Queens Village, Borough of Queens.

APPEARANCES—

For Applicant: John M. Baker and Felix Homke.

For Opposition: M. Michaelowitz for Department of Parks, Louis L. Cantwell, Arthur W. Renaud, George L. Knott, Florence E. Little, Elizabeth A. Brennan, Dorothy F. Traver and Charles M. Linder.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative: Commissioner Savage and Assistant Chief Walsh	2
Negative: Chairman Murdock and Commissioner Blum	2
Absent	0

THE RESOLUTION—

(626-37-BZ)

WHEREAS, John M. Baker, for New York Dugan Bros. Inc. owner, filed December 30, 1937, an application under the building zone resolution to permit in a residence use district the conversion of occupancy of an existing dwelling to the storage of bakery products and, also, the parking of more than five motor vehicles; Premises: 99-01 222nd street and 222-02 to 222-18 99th avenue southeast corner (Block No. 1737, Lot Nos. 1, 6 and 9), Queens Village, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 11, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 99th avenue is in a residence, business and unrestricted use district; 222nd street is in a residence, business and unrestricted use district and 100th avenue is in a residence use district; and

WHEREAS, the decision of the Commissioner of Buildings, rendered December 27, 1937, re Application No. 9938-1938, reads:

"1. Contrary to section 3 of the Building Zone Resolution to convert a dwelling into a storage building within a residence district.

2. Contrary to section 3 of the Building Zone Resolution to create a parking space within a residence district."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 180 ft. on 99th avenue and 100 ft. on 222nd avenue; upon the East portion of the plot (lot 9), there is located a frame dwelling which is to remain; on the Central portion of the plot (lot 6) there is a two story and attic frame structure, 39 ft. 5 in. by 29 ft. 4 in. in area; it is proposed to use this building for light storage of breads, cakes, etc. and for office use. The west part of the plot (lot 1) is 100 ft. by 100 ft. in area. It is proposed to use this space for the transient parking of pleasure cars belonging to employees of the owner; and

WHEREAS, the site under appeal was inspected by a committee of the board prior to the hearing; and

WHEREAS, the board deemed that the applicant did not substantiate his basis of appeal under Section 21 of the building zone resolution, practical difficulties and unnecessary hardship, and that there is adjacent property in the unrestricted area which can be utilized for the purpose desired.

Resolved, that the decision of the Commissioner of Buildings be and it hereby is *affirmed* and that the application is hereby *denied*.

519-37-BZ.

APPLICANT—William C. Sommerfeld, for Kathleen M. McCormick, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7c and 21 of the building zone resolution, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED — 751-753 East 149th street, northeast corner of Concord avenue (Block No. 2641, Lot No. 42), Borough of The Bronx.

APPEARANCES—

For Applicant: William C. Sommerfeld and S. M. Dash.

For Opposition: Julius Drosen, John H. Keegan, Rev. Martin J. Conway and Donald L. Newborg.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(519-37-BZ)

WHEREAS, William C. Sommerfeld, for Kathleen M. McCormick, owner, filed November 4, 1937 an application under the building zone resolution to permit partly in a business district and partly in an unrestricted use district the erection and maintenance of a gasoline ser-

vice station; premises 751-753 East 149th street, northeast corner of Concord avenue (Block No. 2641, Lot No. 42), Borough of the Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 11, 1938 after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that East 149th street is in a business use district; Concord avenue is in a business and unrestricted use district; Wales avenue is in a business and unrestricted use district and East 150th street is in an unrestricted district; and

WHEREAS, the decision of the Commissioner of Buildings, rendered October 7, 1937, Application No. 462-1937, reads:

> "2. Proposed gasoline service station located partly in a business district and partly in an unrestricted district is contrary to Section 4 of the Building Zone Resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 44 ft. on East 149th Street and 100 ft. 10 in. on Concord avenue—the north part of the plot extends into the unrestricted use district for a distance of 10 inches. The remainder is in the business use district. It is proposed to remove the frame structure now on the site and to erect thereon a 2 story structure, 53 ft. by 44 ft. irregular in area, to be used as salesroom, lubritorium, office and file room, and, also, to install the necessary tanks and pumps for a gasoline service station; and

WHEREAS, the site under appeal was inspected by a committee of the Board prior to the hearing; and

WHEREAS, the Board deemed that applicant had failed to substantiate his basis of appeal under Sections 7c and 21 of the Building Zone Resolution and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the Commissioner of Buildings be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

557-37-BZ.

APPLICANT—David Feifer, for Silbo Realty Corporation, owner.

SUBJECT—Application (re decisions of the tenement house deputy commissioner) under section 21 of the building zone resolution, to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling from residence use to business use.

PREMISES AFFECTED—723 West 177th street, northeast corner of Fort Washington avenue (Block No. 2176, Lot No. 1), Borough of Manhattan.

APPEARANCES—

For Applicant: David Feifer and Leo Trattner.

For Opposition: Arthur N. Sloan, Emanuel Goldberg, Louie Stern, Edward R. Aranow, John J. Broderick, Jr., William S. Read, Robert E. Hill, John P. Leo, and others.

For Administration: Inspector Kelly, Department of Housing and Buildings.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(557-37-BZ)

WHEREAS, David Feifer, for Silbo Realty Corporation, owner, filed November 26, 1937 an application under the building zone resolution to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling from residence use to business use; Premises: 723 West 177th street, north east corner of Fort Washington avenue (Block No. 2176, Lot No. 1), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 11, 1938 after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Fort Washington avenue is in a residence use district, West 177th street is in residence and business use district; Broadway is in a business use district and West 178th street is in a residence and business use; and

WHEREAS, the decision of the Tenement House Commissioner, rendered March 19th, 1937, reads:

> "Your attention is called to the fact that the above premises of which you are reported to be the owner is occupied and being maintained in violation of Article 2, Sections 2 and 3 of the Building Zone Resolution in the following particulars:
>
> *Item*
>
> 7. The front cast apartment at first story is being occupied as a "Tailor Shop". Such use is prohibited in a residential district and YOU ARE HEREBY DIRECTED to discontinue such use and occupancy forthwith.
> 8. The front west apartment at first story is being occupied as a "Millinery Shop". Such use is prohibited in a residential district."

and

WHEREAS, the building is of non-fireproof construction Six (6) stories in height, with a frontage of 47 ft. 11 in. on Fort Washington avenue and 90 ft. 8 in. on West 177th street, occupied as a multiple dwelling; it is proposed to maintain business uses in the first story; and

WHEREAS, the site under appeal was inspected by a committee of the board prior to the hearing; and

WHEREAS, the board deemed that applicant had failed to substantiate his basis of appeal under Section 21 of the Building Zone Resolution and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the Tenement House Department be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

151-37-BZ.

APPLICANT—Walter D. Wilkes (lessee), for South Brooklyn Railway Company, owner.

SUBJECT—Application reopened and restored to calendar February 15, 1938 (re decision of the commissioner of buildings) under sections 7h and 21 of the building zone resolution, to permit for a temporary period of not more than two (2) years partly in a residence use district and partly in a business use district the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution).

PREMISES AFFECTED—365-373 Ralph avenue, northeast corner of Pacific street (Block No. 1431, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: A. W. Van Ness and Walter D. Wilkes.

For Opposition: Harrison B. Wright and Jerome N. Wanshel.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(151-37-BZ)

WHEREAS, Walter D. Wilkes, lessee for South Brooklyn Railway Company, owner, filed April 3, 1937 an application under the building zone resolution to permit for a temporary period of not more than two (2) years partly in a residence use district and partly in a business use district, the parking and storage of more than five (5) motor vehicles; Premises: 365-373 Ralph avenue, northeast corner of Pacific street (Block No. 1431, Lot No. 1), Borough of Brooklyn; and

WHEREAS, this application was dismissed for lack of prosecution December 14, 1937 and reopened by vote of the board February 15, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting March 11, 1938 after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Pacific street is in a business and residence use district; Ralph avenue is in a business and unrestricted use district; Atlantic avenue is in an unrestricted and business use district and Howard avenue is in a business use district; and

WHEREAS, the decision of the Commissioner of Buildings, rendered January 5, 1938—N. B. Application No. 2866-1937, reads:

"Proposed parking and storage of more than 5 motor vehicles partly in a residential and partly in business use district is contrary to Art. II, Sect. 4a of Zone Resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 250 ft. on Pacific street and 100 ft. on Ralph avenue. The east portion of the plot extends into the residence use district for a distance of 150 feet—the remainder of the plot is located in a business use district. It is proposed to occupy the plot for a temporary period of not more than 2 years for the storage and parking of more than 5 motor vehicles; and

WHEREAS, the site under appeal was inspected by a Committee of the Board prior to the hearing; and

WHEREAS, the Board deemed that this was a proper case to exercise its discretion under Section 7, subdivision H, of the Building Zone Resolution, and that temporary hardship existed under Section 21, for the proposed use.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the Building Zone Resolution, and that the application be and it hereby is *granted*, under Section 7-H, *for a period of two years*, from the date of this action as to the portion of the premises in the business district, and under Section 21, *for a period of two years*, from the date of this action as to the premises in the residential district, to permit the use as proposed for parking and storage of more than five motor vehicles, *on condition* that the plot shall be generally levelled and surfaced with steam cinders or other suitable material, properly bound and rolled so as to prevent dusting, and graded so as to provide surface drainage; that on lot lines where walls or adjoining buildings do not occur there shall be erected a substantial, woven-wire fence, continuously with no openings other than to Pacific street, as indicated on plans filed with this appeal; that such openings shall not exceed 15 ft. in width with curb cut opposite 15 ft. in width; that parking and storage of cars shall be limited to automobiles of the passenger type and cars shall be so parked that proper aisles shall be maintained for proper entrance and exit of cars; that no signs shall be displayed on the premises, except a sign at the entrance, advertising the use, and rate charged; all other existing signs shall be completely removed, and that during this variance no other use shall be permitted and no buildings shall be erected on the premises other than a building at the entrance for an office and shelter of the attendant, this building not to exceed 100 sq. ft. in area and one story in height; that any lights for general illumination shall be equipped with metal reflectors, reflecting towards the centre of premises and away from adjoining occupancies; that such portable fire appliances shall be installed as the Commissioner shall direct; and that all permits shall be obtained and all work shall be completed within two months from the date of this action.

Adjourned, 12:20 P.M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

SPECIAL MEETING

FRIDAY AFTERNOON, MARCH 11, 1938.

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

348-37-BZ.

APPLICANT—Adam Schliessman (lessee), for Irving Wilson Voorhees, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—77-03 to 77-09 Roosevelt avenue, north side, 100 ft. west of 78th street (Block No. 1288, Lot No. 39A), Jackson Heights, Borough of Queens.

APPEARANCES—

For Applicant: Edward J. Keane, John J. Reardon, Adam Schliessman, and T. J. Taylor.
For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(348-37-BZ)

WHEREAS, Adam Schliessman (lessee), for Irving Wilson Voorhees, owner, filed July 6, 1937, an application under the building zone resolution to permit for a temporary period of not more than two years in a business use district the parking and storage of more than five (5) motor vehicles; Premises: 77-03 to 77-09 Roosevelt ave-

nue, Northside, 100 ft. west of 78th street (Block No. 1288, Lot 39-A), Jackson Heights, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 11, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Roosevelt avenue is in a business use district; 37th avenue is, in a business and residence use district; 77th street is in a residence and business use district and 78th street is in a residence and business use district; and

WHEREAS, the decision of the Commissioner of Buildings, rendered November 20, 1937, reads:

> "Be advised that your application for issuance of a Certificate of Occupancy for the purpose of PARKING AND STORING MORE THAN FIVE CARS, at premises: Roosevelt avenue NS 100 ft. W 78th Street is hereby DENIED, as these premises are situated in a Business district, and such use would be contrary to sub-division 15, section 4 of the Building Zone Resolution of the City of New York."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 100 ft. and a depth of 100 ft. It is proposed to occupy the plot for a temporary period of not more than 2 years for the parking and storage of more than 5 motor vehicles; and

WHEREAS, the Board deemed that this was a proper case in which to exercise its discretion under Section 7, subdivision H of the building zone resolution and to grant a variance for a temporary period of two years with such proper safeguards as to protect the adjacent and adjoining property owners.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under Section 7-H therof for a temporary period of two years from the date of this action, to permit the premises under appeal to be used for the parking and storage of more than five motor vehicles, restricted to those of the passenger car type only, *on condition* that the plot shall be levelled substantially to the grade of Roosevelt avenue and shall be covered with steam cinders or other suitable material, properly bound to prevent dusting and graded to provide surface drainage; and that where walls of adjoining buildings do not occur, there shall be erected on the interior lot lines and the street building line a substantial woven wire fence not less than six feet in height with not over two openings on Roosevelt avenue, each not exceeding 20 feet in width with curb cuts opposite not more than 12 feet wide each; that the plot under appeal shall not be used for any other purpose than that herein described; that no building shall be erected on the premises other than a structure not over one-story in height and 100 square feet in area for use as a shelter for the attendant; that no sign shall be erected on the premises except a small neat sign at the entrance advertising the storage and parking use; that lights shall be so arranged with metal reflectors as to reflect toward the center of the property and away from adjoining occupancies; that such portable fire-fighting appliances shall be installed as the commissioner shall direct; that all permits required shall be obtained and all work involved shall be completed within three months from the date of this action.

228-37-BZ.

APPLICANT—Jack Z. Cohen, for Abraham Rudder, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a business use district the establishment of a saw or planing mill.

PREMISES AFFECTED—1389-1393 Rockaway parkway, east side, 280 ft. 4 in. south of Farragut road (Block No. 8166, Lot No. 14), Borough of Brooklyn.

APPEARANCES—

For Applicant: Larry Meltzer.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(228-37-BZ)

WHEREAS, Jack Z. Cohen, for Abraham Rudder, owner, filed May 19, 1937, an application under the building zone resolution to permit in a business use district the establishment of a saw or planing mill; Premises: 1389-1393 Rockaway parkway, east side, 280 ft. 4 in. South of Farragut road (Block No. 8166, Lot 14), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 11, 1938 after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Rockaway parkway is in a business use district; East 98th street is in a residence and business use district; Farragut road is in a residence use district and Glenwood road is in a business use district; and

WHEREAS, the decision of the Commissioner of Buildings, rendered January 8, 1938, re App. No. 18408-1936, reads:

> "1. Proposed installation of circular saw and 15 H.P. motor on plot within business use zone is in violation of Art. II. Sec. 4(a)31."

and

WHEREAS, the premises consists of an irregular shaped plot of ground having a frontage of 63 ft. on Rockaway parkway, a distance of 155 ft. 8 in. along the east line and 140 ft. 7 in. along the North lot line. Occupied (according to a filed certificate of occupancy) for lumber storage. It is proposed to install upon the plot a 24 in. diameter circular saw driven by a 15 horse power motor to be used as an accessory use to the lumber yard; and

WHEREAS, the Board deemed that applicant was entitled to relief under Section 21 on the grounds of unnecessary hardship and practical difficulty.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the Building Zone Resolution, and that the application be and it hereby is *granted,* under Section 21, *for a period of two years,* from date of this action, to permit the installation of a 24-inch diameter circular saw, driven by 15 horse power motor, as an accessory to lumber yard, and maintained in the open, as indicated on plans filed with this appeal.

396-37-BZ.

APPLICANT—Lama & Proskauer for Mabel C. McCurrach, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7c of the building zone resolution, to permit partly in a business use district and partly in a residence use district the maintenance of an extension (erected without building department permit) to an existing factory building.

MINUTES

PREMISES AFFECTED—1873-1885 Eastern parkway, west side, 57 ft. north of Atlantic avenue and 19 Olive place (Block No. 1570, Lot Nos. 7, 8, 9 and 31), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: Charles H. Fier, Robert Aquavella and Ralph Mazzei.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(396-37-BZ)

WHEREAS, Lama & Proskauer, for Mabel C. McCurrach, owner, filed August 6, 1937, an application under the building zone resolution to permit partly in a business use district and partly in a residence use district the maintenance of an extension to an existing factory building; Premises: 1873-1885 Eastern parkway, west side, 57 ft. north of Atlantic avenue and 19 Olive place (Block 1570, Lot Nos. 7, 8, 9 and 31), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 11, 1938 after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Atlantic avenue is in a business use district; Eastern parkway is in a business use district; Olive place is in a residence and business use district; Herkimer street is in a residence and business use district; and

WHEREAS, the decision of the Commissioner of Buildings, rendered August 3, 1937, re App. No. 6646-1937, reads:

"Proposed extension of a factory into a residence district is contrary to the Building Zone Resolution." and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 110 ft. on Eastern parkway, 55 ft. 6 in. on Olive place and a depth of 195 feet; the westerly portion of the plot extends for a distance of 95 feet into the residence use district and the remainder of the plot is located in a business use district. There are 3 frame dwellings located on the Olive place front of the plot; the rest of the plot is developed with several buildings; one, three and four stories in height and occupied as a factory and silk mills (manufacture of neckties). The building in question which was erected without a permit, is one story in height, 24 ft. by 35 ft. irregular in area, located principally in a residence district and used for a store room in connection with the factory on the plot; and

WHEREAS, the Board deemed that the provisions of Section 7, subdivision C of the building zone resolution, under which this application was made, empowered the Board to exercise its discretion and grant this application under such conditions as would safeguard the character of the more restricted district.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under Section 7-C thereof, to permit the construction and use ofthe extension as indicated on plans filed with this application, constructed of concrete block and not over one story in height to replace a building formerly located in the same location constructed of steel, *on condition* that this building shall be used only for storage in connection with the adjoining factory building facing Eastern parkway under the same ownership; that this extension of factory use shall not be further extended in height or area; and that no portion of the factory operations or factory use shall invade the portion of the plot facing on Olive place at present occupied by frame dwellings; that no trucks or delivery of goods or other similar use in conjunction with the manufacturing work of the building fronting on Eastern parkway shall be permitted on this portion of the plot fronting on Olive place; that all required permits shall be obtained and all work involved completed within three months from the date of this action.

620-37-BZ.

APPLICANT—Otto J. Sambach, for Standard Milling Company, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a residence use district the conversion of occupancy of an existing warehouse building to a factory building.

PREMISES AFFECTED—40 Corlears street and 730-738 Water street, northeast corner (Block No. 264, Lot No. 70), Borough of Manhattan.

APPEARANCES—

For Applicant: Otto J. Sambach.

For Opposition: M. Michaelowitz, for Department of Parks.

For Administration: Inspector J. S. Scharf, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(620-37-BZ)

WHEREAS, Otto J. Sambach, for Standard Milling Company, owner, filed Dec. 27, 1937 an application under the building zone resolution to permit in a residence use district the conversion of occupancy of an existing warehouse building to a factory building; Premises: 40 Corlears street and 730-738 Water street northeast corner (Block No. 264 Lot No. 70); Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 11, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Water street is in a residence use district; Cherry street is in a residence and business use district; Corlears street is in a residence and unrestricted use district; and

WHEREAS, the decision of the Commissioner of Buildings, rendered January 26, 1938, re App. No. 3800-1937, reads:

"No. 9. Contrary to change warehouse use of a building to a prohibited factory use in a residential district. Sec 3, Building Zone Resolution." and

WHEREAS, the building is of fireproof construction six (6) stories in height, with a frontage of 150 ft. on Water street and 100 ft. on Corlears street, erected as a warehouse while the district was unrestricted, now occupied as a factory throughout, the use district having been changed in April 1935; and

WHEREAS, the Board deemed that applicant had substantiated his basis of appeal under Section 21 of the Building Zone Resolution and was, therefore, entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the Building Zone Resolution and that the application be and it hereby is *granted* under Section 21, for a period of one year from the date of this action, to permit the building under appeal to be used far factory purposes, *on condition* that the building complies with the requirements of the Labor Law and all laws, rules and regulations applicable to the occupancy of the building; that no structural improvements or alterations to the building shall be made during the term of this variance, execpt such as will be necessary to comply with the laws applicable; that the sprinkler system and standpipe system shall be maintained in accordance with the requirements of the Code and rules; that no additional claim shall be made in the event this building is condemned for an extension of the East River Drive because of this temporary grant for factory purposes; and that all permits shall be obtained and all work completed within three months of the adoption of this resolution.

413-37-BZ.

APPLICANT—Jacob Berger (lessee), for Estate of Samuel A. Potter, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under section 7h of the building zone resolution, to permit in a business use district for a temporary period of not more than two (2) years the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—50-10 Roosevelt avenue, 50-07 Queens boulevard, 44-20 51st street and 44-05 50th street (Block No. 505, Lot Nos. 6, 12 and part of Lot No. 21), Sunnyside, Borough of Queens.

APPEARANCES—

For Applicant: Joseph H. Sand and Edward Berger.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(413-37-BZ)

WHEREAS, Jacob Berger (lessee), for Estate of Samuel A. Potter, owner, filed Aug. 23, 1937, an application under the building zone resolution to permit in a business use district for a temporary period of not more than two (2) years the parking and storage of more than five (5) motor vehicles; Premises: 50-10 Roosevelt avenue, 50-07 Queens boulevard, 44-20 51st street and 44-05 50th strcet (Block No. 505, Lot Nos. 6 and part of Lot No. 21), Sunnside, Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 11, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying thc building zone resolution show that Roosevelt avenue is in a business and residence use district; Queens Boulevard is in a business and residence use district; 51st street is in a business, residence and unrestricted use district and 50th street is in a business and residence use district; and

WHEREAS, the decision of the Commissioner of Buildings, rendered January 17, 1938, reads:

> "Please be advised that application made by you to this department for issuance of a certificate of occupancy for use of premises known as 50-10 Roosevelt avenue, 50-07 Queens boulevard, 44-20 51st street and 44-05 50th street, Sunnyside, Borough of Queens, for parking and storage for more than five (5) cars is hereby denied as this location is situated in a business district and such use would be contrary to subd. 15 Scc. 4 of the Building Zone Resolutions of the City of New York."

and

WHEREAS, the premises consist of an irregularly shaped plot of ground having a frontage of 32 ft. on Queens boulevard, 166 ft. on 51st street, 150 on Roosevelt avenue, and 31 ft. on 50th street. It is proposed to use the premises for a temporary period of not more than two (2) years for the storage and parking of more than 5 motor vehicles; and

WHEREAS, the site under appeal was inspected by a committee of the board prior to the hearing; and

WHEREAS, the board deemed that this was a proper case to exercise its discretion under Section 7, Subdivision H of the Building Zone Resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the Building Zone Resolution and that the application be and it hereby is *granted* under Section 7h, thereof for a temporary period of two years from the date of this action, to permit the promises under appeal to be used for the storage and parking of more than five motor vehicles of the passenger car type, *on condition* that the plot shall be levelcd substantially to the grade of the surrounding streets and shall be surfaced with steam cinders or other suitable material, properly bound to prevent dusting and graded so as to provide surface drainage; and that on all interior lot lines and street building lines there shall be erected a substantial fence or wall with no openings except to 50th street and 51st street, these openings not to exceed 15 ft. in width, with curb cuts opposite not exceeding a similar width; that during the term of this variance, the premises shall not be used for any other use than as herein permitted; that proper aisles shall be maintained at all times to permit easy entrance and exit; that no signs shall be erected other than signs not excceding 5 sq. ft. cach at the entrances herein permitted, advertising the parking and storage use; that all other signs shall be removed; that no building shall be erected on the premises other than one not exceeding one story in height and not exceeding 100 sq. ft. in area, for office and shelter for the attendant; that such portable fire-fighting appliances shall be installed as the Commissioner shall direct; that all permits shall be obtained and all work completed within three months from the date of this action.

Adjourned, 3:30 P. M.

EDWARD V. BARTON, Chief Clerk.

FORMS FOR NOTICES TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, MARCH 15, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the Special meeting of the Board, held on Friday, March 4, 1938; the minutes of the special meeton Friday morning, March 4, 1938; the minutes of thespecial meeting of the Board held on Friday afternoon, March 4, 1938; the minutes ofthe regular meeting of the Board held on Tuesday morning, March 8, 1938, and the minutes of the regular meeting of the Board held on Tuesday afternoon, March 8, 1938, were approved as printed in Bulletin No. 11, Vol. XXIII.

BUILDING ZONE CASES

9-38-BZ.

APPLICANT—A. C. Benson, for John DiBlasi, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7a and 21 of the building zone resolution, to permit in a business use district the extension of an existing gasoline service station.

PREMISES AFFECTED—98-02 to 98-08 Northern boulevard, southeast corner of 98th street (Block No. 1713, Lot No. 1), Corona, Borough of Queens.

APPEARANCES—

For Applicant: A. C. Benson, John DiBlasi and Frank DiBlasi.

For Opposition: None.

ACTION OF BOARD—Laid over to March 29, 1938, at 2 P. M., for report of committee. No further argument.

491-37-BZ.

APPLICANT—Sidney H. Kitzler, for Asness Bros., owners.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the extension of an existing gasoline service station and, also, the inclusion of a brake testing station.

PREMISES AFFECTED—429-439 Crescent street and 1044-1048 Liberty avenue, southeast corner (Block No. 4198, Lot No. 7), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Opposition: Herman H. Torborg.

ACTION OF BOARD—Laid over to March 29, 1938, at 2 P. M., upon written request of applicant.

599-37-BZ.

APPLICANT—Lama and Proskauer, for DeWitt Holding Corporation, owner.

SUBJECT—Application (decision of the commissioner of buildings) under sections 7h and 21 of the building zone resolution, to permit for a temporary period of not more than two (2) years, partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—1663-1681 St. Nicholas avenue, west side, 14 ft. 5 in. north of Fairview avenue and 59-61 Hillside avenue (Block No. 2170, Lot No. 129), Borough of Manhattan.

APPEARANCES—

For Applicant: Frederick W. Groehl and Ira Monnes.

For Opposition: Bernard M. Fineson, Emanuel Goldberg, David Gelman, Albert J. Schwarzler, Fanny Lieberman, M. E. Reinow and others.

ACTION OF BOARD—Laid over to March 29, 1938, at 2 P. M., for report of committee. No further argument.

431-37-BZ.

APPLICANT—James J. Millman, for T. H. Fraser Mortgage Co., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the conversion of occupancy of an existing west wash laundry to a garage for more than five (5) motor vehicles, and a gasoline service station.

PREMISES AFFECTED—5813-5823 20th avenue and 2001-2011 59th street, northeast corner (Block No. 5507, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Arthur G. Warner, James J. Millman and E. M. Checkacoff.

For Opposition: Charles H. Birdsall, Abraham Furtzaig, Thomas L. Rea, Frank Imperato, H. D. Fuller, Margaret E. Osborne, Jennie Levine, Margaret Amato, Mrs. J. Warren and others.

ACTION OF BOARD—Application denied.

THE VOTE—

Affirmative 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Absent 0

THE RESOLUTION—

(431-37-BZ)

WHEREAS, James J. Millman, for T. H. Fraser Mortgage Co., owner, filed September 2, 1937, an application under the building zone resolution to permit in a business use district the conversion of occupancy of an existing wet wash laundry to a garage for more than five (5) motor vehicles and gasoline service station; premises 5813-5823 20th avenue and 2001-2011 59th street, northeast corner (Block No. 5507, Lot No. 1), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 15, 1938, after due notice by publication in the Bulletin of the Board of Standard and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 20th avenue is in a business use district; 59th street is in a residence and business use district; 58th street is in a residence and business use district; and

WHEREAS, the decision of the commissioner of building, rendered August 24, 1937, re Application No. 10432-1937, reads:

> "Proposed change of occupancy from wet wash laundry to public garage and gas station in building located within a business use zone is contrary to Art. II, Sec. 4(A15) Sec. 4 (a46) of Zone Resolution.
>
> Above application is therefore denied."

and

WHEREAS, the building is of non-fireproof construction, one story in height, with a frontage of 95 ft. 2 in. on 20th avenue and 90 ft. on 59th street, occupied as a laundry, it is proposed to occupy building as a garage and gasoline service station; and

WHEREAS, the site under appeal was inspected by a committee of the board prior to the hearing; and

WHEREAS, the board deemed that the applicant did not substantiate his basis of appeal under Section 21 of the building zone resolution—practical difficulties and unnecessary hardship and that the property can be developed for conforming use.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

475-37-BZ.

APPLICANT—Samuel L. Schwartz, owner.

SUBJECT—Application (decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a residence use district the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—774-784 Elton street, west side, 85 ft. north of Linden boulevard (Block No. 4336, Lot No. 21), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel L. Schwartz.

For Opposition: None.

ACTION OF BOARD—Application denied.

THE VOTE—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(475-37-BZ)

WHEREAS, Samuel L. Schwartz, owner, filed October 4, 1937 an application under the building zone resolution to permit in a residence use district the parking and storage of more thon five (5) motor vehicles; Premises: 774-784 Elton Street, west side, 85 ft. north of Linden boulevard (Block No. 4336, Lot No. 21), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 15, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Linden boulevard is in a residence use district; Elton street is in a residence and business use district; Hegeman Avenue is in a business use district; and

WHEREAS, the decision of the Commissioner of Buildings, rendered October 4, 1937 re App. No. 15489-37, reads:

"Proposed parking or storage of more than five (5) motor vehicles on plot in a residential use district is contrary to Art. II, Sec. 3 of Zone Resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 100 ft. and a depth of 100 ft.; It is proposed to occupy the plot for a temporary period of not more than two years for the storage and parking of more than five (5) motor vehicles; and

WHEREAS, the site under appeal was inspected by a Committee of the Board prior to the hearing; and

WHEREAS. the Board deemed that the applicant did not substantiate his basis of appeal under Section 21 of the Building Zone Resolution—practical difficulties and unnecessary hardship.

Resolved, that the decision of the Commissioner of Buildings be and it hereby is *affirmed,* and that the applicant be and it hereby is *denied.*

598-37-BZ.

APPLICANT—Patrick Quilty, acting chief engineer, for department of water supply, gas and electricity, city of New York, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7d of the building zone resolution, to permit in a residence use district the erection and maintenance of a laboratory building.

PREMISES AFFECTED—349-367 Park place, northeast corner of Underhill avenue (Block No. 1160, part of Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel Judenfreund, T. Hochlerner and Dr. Frank Hale.

For Opposition: Thos. F. Flynn, J. Kenneth McCabe, Jules K. French and others.

For Administration: M. Michaelowitz, department of parks; Jacob J. Scharf, department of housing and buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE TO GRANT—

Affirmative: Chairman Murdock, Commissioner Savage and Blum	3
Negative: Assistant Chief Walsh	1
Absent	0

THE RESOLUTION—

(598-37-BZ)

WHEREAS, Patrick Quilty, acting chief engineer, for department of water supply, gas and electricity, City of New York, owner, filed December 16, 1937, an application under the building zone resolution to permit in a residence use district the erection and maintenance of a laboratory building; premises 349-367 Park place, northeast corner of Underhill avenue (Block No. 1160, part of Lot No. 1), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 15, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Park place is in a residence use district; Underhill avenue is in a residence use district; Prospect place is in a residence use district; and

WHEREAS, the decision of the Commissioner of Buildings, rendered March 16, 1937, reads: N.B. Applic. No. 18449-37, reads:

"1. Proposed laboratory building in a residential use zone is in violation of Art. II. Sec. 3 of Zone Resolution.

Above application is therefore denied."

and

WHEREAS, the proposed building is of fireproof construction 2 stories and basement in height, with a frontage of 90 ft. on Park place and 49 ft. 10 in. on Underhill avenue, to be occupied as Laboratory building for the City of New York, Dept of Water Supply, Gas, Electricity; and

WHEREAS, the applicant contends that the plot of ground on which the proposed laboratory building is to be located is part of a larger area bounded by Prospect place, Underhill avenue, Park place and a lot line parallel to Underhill avenue and 150 feet easterly thereof; that on the northerly portion of this area there is now located the Mt. Prospect Pumping Station utilized for the water supply needs of the locality; that the southerly portion of this site has been selected for a laboratory building, such site having been deemed to be the most desirable for this purpose and for the needs of the department; that the proposed building is to replace an existing laboratory building located on the Mt. Prospect Reservoir grounds, which are to be transferred to the Department of Parks for park purposes; that the building will be of a type which it is believed will in no way be detrimental to the locality and, in fact, should enhance its general appearance; that the building is not intended for and will in no way be used for commercial purposes; that it will be devoted to an essential service of the department for making of analyses of water and other tests required for the determination of the characteristics of the water supply and the maintenance of its purity. These analyses are made not only for this department but also far the Department of

Health and for citizens, without charge, who submit samples of water other than that obtained from municipal sources; and

WHEREAS, the premises in question was the subject of an inspection by a committee of the Board; and

WHEREAS, the entire plot under the ownership of the City of New York has a frontage of 262 feet and a depth of 150 feet; and

WHEREAS, it is proposed to use a portion of this plot for a laboratory building for the use and occupancy of the Department of Water Supply, Gas and Electricity, such portion of the plot to have a frontage of 80 feet on Underhill avenue and 150 feet on Park place; and

WHEREAS, the board deemed that the provisions of Section 7, Subdivision d of the Building Zone Resolution, under which this application was made, empowered the board to exercise its discretion and to grant this application under such conditions as would safeguard the character of the more restricted district.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the Building Zone Resolution, and that the application be and it hereby is *granted* under Section 7d, to permit the proposed building, *on condition* that the exterior design of the building shall be substantially in accordance with revised elevation plans submitted to this Board at this hearing; that the building shall be arranged as to the height and area substantially as indicated on plans filed with this appeal; that the building shall be used solely for the departmental needs of the Department of Water Supply, Gas and Electricity, which, however, may include the testing of water from the New York water shed and in connection with other City departments where the testing of water is necessary; that the building shall be located approximately on the center of the plot and shall set back not less than 20 ft. from both street lines; that suitable landscaping shall be maintained at all times to make this building and the plot a suitable development for the residential district; that all permits shall be obtained and all work completed within one year from the date of this action; and that this resolution shall not take effect until thirty days after the date of this action.

Adjourned, 12:40 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, MARCH 15, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

493-37-BZ.

APPLICANT—Messrs. Nugent and Nugent, for Maude B. Mowry, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—71-20 to 71-32 Roosevelt avenue and 40-02 to 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

APPEARANCES—

For Applicant: None.

For Opposition: Henry Waas.

ACTION OF BOARD—Laid over to March 29, 1938 at 2 P. M., on request of the Board.

17-29-BZ.

APPLICANT—Clara K. Eberhart, owner.

SUBJECT—Application reopened November 23, 1937 for consideration under new proposal—(re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station, and, also, the storage and parking of more than five (5) motor vehicles.

PREMISES AFFECTED—1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

APPEARANCES—

For Applicant: Frank Eberhart.

For Opposition: B. Wolper and Daniel Yudon.

ACTION OF BOARD—Laid over to March 29, 1938 at 2 P. M., applicant to submit new plans.

682-26-BZ.

APPLICANT—William R. Altman, for Dornhage Realty Co., Inc., owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the fire commissioner) under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles.

PREMISES AFFECTED—Southeast corner of Jerome avenue and East 182nd street (Block No. 3186, Lot Nos. 17, 18, 20 and 23), Borough of The Bronx.

APPEARANCES—

For Applicant: William R. Altman.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

330-22-BZ.

APPLICANT—George J. Lobenstein, for Kings Highway Community Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—(re decision of the acting borough superintendent of buildings) under section 7c of the building zone resolution, to permit in a residence use district the extension of a business use previously granted by the Board.

PREMISES AFFECTED—1663-1669 East 17th street, east side, 57 ft. 2½ in. south of Kings highway (Block No. 6780, Lot No. 55), Borough of Brooklyn.

APPEARANCES—
For Applicant: George J. Lobenstein.
ACTION OF BOARD—Application reopened and set for April 5, 1938 at 10 A. M.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

247-37-BZ.
APPLICANT—Morton Pannaman, for Theodore Murray and Margaret Murray, lessees, for George R. Jenkins, owner.
SUBJECT—Application for consideration—reopening and reconsideration under alleged new facts—re Application (decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district the storage and parking of more than five (5) motor vehicles for a temporary period of not more than two (2) years (previously denied).
PREMISES AFFECTED—40-23 69th street, east side, 278 ft. south of Roosevelt avenue (Block No. 1301, Lot No. 10 and part of Lot Nos. 12 and 14), Woodside, Borough of Queens.
APPEARANCES—
For Applicant: Morton Pannaman.
ACTION OF BOARD—Application reopened and set for April 5, 1938 at 10 A. M.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

27-33-BZ.
APPLICANT—William E. Kennedy, for Joseph Moss, owner.
SUBJECT—Application for consideration—reopening and restoration to the calendar, previously dismissed for lack of prosecution—re Application (decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.
PREMISES AFFECTED—212-31 115th avenue and 114-30 Springfield boulevard, northwest corner (Block No. 1949, Lot No. 1), St. Albans, Borough of Queens.
APPEARANCES—
For Applicant: William E. Kennedy.
ACTION OF BOARD—Application reopened subject to usual procedure.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

122-31-BZ.
APPLICANT—Samuels and Samuels, for Andrew N. Miller, owner.
SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the commissioner of buildings) under section 7f of the building zone resolution, permitting in a business use district the maintenance of a gasoline service station for a further temporary period of two (2) years.
PREMISES AFFECTED—141-09 Lincoln avenue, northwest corner of 142nd street (Block No. 1122, Lot No. 134), South Jamaica, Borough of Queens.
APPEARANCES—
For Applicant. Max Siegel and Archie H. Samuels
ACTION OF BOARD—Application reopened and permit extended.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO EXTEND PERMIT—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—
(122-31-BZ)

WHEREAS, this application affecting premises 141-09 Lincoln avenue, northwest corner of 142nd street, (Block No. 1122, Lot No. 134), South Jamaica, Borough of Queens, was granted by the board October 8, 1931, for a temporary period of two years, on certain conditions; conditions modified March 29, 1932, period extended September 26, 1933 and March 31, 1936 and owner through his attorneys Samuels & Samuels requests a further extension of the temporary period.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted on March 29, 1932, only so far as it has reference to permission under Section 7f, so that as amended this portion of the resolution shall read:

"Granted for a temporary period of two years from the date of this amended resolution; that in all other respects the resolution as adopted March 29, 1932 shall be complied with."

328-35-BZ.
APPLICANT—Cadwalader, Wickersham and Taft, for Margaret C. S. Carroll and Grace H. Smyth, owners.
SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the commissioner of buildings) under section 7h of the building zone resolution, permitting in a business use district the parking and storage of more than five (5) motor vehicles for a temporary period.
PREMISES AFFECTED—922 Westchester avenue, 918 Rogers place, southeast corner and 909-923 East 163rd street (Block No. 2697, Lot No. 35), Borough of The Bronx.
APPEARANCES—
For Applicant: John A. Sullivan.
ACTION OF BOARD—Application reopened and permit extended.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO EXTEND PERMIT—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—
(328-35-BZ)

WHEREAS, this application affecting premises 922 Westchester avenue, 918 Rogers place, southeast corner and

909-923 East 163d street (Block No. 2697, Lot No. 35), Borough of The Bronx, was granted by the board for a temporary period March 31, 1936, resolution amended April 28, 1936, and September 14, 1937 and applicant requests a further amendment.

Resolved, that the resolution adopted by the Board on March 31, 1936, as amended by resolution adopted by the Board on April 28, 1936 and September 14, 1937, be and it hereby is *amended,* only so far as it has reference to the period of this permit, so that as amended the resolution will read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7h for a temporary period of two years from March 31, 1938, so as to permit that portion of Lot 35, Block 2697, now vacant and unbuilt upon to be used for the parking and storage of more than five motor vehicles, and *on condition* that the plot be occupied for no other use than such parking and storing and that no motor vehicles are at any time to be parked or stored other than cars that are in a good state of repair and capable of being operated; that the plan marked "filed April 6, 1936", as required in the resolution adopted by the board on March 31, 1936, is hereby approved as complying with the conditions hereinbefore stated; on further condition that the grading, retaining wall, fencing, sidewalk surfacing, curb cuts and entrances, as shown on plan marked "received April 7, 1936", shall be constructed and maintained during the term of this variation; that in addition the small frame office and entrance shall contain toilet facilities, that in the event it is desired to increase the size of the office to an area not exceeding 10 feet square and locate same along the Westchester avenue building line, this arrangement may be permitted; that lanes not less than 15 ft. in width shall be maintained so that all cars can be readily moved; that illumination shall be by means of lights with metallic reflectors supported on pipe standards, such reflectors to reflect downwardly; that signs shall be restricted to a small sign at each entrance, indicating the name and use of the plot for parking and eliminating all other billboards and signs; that such portable fire-extinguishers shall be maintained as the commissioner shall direct.

332-34-BZ.

APPLICANT—Joseph V. O'Leary, for Spes Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time—re Application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting partly in a business use district and partly in an unrestricted use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—1108-1112 First avenue and 400 East 61st street, southeast corner (Block No. 1455, Lot Nos. 46 and 48 and west part of Lot No. 42), Borough of Manhattan.

APPEARANCES—

For Applicant: Joseph V. O'Leary.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(332-34-BZ)

WHEREAS, this application affecting premises 1108-1112 First avenue and 400 East 61st street (Block No. 1455, Lot Nos. 46 and 48 and west part of Lot No. 42), Borough of Manhattan, was granted by the Board February 19, 1935, on certain conditions, time to obtain permits extended September 17, 1935 and March 10, 1936, resolution amended as to location of pumps March 16, 1937 and applicant now requests a further extension of time to complete the work.

Resolved, that the resolution adopted by the Board on February 19, 1935, as amended by resolution adopted March 16, 1937, be and it hereby is *amended,* only so far as it has reference to the requirements for filing plans and completing the work, so that as amended this portion of the resolution shall read:

"and all work shall be completed within one year from the date of this amended resolution."

1350-27-BZ.

APPLICANT—Happiness Auto Storage, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment re electric sign (decision of the acting borough superintendent of buildings) re Application, granted on condition, under sections 7e and 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles.

PREMISES AFFECTED—2100-2110 Jerome avenue, east side, 225.51 ft. south of East 181st street (Block No. 3179, Lot No. 20), Borough of The Bronx.

APPEARANCES—

For Applicant: B. F. Solomon.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(1350-27-BZ)

WHEREAS, Frederick J. Flynn, for Infried Realty, Inc., owner, filed, December 29, 1927, an application, under the building zone resolution, to permit in a business district the erection and maintenance of a garage for the storage of more than five motor vehicles; premises 2100-2110 Jerome avenue, east side, 225.51 feet south of East 181st street (Block No. 3179, Lot No. 20), Borough of The Bronx; and

WHEREAS, this application was granted by the board at its meeting July 27, 1928, on certain conditions and owner requested an amendment of the resolution.

Resolved, that the resolution adopted by the board on July 27, 1928 be and it hereby is *amended,* only so far as it has reference to signs, so that as amended the resolution shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted on condition* that the building as proposed shall not exceed a height of two

stories above grade; that the rear and gable walls, unless opening within the property of the same lot or plot and in the same single ownership, shall be unpierced throughout their entire height and length; that any runway or ramp installed or maintained in this building shall be set back at street grade level not less than 10 feet from the front wall of the building; that the front elevation shall be finished with face brick, architectural terra cotta or stone trimmings, panel design, other than the store show windows if installed; that there shall be no roof signs erected; that no signs or advertising display shall be exposed on the front of the structure other than a projecting electric sign, indicating the title and type of business conducted on the premises *and one projecting sign advertising only the brand of gasoline on sale, such sign to extend beyond the building line for a distance of not more than* 5 *feet,* that any *other signs for* advertising shall be limited to fixed letters affixed to plate glass show windows; that all permits required shall be obtained within nine months and any work involved shall be completed within eighteen months from the date of this action, and that the building shall be constructed in accordance with the requirements of the zoning resolution in all other respects.

222-34-BZ.

APPLICANT—Scacchetti and Siegel, for Meyer Werman, owner.

SUBJECT—Application for approval of plans in accordance with resolution adopted by the Board June 25, 1935.

PREMISES AFFECTED—Southeast corner of Little Neck parkway and Hillside avenue (Block No. 4523, part of Lot No. 51), Floral Park, Borough of Queens.

APPEARANCES—

For Applicant: Max Siegel and Archie H. Samuels.

ACTION OF BOARD—Application reopened, resolution amended and plans approved.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION AND APPROVE PLANS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(222-34-BZ)

WHEREAS, this application affecting premises southeast corner of Little Neck parkway and Hillside avenue (Block No. 4523, part of lot No. 51), Floral Park, Borough of Queens, was granted by the Board June 25, 1935, for a period of 10 years, under section 21, subject to the imposing of such conditions as the Board may deem proper after complete working drawings have been filed; and

WHEREAS, the applicant filed complete working drawings.

Resolved, that the resolution adopted by the Board on June 25, 1935 be and it hereby is *amended* to read:

"*Resolved,* that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulations of the Building Zone resolution and that the application be and it hereby is *granted* under Section 21 for a period of ten years from the date of this amended resolution, *on condition* that the plot shall be leveled substantially to the grade of Hillside avenue and that the general arrangement of the station shall be as indicated on plans stamped "received March 8, 1938"; that the accessory building shall be located toward the southerly portion of the plot as indicated, and shall be constructed of brick and stone masonry and stucco with heavy variegated slate shingles as to the gable portion of the roof and that the flat portion of the roof shall be surfaced with non-inflammable weather surfacing; that the building shall be constructed throughout of fire-proof materials except that the roof beams and roof boarding may be of wood, provided the ceilings throughout are fire-retarded in accordance with the rules of the Board of Standards and Appeals; that the doors may be of wood; that the greasing racks shall be of the hydraulic type only; that the entire area where not covered by accessory buildings, walls, walks and planting shall be cement paved or covered with cracked blue stone and tarvia properly rolled and bound; that the gasoline pumps shall be located not less than 15 ft. to either street building line; that the gasoline pumps shall be of the parkway type with masonry pedestals and with the exposed pump portion painted to harmonize with the color of the accessory building; that all piping and tanks installed for the gasoline system shall be new material; that the planting areas, as indicated on plans, shall be maintained with protection curbs, as indicated; that there shall be constructed on the southerly and easterly interior lot lines, where walls of accessory building do not occur, a masonry wall harmonizing with the accessory building, this wall to be not less than 7 ft. in height except that it may be ramped down at the street building lines to a height of four feet; that no signs shall be permitted on the premises other than a sign permanently attached to the accessory building and to three post standards erected within the building line for supporting signs which may be illuminated, advertising solely the brand of gasoline on sale; that all these signs and standards shall be ornamental in character, as indicated on plan; that lights for general illumination shall be on standards in connection with the gasoline pumps and the sign standard; that entrances to the plot shall not exceed four, two from Hillside avenue and two from Little Neck parkway, not exceeding 25 ft. in width each; that when sidewalk curbs are installed, the curb cuts opposite shall not exceed 30 ft. in width each; that in between entrances, planting area shall be maintained, as indicated; that until the widening of Little Neck parkway, the area between the lot line and the existing roadway shall be maintained in neat condition with crushed blue stone and tarvia pavement; that no automobile repairing shall be permitted on the premises and no parking of cars other than those being serviced; that no portable gasoline tanks shall be used on or from the premises; that any heating system installed in the accessory building shall be separated from the balance of the building by fireproof construction; that such room shall be enterable only from the exterior of the building; that there shall be no openings in the walls to adjoining premises; that plans marked "received March 8, 1938" are hereby *approved* as complying with the requirements of this resolution; that all permits shall be obtained and all work completed within one year from the date of this resolution."

APPEALS FROM ADMINISTRATIVE ORDERS

27-38-A.

APPLICANT—Croker Fire Prevention Corporation, for Maryland Baking Co., Inc., owner.

SUBJECT—Appeal from orders and a decision of the Acting Borough Superintendent of Buildings.

PREMISES AFFECTED—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

MINUTES

APPEARANCES—
For Applicant: None.
For Administration: Insp. Meagher, Dep't of Buildings.
ACTION OF BOARD—Laid over to March 29, 1938, at 2 P. M.—No appearance.

135-38-A.

APPLICANT—Edwin W. Kleinert and A. Stanley Miller, for Villett Homes, Inc., owner.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—42-04 to 42-26 Auburndale lane, west side, 95.47 ft. north of Northern boulevard (Block No. 5350, Lot No. 42), Auburndale, Borough of Queens.
APPEARANCES—
For Applicant: Edwin W. Kleinert.
ACTION OF BOARD—Laid over to March 22, 1938, at 2 P. M., for consideration.

622-37-A.

APPLICANT—Benjamin Saltzman, Assistant Engineer, Dept. of Bldgs., for Edwin H. Thatcher, Commissioner of Buildings.
OWNER—Henry Felsenstein.
SUBJECT—Application for revocation of permits and certificates of occupancy re premises partially converted from a storage garage to a gasoline service station in a residence use district.
PREMISES AFFECTED—2042-2044 Ocean avenue, west side, 470 ft. south of Avenue O, (Block No. 6766, Lot No. 36 and part of Lot No. 38), Borough of Brooklyn.
APPEARANCES—
For Applicant: Benjamin Saltzman.
For Opposition: David Steckler.
ACTION OF BOARD—Appeal granted in part and denied in part.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(622-37-A)

WHEREAS, Benjamin Saltzman, Assistant Engineer, for Edwin H. Thatcher, Commissioner of Buildings, filed on December 28, 1937, an application for revocation of permits and certificates of occupancy affecting premises 2042-2044 Ocean avenue, west side 470 ft. south of Avenue O (Block 6766, Lot No. 36 and part of Lot 38) Borough of Brooklyn; and

WHEREAS, the building is two stories, 24 feet in height, 40 by 80 feet in area at the 1st story and 40 by 20 feet in area above; located on a plot 60 feet front by 100 feet in depth. The building is of non-fireproof construction, erected in 1909; now located in a residence use, C area, district, and occupied as a public garage, gasoline station and office; and

WHEREAS, the building was the subject of an application for a variation of the use district regulations under Cal. No. 1081-27-BZ; and

WHEREAS, the applicant contends that this application is made to revoke permits Nos. 9603-28, 10441-28 and 10584-28 and certificates of occupancy Nos. 53356, 54401, 54400 and 72624; that a communication dated December 17, 1937, addressed to Edwin H. Thatcher, Commissioner of Buildings, Brooklyn, signed by Paul Blanshard, Commissioner of Accounts and a memorandum addressed to the Commissioner of Accounts by Mr. W. J. Carmel, Assistant Engineer, dated December 15, 1937, constitute the principal points upon which this application is based; and

WHEREAS, these premises were the subject of an inspection by a committee of the board, report of which was read at this hearing and which report reads as follows:

REPORT OF COMMITTEE

March 12, 1938.

Re: Cal. No. 622-37-A.
Premises: 2042-2044 Ocean avenue, west side, 470 feet south of Avenue O, Borough of Brooklyn.

This is an appeal to revoke certain permits and certificates of occupancy issued affecting the premises known as 2042-2044 Ocean avenue, Brooklyn, since 1916 in a residence use district. There is involved lot No. 36 with a frontage of 40 feet and the northerly half of lot No. 38 with a frontage of 20 feet.

In 1909, prior to zoning, a building 80 feet in depth was legally erected on Lot 36, which has a frontage of 40 feet and a depth of 151 feet 6¾ inches, for occupancy as a garage. At that time and for some years thereafter a garage meant an establishment where an automobile could be stored for safekeeping or could be repaired, greased or refuelled. This garage was so operated. In 1928 two open greasing pits were installed in the rear open yard beyond the building and the front portion of the building was removed so as to provide an alcove gasoline station. These renovations and the addition of the greasing racks in the rear and additional gasoline tanks were questioned by the building department as to whether they could be legally permitted, but finally they all were and the records show three certificates of occupancy issued in that year, 1928, as follows:

October 27, 1928, No. 53356—owner, Ocean avenue garage, greasing pit for two cars.

December 26, 1928—No. 54400—owner, Joseph Diamond, public garage and gas station.

December 26, 1928—No. 54401—owner, Henry Felsenstein—garage.

To this assortment of certificates of occupancy another certificate of occupancy was added which was issued on December 18, 1933, No. 72624 for a "total garage".

Checking the certificates issued against the permits and plan applications, it is found that they vary as to the street frontage and lots, as follows:

No. 53356—40 feet—Lot No. 36
No. 54400—60 feet—Lot No. 36 and part of 38
No. 54401—40 feet—Lot No. 36
No. 72624—40 feet—Lot No. 36

The premises as now occupied consist of the 40 foot garage on Lot No. 36 with the gasoline station, having a paved area 60 feet in width along the front of lot 36 and the northerly half of lot 38. This sixty feet is being used as part of the gasoline selling area to permit automobiles to enter and leave the station. Part of this area comprising the portion of lot 38 is or has been used for the air pump, and parking of cars and also for access to the rear yard of the garage where the greasing pits are located.

Through these confused records, two main questions stand out:

1. Was the alteration of the garage so as to construct the gasoline selling alcove permissible?
2. Was the addition of the 20 feet portion of Lot 38 permissible? The answer to both questions is "No".

Owing to the confusion as to the meaning and intent of Section 6 of the Zoning Resolution, which has since been clarified by the board and the court, it was assumed that as a matter of right a garage having the legal right to sell gasoline could be permitted to alter the building within its envelope and construct a gasoline station, thereby changing the apparent main use from a garage to a gasoline station. Because of the uncertainty that has existed and the time that has elapsed since this alteration and change of use was permitted as to Lot 36, the committee recommends that

the application for revocation of permits and certificate of occupancy No. 72624 be denied.

As to the adding of the northerly portion of Lot 38, the committee finds that this is being illegally used as a part of the gasoline station and was illegally included in certificate of occupancy No. 54400 and that this certificate should be revoked. The committee recommends that the owner file with the board an application for a zoning variance for this extension of use.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
PATRICK WALSH,
Committee.

Resolved, that the decision of the Commissioner of Buildings be and it hereby is *affirmed* and that the appeal be and it hereby is *granted* as to revocation of permit No. 10584 insofar as it has reference to the inclusion of the northerly 20 feet of Lot 38 and as to certificate of occupancy No. 54400; and that the application for revocation of other permits or certificates of occupancy is *denied.*

105-38-A.

APPLICANT—Randazzo & Samenfeld, for John H. Stegeman, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED — 1088-1092 Hancock street, south side, 40 ft. west of Evergreen avenue (Block No. 3395, Lot No. 31), Borough of Brooklyn.

APPEARANCES—

For Applicant: Frank Randazzo.

For Administration: Benjamin Saltzman, Dep't of Housing & Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(105-38-A)

WHEREAS, Randazzo & Samenfeld, for John H. Stegeman, owner, filed on February 18, 1938, an appeal from a decision of the Acting Borough Superintendent, Dept. of Housing and Buildings, Brooklyn, affecting premises 1088-1092 Hancock street, southside, 40 ft. west of Evergreen avenue (Block No. 3395, Lot No. 31) Borough of Brooklyn; and

WHEREAS, the decision of the Acting Borough Superintendent, dated January 27, 1938, App. No. 20832-37, reads:

"3. Change of occupancy in a nonconforming zone involving structural alteration is contrary to Art. II Sect. 6 of the Zone Resolution."

and

WHEREAS, the building is two stories, 28 ft. in height; 60 ft. front by 85 ft. deep; of frame construction; occupied since 1915 as follows: 1st floor—stable; 2nd floor —hay loft; located in a business use district; and

WHEREAS, the applicant contends that it is proposed to convert the occupancy of the premises from a public stable for thirty horses to a non-storage garage for more than five motor vehicles that the premises have been occupied continuously since 1915 as a public stable for 30 horses; that the applicant has owned the premises since that time and maintained the present business as his sole means of livelihood; that the income from the premises has constantly diminished until now it is at very low ebb, due to displacement by motor vehicles; that the building is assessed for $10,500 and that the present income does not meet expenses; that the proposed use will improve conditions in point of fire hazard and sanitary conditions. It is proposed to restrict the garage use to the ground floor of the present building and to fire-retard the exterior walls and erect a new ceiling, replace the present front wall facing the street and make minor alterations to reinforce the present structure; and

WHEREAS, these premises were inspected by a Committee of the Board, report of which inspection was read at this hearing and which report follows:

REPORT OF COMMITTEE

March 7, 1938.

Re: Cal. No. 105-38-A

Premises: 1088-1092 Hancock street, Brooklyn.

This application is for an interpretation of Section 6 of the Building Zone Resolution to determine whether a change of occupancy from a stable to a garage for more than five cars is permitted. The building is a frame stable within a business use district and within the fire limits: It is proposed to introduce certain fire protection and to restrict the new garage to the ground floor only.

On two prior appeals for a zoning variation, the applications were denied even though in each case it was proposed to entirely reconstruct the building so as to be substantially fireproof except the roof (423-23-BZ, denied July 10, 1923, and 2-24-BZ on March 25, 1924).

Under the Code the building would not be permissible as a garage of frame construction and consequently could not comply with the provisions of Section 6, permitting under B4, a substitution of one use prohibited in a business use district for another use so prohibited at the same time complying with the requirements of B1 as to structural changes permitted under certain conditions as set forth in Section 6, paragraph A.

Apparently the Board considered these questions when acting on zoning applications, and denied the applications even in view of the stable use existing prior to 1916.

In the opinion of the Committee, the proposed use as a garage for more than five cars cannot be substituted for the present use as a stable under the provisions of section 6.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
PATRICK WALSH,
Committee.

Resolved, that the decision of the Acting Borough Superintendent, Department of Housing and Buildings, Application No. 20832-37, be and it hereby is *affirmed,* and the appeal be and it hereby is *denied.*

108-38-A.

APPLICANT—Arthur Weiser, for 8801 Shore Road Building Corporation, owner.

SUBJECT—Appeal from a decision of the Acting Borough Superintendent of Buildings.

PREMISES AFFECTED—8801-8901 Shore road, east side, from 88th street to 89th street (Block No. 6058, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Arthur Weiser.

For Administration: Benjamin Saltzman, Dep't of Housing and Buildings. M. Michaelowitz, Dep't of Parks.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

MINUTES

THE RESOLUTION—

(108-38-A)

WHEREAS, Arthur Weiser, for 8801 Shore Road Building Corporation, owner, filed February 18, 1938, an appeal from a decision of the acting borough superintendent of buildings, affecting premises 8801-8901 Shore road, east side, from 88th street to 89th street (Block No. 6058, Lot No. 1), Borough of Brooklyn; and

WHEREAS, the decision of the acting borough superintendent, dated February 15, 1938, on Applic. No. 20833-1937, reads:—

"1. Proposed club is arranged or intended as a business use in a residential district and is therefore contrary to Art. II, Sec. 3, of the Building Zone Resolution."

and

WHEREAS, the building is six stories, 59 feet 10 inches in height, 296 feet by 212 feet in area, of non-fireproof construction; located in a residence use district, erected in 1937 and occupied throughout as a Class A multiple dwelling; and

WHEREAS, the applicant contends that the privileges of the proposed club will be restricted to the tenants in the building; that no charge will be made to the tenants for the use thereof; that clubs are permitted in a residence district, except clubs the chief activity of which is a service customarily carried on as a business; the chief activity of the proposed club is not a business; and

WHEREAS, the site under appeal was inspected by a committee of the board, report of which inspection was read at this hearing and which report follows:

REPORT OF COMMITTEE

March 12, 1938

Re: Cal. No. 108-38-A

Premises: 8801-8901 Shore road, (Block No. 6058, Lot 1) Borough of Brooklyn.

It is proposed to use certain space in the cellar of this multiple dwelling for recreational purposes confined to the tenants of the buildings, and to organize a club where membership will be made up solely of the tenants who will pay dues to provide funds for necessary attendants. No services will be rendered to the outside public and no merchandise sold to the tenants or anyone else.

The question presented is whether this is a permitted use as a club in a residential district and whether the uses proposed consisting of recreational rooms, gymnasium and steam roms, and rooms for dancing and games are accessory uses customarily incident to a multiple residential building.

In the opinion of the committee these proposed uses can be deemed such accessory uses incident to a residential occupancy provided they are solely for the use of the tenants and not for the general public and provided by the owners for the tenants without further charge than as a part of the rent of the apartments. If the tenants or some of them choose to organize a club and defray the expenses of these facilities by dues paid by the tenant members, thereby taking off the shoulders of the owner the cost of maintenance of these facilities, such a procedure would not contravene the provisions of the Zoning Resolution as to permissive uses in a residential district provided, always, that the premises are not operated as a business and the facilities are not available to the public.

The committee recommends that the appeal be granted, provided that the conditions are maintained as set forth in this report.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
PATRICK WALSH,
Committee.

WHEREAS, the proposed uses are set forth by the owner, in letter dated March 11, 1938, reading as follows:

"Pursuant to your inquiry with regard to the details concerning the formation and organization of the club organized by the tenants of the building at 88th street and Shore road, I wish to advise as follows:

1. The following tenants are the organizers of the club:—

Henrietta Belous	Leonard Hershkowitz
Joyce Goodman	Peter F. Higgins
Charles S. Davis	Robert Friedberg
Morris Rothstein	Harold C. Jarvis
Carlton P. Morris	Benjamin Nunnally

2. Membership to this club is limited to the tenants of the building only.

3. The dues are fixed at Twelve ($12.) Dollars per year.

4. When a tenant has moved out of the building the facilities of the club at these premises are no longer available to him.

5. The club intends to engage two men and one woman and a gymnasium instructor who will manage and run the club.

6. That the purpose in organizing this club is to give full, efficient and adequate use of the facilities contained in the building which are as follows:

a. Gymnasium having the various appurtenances customarily found in a gymnasium.
b. Handball courts.
c. Men's washroom and showers.
d. Men's steam room.
e. Ladies' washroom and showers.
f. Ladies' steam room.
g. Separate dressing rooms for ladies and men.
h. Dance room.
i. Reception room.
j. Card room.
k. Ping-pong room.

7. That none but members of the club may make use of the club's facilities.

8. That the club is not organized as a business for the purpose of financial profit."

Resolved, that the decision of the acting borough superintendent of buildings, Application No. 20833-37, be and it hereby is *reversed*, and the appeal be and it hereby is *granted on condition* that the use shall be in accordance with report of committee and the letter of the owner, dated March 11, 1938.

114-38-A.

APPLICANT—Albert Goldhammer, for Bandes-Stillman Construction Co., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—390-396 East 153rd street, south side, 25 ft. west of Melrose avenue, (Block No. 2399, Lot Nos. 20, 21, 22 and 23), Borough of The Bronx.

APPEARANCES—

For Applicant: Albert Goldhammer.
For Administration: M. Harris, Dep't of Housing & Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(114-38-A)

WHEREAS, Albert Goldhammer, for Bandes-Stillman Construction Co., owner, filed an appeal from a decision

of the Acting Borough Superintendent of Buildings, affecting premises 390-396 East 153rd street, south side, 25 ft. west of Melrose avenue (Block No. 2399, Lot Nos. 20, 21, 22 and 23), Borough of The Bronx; and

WHEREAS, the decision of the Acting Borough Superintendent, dated February 17, 1938, on N.B. Applic. No. 621-37, reads:

"9. There shall be a window or windows to properly light and ventilate every stair at each story. Section 148 Multiple Dwelling Law. Said stairs should be within the stair halls proper. See 1st and upper stories."

and

WHEREAS, the proposed building is 6 stories, 62 ft. in height, 100 ft. by 84 ft. 8 in. in area, of non-fireproof construction, located in a business use district; to be occupied as a Class A Multiple Dwelling; and

WHEREAS, the applicant contends that the stair is properly lighted in accordance with Section 148, as the window lighting same is on a legal yard and this window contains 32 square feet of glass area. As the law requires 18 square feet for the stairs and 12½ square feet for the public hall, the window as shown on plan is adequate for lighting both stairs and public hall; and

WHEREAS, the site under appeal was inspected by a Committee of the Board, report of which inspection was read at this hearing and which report follows:

REPORT OF COMMITTEE

March 12, 1938

Re: Cal. No. 114-38-A

Premises: 390-396 East 153rd street, south side, 25 ft. west of Melrose avenue, Borough of the Bronx (Block 2399, Lots 20, 21, 22 and 23).

This application is for an interpretation of Section 148 of the Multiple Dwelling Law to determine whether the plan proposed meets the requirements of the section as to window to light and ventilate a required stairs. The plan shows a public hall with a window opening upon a legal yard at the end of the hall, with the direction of light parallel to the axis of the hall. The stair runs are alcoved off the hall and parallel thereto and do not receive lighting and ventilation from the window in a direct line from the window.

After careful consideration of Section 148 and the definition of "stair" in section 4 paragraph 24, and general interpretation that has consistently been given to the requirements of this section, it is the opinion of the committee that the arrangement proposed does not meet the requirements or the spirit and intent of the section. It is intended that a window of the required area should be provided to light and ventilate the stair run itself and while the definition includes as a part of the stairs "portion of a public hall through which is necessary to pass" in going from the entrance floor to the roof" it was not intended that a window in another portion of the public hall through which it is not necessary to pass would meet the stair lighting requirements.

That the window should actually ventilate and light the stair itself is the important consideration—other provisions in Section 149 provide for required lighting for the public halls in addition, and supplementary to the required window for a stair.

The committee recommends that the appeal be denied.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
PATRICK WALSH,
Committee.

Resolved, that the decision of the Acting Borough Superintendent of Buildings, N.B. Application No. 621-37, be and it hereby is *affirmed,* and that the appeal be and it hereby is *denied.*

152-38-A.

APPLICANT—Joseph Schafran, for R.R. Federal Savings & Loan Association, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—1600 Garfield street, southeast corner of Baker avenue (Block No. 4025, Lot No. 1), Borough of The Bronx.

APPEARANCES—

For Applicant: Joseph Schafran.

For Administration: M. Harris, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Absent 0

THE RESOLUTION—

(152-38-A)

WHEREAS, Joseph Schafran, for R. R. Federal Savings & Loan Association, owner, filed March 9, 1938, an appeal from a decision of the Acting Borough Superintendent of Buildings, affecting premises 1600 Garfield street, southeast corner of Baker avenue (Block No. 4025, Lot No. 1), Borough of The Bronx; and

WHEREAS, the decision of the Acting Borough Superintendent, on Alt. Applic. No. 53-1937, reads:

"1. No frame building not now used as a multiple dwelling shall hereafter be altered or converted to permit a greater occupancy than was originally intended. Section 56 Multiple Dwelling Law."

and

WHEREAS, the building is three stories, 35 ft. in height, 24 ft. by 52 ft. in area, of frame construction, erected in 1916 and located in a residence use district and occupied as follows: Cellar—boiler room; 1st floor—2 stores; 2nd floor—1 six-room apartment; 3rd floor—1 six-room apartment. It is proposed to cover the entire floor, sides and rear walls of the building with asphalt shingles and provide fire escapes for the second and third stories and to convert the two stores on the first floor to 2 five-room apartments; and

WHEREAS, the applicant contends that the present stores have been vacant for the past five years and it has been impossible to rent them at any price; that without the approval for the proposed alteration, the owners will be obliged to lose the property; and

WHEREAS, this application is for a variation of the Multiple Dwelling Law to permit an alteration prohibited under Section 56; and

WHEREAS, neither the Board nor any administration official has power to vary the Multiple Dwelling Law except as specifically provided therein.

Resolved, that the decision of the Acting Borough Superintendent of Buildings, alteration application No. 53-37, be and it hereby is *affirmed,* and that the appeal be and it hereby is *denied.*

149-38-A.

APPLICANT—Joseph Lau, for Edgar A. Levy Management Corporation, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—1281-1289 Lexington avenue and 147 East 86th street, northeast corner (Block No. 1515, Lot No. 20), Borough of Manhattan.

APPEARANCES—

For Applicant: Joseph Lau.

For Administration: Fred Dahlen, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(149-38-A)

WHEREAS, Joseph Lau, for Edgar A. Levy Management Corporation, owner, filed on March 9, 1938 an appeal from a decision of the borough superintendent, department of housing and buildings (Manhattan), affecting Premises 1281-1289 Lexington avenue and 147 East 86th street, northeast corner (Block No. 1515, Lot No. 20), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent on Alt. App. No. 581-1938, dated March 1, 1938, reads:

"1. Removal of stairway from 2nd floor to Lexington avenue side of building violates the provisions of Sections 6.1.2.1; 6.1.2.2.3, and 6.1.6, Bldg. Code."

and

WHEREAS, the building is 2 stories (30 feet) in height, 62 feet 2 inches by 100 feet 8 inches in area; of non-fireproof construction; erected in 1916; located in a business use district and occupied as follows: Cellar—stores, 45 persons; 1st floor—stores and restaurant, 200 persons; mezzanine—restaurant, 50 persons; 2d floor—offices, 30 persons; for which certificate of occupancy No. 12742 was issued July 9, 1927; and

WHEREAS, applicant contends the primary means of exit is a steel stair 66 inches wide, enclosed on one side by a masonry wall, and the other side at first floor level with stud partition covered on one side with metal lath and plaster; that this stairway leads directly to the street; that the public hall on the second floor is 72 inches wide with part of public hall masonry and the remaining portions stud covered with metal lath and plaster and all doors opening thereon kalamein doors with polished wire glass and metal trim and bucks; that a few of the doors having plain glass will be replaced with polished wire glass; that from the second floor there is a steel stair 48 inches wide enclosed in fire-retarded partitions on one side and masonry wall on other which leads to the roof through an existing bulkhead; that the primary means of egress through 72 inch wide public hall and 66 inch wide steel stair leading directly to street and roof will remain intact and unaltered; that the alteration consists of the removal of an existing steel stair 48 inches wide at the end of the public hall and leading to the street from the second floor, and the substitution of a 48 inch wide passage enclosed on one side with metal lath and the other side in a stud partition covered on both sides with metal lath and cement plaster; that the passage will lead from the second floor public hall directly to Lexington avenue side of building through a door opening out onto an iron platform and a counter-balanced steel stair which shall in every way comply with all requirements; that this counter-balanced stair to lead down to sidewalk and serve as the secondary means of egress.

Resolved, that the decision of the borough superintendent, department of housing and buildings, alteration application No. 581-1938, be and it hereby is *modified* and the appeal be and it hereby is *granted on condition* that the building shall not be used for factory purposes, and that the occupancy of the 2nd floor shall not exceed the legal capacity for primary means of exit.

153-38-A.

APPLICANT—Samuel W. Ross, for Squire Properties Corporation, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—32 West 72nd street, south side, 325 ft. east of Columbus avenue (Block No. 1124, Lot No. 51), Borough of Manhattan.

APPEARANCES—

For Applicant: Samuel W. Ross.

For Administration: Insp. Maher, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(153-38-A)

WHEREAS, Samuel W. Ross, for Squire Properties Corporation, owner, filed March 10, 1938, an appeal from a decision of the Borough Superintendent, affecting premises 32 West 72nd street, south side, 325 ft. east of Columbus avenue (Block No. 1124, Lot No. 51), Borough of Manhattan; and

WHEREAS, the decision of the Borough Superintendent, dated March 4, 1938, re. Applic. No. 924-37, reads:

"1. Boiler room enclosure may not be omitted, Sections 2, 58-65 Multiple Dwelling Law. Section 20, Chapter 12 Code of Ordinances."

and

WHEREAS, the building is 4 stories and basement 55 ft. in height, 25 ft. by 58 ft. in area, of brick construction, erected in 1890, located in a residence use district and occupied as a converted multiple dwelling; and

WHEREAS, the applicant contends that on November 12, 1937, the Department of Buildings approved plans known as F.P. 924/37 for above premises; that the approved plans showed the installation to consist of a 550 gallon fuel oil tank, Gilbert & Barker Oil Burner and a boiler room; that on February 15, 1938, an amendment to plans F.P. 924/37 was filed with the Department of Housing & Buildings requesting that the boiler room be omitted from the installation, as the stairs leading to cellar are enclosed with fireproof partition walls and approved self-closing door; that the Department of Housing & Buildings objected to the amendment on March 4, 1938 quoting Section 2, 58, 65 of Multiple Dwelling Law and Section 20, Chapter 12, of Code of Ordinances; that none of the above mentioned sections of Multiple Dwelling Law and Code of Ordinances refer to erection of a boiler room in this type of building; that the cellar is completely separated from upper floors by fire-retarded material and the building has a sprinkler system, and, in allother respects, complies with Multiple Dwelling Law; that the installation of the Fuel Oil System complies, in every respect, with the rules of the Board of Standards and Appeals, it is the contention of the applicant that no separate boiler room is to be necessarily installed.

Resolved, that the decision of the Borough Superintendent, Application No. 924-37, be and it hereby is *reversed*, and that the appeal be and it hereby is *granted on condition* that the oil burner installation shall comply with the requirements of the Oil Burner Rules of the Board of Standards and Appeals, and that the building shall comply with Article 6 of the Multiple Dwelling Law.

154-38-A.

APPLICANT—Samuel W. Ross, for M. Byrnes, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—156 West 76th street, south side, 262.6 ft. east of Amsterdam avenue (Block No. 1147, Lot No. 54), Borough of Manhattan.

APPEARANCES—

For Applicant: Samuel W. Ross.

For Administration: Insp. Maher, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(154-38-A)

WHEREAS, Samuel W. Ross, for M. Byrnes, owner, filed March 10, 1938, an appeal from a decision of the borough superintendent of buildings, affecting premises 156 West 76th street, south side, 262.6 feet east of Amsterdam avenue (Block No. 1147, Lot No. 54), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated March 4, 1937, re. Applic. No. 994-37, reads:

"1. Boiler room enclosure may not be omitted. Sections 2-58-65 Multiple Dwelling Law, Section 20, Chapter 12, Code of Ordinances."

and

WHEREAS, the building is 4 stories and basement, 53 feet in height, 20.10 feet by 55 feet in area, of non-fireproof construction, erected in 1886 and occupied throughout as a converted multiple dwelling (furnished rooms), and

WHEREAS, the applicant contends that on November 12, 1937, the Department of Buildings approved plans known as F.P. 994/37 for above premises, that the approved plans showed the installation to consist of a 275 gallon fuel oil tank, Gilbert & Barker Oil Burner and a boiler room; that on February 15, 1938, an amendment to plans F.P. 988/37 was filed with the Department of Housing & Buildings requesting that the boiler room be omitted from the installation, as the stairs leading to cellar are enclosed with fireproof partition walls and approved self-closing fireproof door; that the Department of Housing & Buildings objected to the amendment on March 4, 1938, quoting Section 2-58-65 of Multiple Dwelling Law and Section 20, Chapter 12 of Code of Ordinances; that none of the above mentioned sections of Multiple Dwelling Law and Code of Ordinances refer to erection of a boiler room in this type of building; that the cellar is completely fire retarded from upper floors and the building has a sprinkler system, and, in all other respects, complies with Multiple Dwelling Law; that the installation of the fuel oil system complies, in every respect, with the rules of the Board of Standards and Appeals, it is the contention of the applicant that no separate boiler room is to be necessarily installed.

Resolved, that the decision of the borough superintendent, Application No. 994-37, be and it hereby is *reversed,* and that the appeal be and it hereby is *granted on condition* that the oil burner installation shall comply with the requirements of the Oil Burner Rules of the Board of Standards and Appeals, and that this building shall comply with Article 6 of the Multiple Dwelling Law.

155-38-A.

APPLICANT—Samuel W. Ross, for F. R. Radzinowski, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—312 East 51st street, south side, 166 ft. east of Second avenue (Block No. 1343, Lot No. 45), Borough of Manhattan.

APPEARANCES—

For Applicant: Samuel W. Ross.

For Administration: Insp. Maher, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(155-38-A)

WHEREAS, Samuel W. Ross, for F. R. Radzinowski, owner, filed March 10, 1938, an appeal from a decision of the Borough Superintendent of Buildings, affecting premises 312 East 51st street, south side, 166 ft. east of Second avenue (Block No. 1343, Lot No. 45), Borough of Manhattan; and

WHEREAS, the decision of the Borough Superintendent, dated March 4, 1938, re. Applic. No. 988-37, reads:

"1. Boiler room enclosure may not be omitted, Sections 2, 58, 65 Multiple Dwelling Law. Section 20, Chapter 12 Code of Ordinances."

and

WHEREAS, the building is 4 stories and basement, 48 ft. in height, 20 ft. by 52 ft. in area, of non-fireproof construction, erected in 1871, located in a residence use district and occupied throughout as a converted multiple dwelling since 1930 (furnished rooms); and

WHEREAS, the applicant contends that on October 28, 1937, the Department of Buildings approved plans known as F.P. 988/37 for above premises; that the approved plans showed the installation to consist of a 275 gallon fuel oil tank, Gilbert & Barker Oil Burner and a boiler room; that on February 15, 1938 an amendment to plans F.P. 988/37 was filed with the Department of Housing & Buildings requesting that the boiler room be omitted from the installation, as the stairs leading to cellar are enclosed with fireproof partition walls and approved self closing fireproof door; that the Department of Housing & Buildings objected to the amendment on March 4, 1938, quoting Sections 2, 58, 65 of Multiple Dwelling Law and Section 20, Chapter 12 of Code of Ordinances; that none of the above mentioned sections of Multiple Dwelling Law and Code of Ordinances refer to erection of a boiler room in this type of building; that the cellar is completely fire retarded from upper floors; that the building has a sprinkler system, and, in all other respects, complies with Multiple Dwelling Law; that the installation of the fuel oil system complies, in every respect, with the rules of the Board of Standards and Appeals, it is the contention of the applicant that no separate boiler room is to be necessarily installed.

Resolved, that the decision of the Borough Superintendent, Application No. 988-37, be and it hereby is *reversed,* and that the appeal be and it hereby is *granted on condition* that the oil burner installation shall comply with the requirements of the Oil Burner Rules of the Board of Standards and Appeals, and that the building shall comply with Article 6 of the Multiple Dwelling Law.

156-38-A.

APPLICANT—Samuel W. Ross, for F. M. Chilvers, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—54 West 91st street, south side, 300 ft. east of Columbus avenue (Block No. 1204, Lot No. 52), Borough of Manhattan.

APPEARANCES—

For Applicant: Samuel W. Ross.

For Administration: Insp. Maher, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(156-38-A)

WHEREAS, Samuel W. Ross, for F. M. Chilvers, owner, filed March 10, 1938, an appeal from a decision of the

borough superintendent affecting premises 54 West 91st street, south side, 300 feet east of Columbus avenue (Block No. 1204, Lot No. 52), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated March 4, 1938, re Applic. No. 1082-37, reads:

"1. Boiler room enclosures may not be omitted. Sections 2-58-65 Multiple Dwelling Law. Section 20, Chapter 12 Code of Ordinances."

and

WHEREAS, the building is four stories and basement, 48 feet in height, 18 feet by 55 feet in area, of non-fireproof construction, erected in 1887; located in a residence use district and occupied throughout as a converted multiple dwelling (furnished rooms); and

WHEREAS, the applicant contends that on November 29, 1937, the Department of Buildings approved plans known as F.P. 1082-37 for above premises; that the approved plans showed the installation to consist of a 275 gallon fuel oil tank, Gilbert & Barker Oil Burner and a boiler room; that on February 15, 1938, an amendment to plans F.P. 1082-37 was filed with the Department of Housing & Buildings requesting that the boiler room be omitted from the installation, as the stairs leading to cellar are enclosed with fireproof partition walls and approved self-closing fireproof door; that the Department of Housing & Buildings objected to the amendment on March 4, 1938, quoting Section 2, 58, 65 of Multiple Dwelling Law and Section 20, Chapter 12, Code of Ordinances; that none of the above mentioned sections of Multiple Dwelling Law and Code of Ordinances refer to erection of a boiler room in this type of building; that the cellar is completely fire retarded from upper floors; that the building has a sprinkler system, and, in all other respects, complies with Multiple Dwelling Law; and since the installation of the fuel oil system complies, in every respect, with the rules of the Board of Standards and Appeals, it is the contention of the applicant that no separate boiler room is to be necessarily installed.

Resolved, that the decision of the borough superintendent, Application No. 1082-37, be and it hereby is *reversed*, and that the appeal be and it hereby is *granted on condition* that the oil burner installation shall comply with the requirements of the Oil Burner Rules of the Board of Standards and Appeals, and that the building shall comply with Article 6 of the Multiple Dwelling Law.

161-38-A.

APPLICANT—Oscar Lowinson, for Gotham Ink & Color Co. and Abraham Sheftman, lessees, and Hannah Luedemann, owner.

SUBJECT—Appeal from orders and a decision of the fire commissioner.

PREMISES AFFECTED—40-42 Renwick street, east side, 75 ft. south of Spring street (Block No. 594, Lot No. 72), Borough of Manhattan.

APPEARANCES—

For Applicant: Oscar Lowinson and Leon Finkelstein.

For Administration: Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(161-38-A)

WHEREAS, Oscar Lowinson, for Gotham Ink and Color Co. and Abraham Sheftman, lessees, and Hannah Luedemann, owner, filed on March 11, 1938, an appeal from orders and decision of the Fire Commissioner, affecting Premises 40-42 Renwick street, east side, 75 ft. south of Spring street (Block No. 594, Lot No. 72), Borough of Manhattan; and

WHEREAS, the decision of the Fire Commissioner, dated March 1, 1938, reads as follows:

"In response to your favor of February 25, 1938, in reference to 40-42 Renwick street, Manhattan, be advised that either one of the two tenants at this location must remove his combustible storages before a permit can be issued to the other.

We have on file a communication from the owner, Mrs. Hannah Luedemann, that she was about to dispossess the Gotham Ink and Color Company for non-payment of rent.

As long as both tenants remain in the buildings, the orders issued against the individual tenants will have to be complied with. No permit can be issued to either while both remain."

and

WHEREAS, Order of Fire Commissioner No. 11002-LC, dated January 31, 1938, reads as follows:

"With reference to your application dated September 4, 1937, for a permit to maintain a technical establishment at the above location, I regret to inform you that this department is without power to grant such a permit for the reason building in part is used for the storage of rags.

YOU ARE THEREFORE, HEREBY, ORDERED TO

1. Discontinue the maintenance of a technical establishment on these premises and remove all volatile inflammable oils, varnish, etc. from same.

NOTE: Under the law, your occupancy affects that of Abraham Sheftman who will be similarly notified. One occupancy or the other must cease under permit requirement. Ch. 19, Title C, Part 1, Articles 23 and 26, Administrative Code."

and

WHEREAS, the Order of the Fire Commissioner No. 11003-LC, dated January 31, 1938, reads as follows:

"A recent inspection of your premises indicates that the following must be done, otherwise Permit 121169, which is dated to expire July 15th, 1938, will be revoked:

1. Either cause the discontinuance of the occupancy of Gotham Ink and Color Co., which is engaged in the manufacture of printing ink which involves the storage and use of naptha, oils, benzol, varnish, etc.

OR

Reduce Stock of combustible fibre to one ton. Ch. 19, Title C, Part 1, Art. 26, Administrative Code.

NOTE. As to permit requirement, one occupany or the other must cease. Both cannot receive permits under the law."

and

WHEREAS, the building is 8 stories (90 ft.) in height, 50 ft. by 59 ft. in area, of fireproof construction, equipped with standpipe; erected in 1892 and located in an unrestricted "A" area 2 times Height District; occupied as follows since 1937: Cellar—Heating plant and storage, 5 persons; 1st floor—storage and manufacturing, 10 persons; 2nd to 8th floor—storage, 5 persons per floor; and

WHEREAS, the applicant contends that the 1st story is divided into two parts—the southerly portion, 23 ft. by 53 ft., is occupied by the Gotham Ink and Color Co. for the manufacturing of ink goods, which requires the storage of the following materials: One drum (50 gallons each) of naptha, alcohol, ethyl acetate, turpentine, resin varnish, linseed varnish (also some 5-gallon cans of linseed varnish of different consistencies); two 30-gallon drums of pyroxylin solution in ethyl acetate, 5 gallons cellsolve, one gallon methyl cellsolve, one gallon benzol, one gallon carbitol, 5 gallons butyl acetate, 5 gallons di-butyl phthalage, 5 gallons toluol, 5 gallons zylol (all in metal cans), 1,000 pounds odd dry colors in powder form, 50 gallon drum of raw linseed oil, two 50-gallon drums of mineral oil, one 50-gallon drum of fish oil; that the balance of the building is occupied

for the storage of woolen rags, a maximum of 15 tons in the entire building; that the printing ink manufacturer has gone to great expense in fitting up the place for its use and the removal of such use would work a serious hardship on the tenant and for that reason respectfully requests a variation so as to permit the continuance of both occupancies in the buildings.

Resolved, that the Order of the Fire Commissioner, No. 11002-LC be and it hereby is *modified,* and the appeal be and it hereby is *granted on condition* that the occupancy for ink manufacture shall be restricted to the southerly portion of the first floor; that the partition dividing such portion from the balance of the first floor, shall be fire-retarded on the southerly face in accordance with the rules of the Board of Standards and Appeals; that the standpipe, sprinkler and fire alarm system shall be maintained to the satisfaction of the Fire Commissioner; that no open flame shall be permitted in this portion of the first floor of the building; that such portable fire-fighting appliances shall be installed as the Commissioner shall direct; and that the Order of the Fire Commissioner No. 11003-LC may be *dismissed* provided the requirements of this resolution are complied with.

168-38-A.

APPLICANT—Lorber Lands, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—79-01 35th avenue, northeast corner of 79th street (Block No. 1266, Lot No. 38), Jackson Heights, Borough of Queens.

APPEARANCES—

For Applicant: Benjamin Lorber.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(168-38-A)

WHEREAS, Lorber Lands, Inc., owner, filed on March 11, 1938, an appeal from a decision of the borough superintendent, department of housing and buildings, (Queens), affecting premises 79-01—35th avenue, north east corner of 79th street (Block No. 1266, Lot No. 38), Jackson Heights, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated March 10, 1938, on N. B. App. No. 1643-37, reads as follows:

> "1. Sketch as submitted shows a structure different both structurally and in layout to that originally filed April 13, 1937. Examined and objected to on May 13, 1937 and tentatively amended January 26, 1938. File new plans and applications not further examined."

and

WHEREAS, the proposed building will be 6 stories (64 feet) in height, 100 feet by 105 feet in area of non-fireproof construction, located in a residence "C" 1½ times district; to be occupied as a Class "A" Multiple Dwelling; and

WHEREAS, the applicant contends that N. B. Plan 1643-37 was filed April 13, 1937 and amended January 26, 1938; that on March 10, 1938, the borough superintendent was notified of the applicant's intention to amend application and substitute new plans in order to generally improve the layout and enlarge the size of the courts; that the objection is contrary to Section 4-A of the new Building Code; that no new application should be required since the plans and application have been pending since April 13, 1937 and amended January 26, 1938; that the applicant should be permitted to submit amendments to be examined under the old Building Code; and

WHEREAS, the applicant states that the plans filed in April, 1937, call for a six-story multiple dwelling and that the amendment of January 26, 1938 made no radical change in the plan as filed, and that the amendment revised the arrangement of the rooms and court areas only.

Resolved, that the decision of the borough superintendent as to N. B. App. No. 1643-37, be and it hereby is *modified* and that the appeal be and it hereby is *granted* as to the requirement for filing a new application, *on condition* that the building shall be constructed substantially in accordance with the plan as indicated on amendment filed January 26, 1938, and shall comply with all laws applicable.

138-37-A.

APPLICANT—Bohner Varnish Co., Inc., lessee.

SUBJECT—Application for consideration—reopening and amendment—re Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—10002-10004 Avenue D, east side, 250 ft. south of East 101st street (Block No. 8133, Lot No. 36), Borough of Brooklyn.

APPEARANCES—

For Applicant: Chas. A. Lipschitz.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(138-37-A)

WHEREAS, Bohner Varnish Co., Inc., applicant and lessee, filed March 30, 1937, an appeal from an order and a decision of the fire commissioner, affecting premises 10002-10004 Avenue D, east side, 250 feet south of East 101st street (Block No. 8133, Lot No. 36), Borough of Brooklyn; and

WHEREAS, this appeal was granted by the board April 27, 1937, on certain conditions and applicant requested an amendment of the resolution.

Resolved, that the resolution adopted by the board on April 27, 1937, be and it hereby is *amended,* so that as amended it shall read:

> *"Resolved,* that the order of the fire commissioner No. 69482-LC be and it hereby is *modified,* and the appeal be and it hereby is *granted,* permitting the storage of a limited supply of volatile materials, not exceeding one (1) 50-gallon drum each of the following: Benzine, Benzol, Toluol, Xylol, Acetone and Methanol, *on condition* that these materials shall be stored in the original 50-gallon drums within a one-story metal structure to be erected at the rear of property not exceeding 10 feet by 15 feet, one story in height, as indicated on plans filed with this appeal; that from these drums not more than one (1) 5-gallon can of each type of volatile material shall be taken into or stored in the building where varnish is mixed and only approved safety cans shall be used for such purpose; that this permit shall be continued only so long as the area remains zoned for unrestricted use and the surrounding conditions within 100 feet are not changed; and that such portable fire-fighting appliances shall be installed as the commissioner may direct.
>
> *Resolved,* further that the one-story metal structure

above required need not be constructed in the event that the materials stored include only such volatile materials as are permitted to be stored under the Administrative Code in 50-gallon drums."

VARIATIONS OF LABOR LAW

160-38-S.

APLICANT—Joseph M. Lonergan, for Rio Caterers, Inc., lessee.

SUBJECT—Variation of the labor law as cited in a decision of the health commissioner.

PREMISES AFFECTED—3869 Broadway, west side, 75 ft. north of West 161st street (Block No. 2137, part of Lot No. 18), Borough of Manhattan.

APPEARANCES—

For Applicant: Joseph M. Lonergan.

For Administration: Joseph Haiken, Dep't of Health.

ACTION OF BOARD—Laid over to March 29, 1938, at 2 P. M., for Health Dep't inspector to obtain certain information.

123-38-S.

APPLICANT—Charles P. Cannella, for C. P. S. Realty Corporation, owner.

SUBJECT—Variation of the labor law as cited in orders of the acting borough superintendent of buildings.

PREMISES AFFECTED—1031 Washington avenue, west side, 125 ft. north of C street (Block No. 2024, Lot No. 214), Borough of Brooklyn.

APEARANCES—

For Applicant: Charles P. Cannella.

For Administration: Insp. Meagher, Dep't of Housing and Buildings.

ACTION OF BOARD—Application dismissed, improperly before the Board.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(123-38-S)

WHEREAS, Charles P. Cannella, for C. P. S. Realty Corporation, owner, filed February 28, 1938, an application for variation from the requirements of the Labor Law, as cited in orders of the Acting Borough Superintendent of Buildings, affecting premises 1031 Washington avenue, west side, 125 ft. north of C street (Block No. 2024, Lot No. 214), Borough of Brooklyn; and

WHEREAS, the order of the Acting Borough Superintendent, dated February 26, 1938, re. Order No. 18039-LD, reads:

"1. Provide secondary means of exit from cellar, 1st and 2nd stories as required by Section 271 of the Labor Law and Rules of the Board of Standards and Appeals."

and

WHEREAS, the order of the Acting Borough Superintendent, dated February 26, 1938, re. Order No. 18040-LD, reads:

"1. Extend the interior stairway to the roof as per Section 271 of the Labor Law and rules of the Board of Standards and Appeals."

and

WHEREAS, the order of the Acting Borough Superintendent, dated February 26, 1938, re. Order No. 18041-LD, reads:

"1. Arrange the doors leading to street on 1st story so as to open outwardly without obstructing the stairway."

and

WHEREAS, the building is two stories, 25 ft. in height, 25 ft. by 50 ft. in area; erected in 1900 and occupied as follows: Cellar—boiler room and storage—1 person; 1st floor—refrigeration and sales room—3 persons; 2nd floor butter whipping—8 persons. Certificate of Occupancy No. 82418, issued May 18, 1937 on Alt. Applic. No. 4118-37 permits the occupancy of the first floor as a market, refrigeration and office—2 persons; 2nd floor—storage of butter and butter whipping; that the building is equipped with one interior stairs which runs from the first to second story and is 3 ft. wide, of wood construction, enclosed in wood studs covered with No. 26 gauge metal, equipped with kalemein self-closing doors on the openings; that there is a stationary iron ladder leading from the second story to a 2 ft. 6 in. by 3 ft. scuttle in the roof and that the adjoining buildings are of same height; and

WHEREAS, the applicant contends that the building has no yard; that there is no way of providing a secondary means of egress from cellar on the first floor; that it is proposed to provide a door at front wall of second floor forming an exit leading to present corrugated iron canopy which extends the length of the entire block and that the floor of the entire second story is covered with 3 inches of concrete; and

WHEREAS, it appeared that there is a conflict between the certificate of occupancy and the order appealed from as to the correct address of the building and also as to status of the court case and the date of the order appealed from.

Resolved, that the application be and it hereby is *dismissed* as not being properly before the Board.

158-38-S.

APPLICANT—Lashley and Scholes, Inc., owner.

SUBJECT—Variation of the labor law as cited in an order of the commissioner of buildings and a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—1265 (1263 displayed) Atlantic avenue, north side, 209.11 ft. east of Nostrand avenue (Block No. 1867, Lot No. 82), Borough of Brooklyn.

APPEARANCES—

For Applicant: John Jas. Carroll, Martin Blend and Thos. L. Lashley.

For Administration: Insp. Meagher, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Nagative	0
Absent	0

THE RESOLUTION—

(158-38-S)

WHEREAS, Lashley & Scholes, Inc., owner, filed on March 10, 1938, an application for a variation of the Labor Law as cited in an order of the Commissioner of Buildings and a decision of the acting borough superintendent, department of housing and buildings (Brooklyn), affecting Premises 1265 Atlantic avenue (1263 displayed), north side, 209 feet 11 inches east of Nostrand avenue (Block No. 1867, Lot No. 82), Borough of Brooklyn; and

WHEREAS, the order of the commissioner of buildings No. 18914-LD, dated November 22, 1937, reads as follows:

"An inspection of premises 1263 Atlantic avenue, borough of Brooklyn, shows that the following must be done to comply with sections 271 and 272 of the Labor Law:

1. Discontinue the use of the above premises for factory purposes as same is occupied in violation of section 271 and 272 of the Labor Law and Rules of the Board of Standards and Appeals.

Among the defects noted are the following:

A. No legal 2nd means of egress provided from 1st story and 2nd story.

B. Interior stairway does not extend to roof.

C. No exit signs and lights provided.

Note: The single rung vertical iron ladder extending from grade to roof of one story extension at rear of building is not acceptable as a second means of egress.

Have contractor submit evidence of workmen's compensation required by Workmen's Compensation Law before work is started.

This is specifically required by the Labor Law and the department of buildings is charged with the duty of enforcing the same. Failure to comply with the several sections of the Labor Law constitutes a misdemeanor punishable by fine or imprisonment or both."

and

WHEREAS, the decision of the acting borough superintendent, dated March 9, 1938, reads as follows:

"1. 120 lb. live load required for 2nd floor.

2. Exit facilities for 1st and 2nd floors to comply with sections 271 and 272 of the Labor Law.

3. As this structure does not comply with the above, this application is denied."

and

WHEREAS, the building is 2 stories (26 feet) in height; 20 feet by 99 feet 1 inch in area on 1st floor and 20 feet by 50 feet in area above; erected about 1890 and occupied as follows: Cellar—storage; 1st floor—armature repairs, 6 persons; 2nd floor—knitting machine repairs, 5 persons; that there is one interior stairs on the west side of building which leads direct to the street; that these stairs are 36 inches wide, of wood construction, enclosed in ½ inch plaster board and 26 gauge metal on wood studs, equipped with fireproof door at 1st story and wood door at the 2nd story; that there is a goose-neck ladder leading to the roof of 1st story extension from the 4 foot by 4 foot court at the rear of building; that it is proposed to provide a double-rung iron ladder to a counter-balanced scuttle in the roof at the head of interior stairs; and

WHEREAS, applicant contends that the building is narrow and stairs to roof would take additional space from the building; that the building adjoining to the west is 3 stories and to the east is 2 stories; and that the building to the east is owned by the same owner.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law, as cited in an order of the commissioner of buildings and a decision of the acting borough superintendent (Order No. 18914-LD) and that the application be and it hereby is *granted on condition* that the number of persons engaged in work for a factory on the second story shall not exceed five (5); that a double-rung steel ladder shall be provided from the second story to an easy openable scuttle in the roof; and *granted* only so long as the building is not increased in height and area and that the secondary means of escape is available through the second story windows to the one-story extension roof and thence unimpeded over adjoining roofs to Herkimer street; that in all other respects the requirements of all laws, rules and regulations shall be complied with.

159-38-S.

APPLICANT—A. Wallace McCrea, for Estate of Isabella Jex, owner.

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent of buildings.

PREMISES AFFECTED—1231-1235 Broadway and 45-53 West 30th street, northwest corner (Block No. 832, part of Lot No. 1), Borough of Manhattan.

APPEARANCES—

For Applicant: A. Wallace McCrea.

For Administration: Fred Dahlen, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(159-38-S)

WHEREAS, A. Wallace McCrea, for the Estate of Isabella Jex, owner, filed on March 10, 1938, an application for a variation of the Labor Law, as cited in decision of the Borough Superintendent, Department of Housing and Buildings (Manhattan), affecting Premises 1231-1235 Broadway and 45-53 West 30th street, northwest corner (Block No. 832, part of Lot No. 1); Borough of Manhattan; and

WHEREAS, the decision of the Borough Superintendent on Alt. App. No. 980-1937, dated February 23, 1938, reads as follows:

"5. Doors in stair enclosure should be 3 ft. 8 in. wide. Space between newel post and edge of door may be not less than 3 ft. 8 in. Sec. 270, Labor Law."

and

WHEREAS, the building is 4 stories (52 ft.) in height, 64 ft. 8 in. by 169 ft. in area; of non-fireproof construction; erected in 1925; occupied as follows: 1st floor—stores, 40 persons; 2nd floor—restaurant and dancing, 300 persons; 3rd floor—showrooms, offices and light manufacturing, 17 persons; 4th floor showrooms, offices and light manufacturing, 20 persons; the building is equipped with sprinkler system and interior fire alarm; there are two interior stairs which extend from the street to roof and are 4 ft. wide, of steel construction; enclosed in 6 in. terra cotta blocks with self-closing, fireproof doors, 3 ft. wide at the openings; certificate of occupancy number 16908-1930 issued October 9, 1930; and

WHEREAS, the applicant contends that the light manufacturing is limited to a short period, viz., January 31, 1940, under a resolution adopted by the Board of Standards and Appeals under Cal. No. 220-37-BZ and that factory ocupancy is low and that the existing stairways provide adequate means of egress.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in the decision of the Borough Superintendent on Alt. App. No. 980-1937, and that the application be and it hereby is *granted on condition* that the door in stair enclosure shall be not less than three feet in width and that space between the newel post and the edge of the door shall not be less than three feet; that in all other respects the requirements of all laws, rules and regulations shall be complied with as modified by the Board under Cal. No. 220-37-BZ.

71-38-S.

APPLICANT—Leon R. Levy, for United States Trust Company of New York, owner.

SUBJECT—Application for consideration—reopening and amendment—re Variation of the labor law as cited in a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—666 Madison avenue and 28 East 61st street, southwest corner (Block No. 1375, Lot No. 56), Borough of Manhattan.

APPEARANCES—

For Applicant: John Leonard.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

MINUTES

THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Nagative 0
Absent 0

THE RESOLUTION—

(71-38-S)

WHEREAS, Leon R. Levy, for United States Trust Company of New York, owner, filed on February 4, 1938, an application for a variation of the Labor Law as cited in the decision of the acting borough superintendent, Department of Housing and Buildings (Manhattan), affecting premises 666 Madison avenue and 28 East 61st street, southwest corner (Block No. 1375, Lot No. 56), Borough of Manhattan; and

WHEREAS, the decision of the acting borough superintendent on Application No. 4488-37, dated January 24, 1938, reads as follows:

"1. Entire building should comply with the requirements of the Labor Law affecting buildings erected before 1913.
"2. Live load on 2nd floor should be 75 lb. sq. ft. File column schedule showing previous and new loading.
"3. Provide two means of egress from all floors as per Section 271 L.L. Show bulkhead leading to roof.
"4. Indicate number of males and females employed at manufacturing and the total number of people on both the first and second floors. Provide dressing room for female employees."

and

WHEREAS, the building is of non-fireproof construction, 5 stories (56 ft.) in height, 48 ft. by 67 ft. in area at 1st story and 48 ft. by 54 ft. 5 in. above; erected in 1883 and occupied as follows: Cellar—storage; first floor—stores and 5% incidental manufacturing; 30 persons; 2nd floor—showroom, offices and 5% incidental manufacturing, 20 persons; 3rd floor—offices and showrooms, 30 persons; 4th floor—office and showrooms, 30 persons; the building is equipped with one interior 3 ft. 8 in. stairs, extending from 1st story to roof, constructed of iron with cement treads enclosed in 3-inch terra cotta block and angle-iron struts, equipped with fireproof, self-closing doors at opening; and

WHEREAS, the applicant contends that the type of manufacturing in the building is neither hazardous nor dangerous to life and health; that the manufacturing consists of altering of wearing apparel, watchmaking and work for opticians; that the total number of persons engaged in manufacturing on 1st floor is 6; on the 2nd floor—16; that there is a safe exit from the roof to the roof of adjoining building to the west; that it is proposed to provide an outside balcony at the 2nd story level with a counter-balanced stair to the street as a second means of exit from the 2nd story; access to this proposed fire-escape balcony will be by means of 3 ft. passageway enclosed in 4 in. stud partition, fire-retarded on both sides with metal lath and two coats of Portland cement mortar; that there will be no manufacturing above the 2nd story; that permission is requested to use the existing 60-lb. loading on the grounds that the work done on the premises does not create any greater load than permitted in offices and showrooms; that no heavy machinery is used and no material stored greater in weight than office furniture and files or artices on display in a showroom; that in view of the good exit facilities, the small area of the building and the small number of persons engaged in manufacturing, it is requested that the requirements of the Labor Law as to second means of exit from each floor and the installation of a fire alarm system be waived and that the existing single-hand rail on the stairs, existing stair enclosure be accepted and that the existing doors, which do not swing outwardly in the direction of exit, be permitted to remain; and

WHEREAS, the board deemed that a variation of the requirements of the Labor Law could be made in view of the height of the building and the limitation of occupancy for factory purposes and in view of the substantial compliance with the law as to exits and section 271 of the Labor Law; and

WHEREAS, this application was granted by the board, February 15, 1938 on certain conditions and owner requested an amendment of the resolution to omit gooseneck ladder.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law, and that the application be and it hereby is *granted* as to decision on Applic. No. 4488-37, *on condition* that the live load of the 2nd floor shall be not less than 60 lbs. per superficial foot; that the occupancy of the 2nd floor shall at not time exceed 15 people at factory work; that the fire-escape erected on the 61st street side as second means of exit shall be extended so as to provide second means of exit from all rooms facing on 61st street; that the number of persons working for a factory in all other rooms on the 2nd floor shall at no time exceed two (2) each; that the primary means of exit shall comply with the requirements of the Labor Law, except that the door leading thereto from the 2nd floor shall not be less than 3 ft. in width, provided the stair enclosure is constructed of not less than 3 in. terra cotta partitions, plastered on both sides; that the requirements of the Labor Law as to dressing rooms shall be complied with; that the amount of space used for manufacturing shall not exceed that permitted under the zoning resolution for retail districts; that the exit passage shown from main hallway to fire-escape on second floor shall be constructed; that the windows along course of fire-escape shall be fire-proof and self-closing; that the doors leading to fire-escape balcony shall be at floor level; that the manufacturing operation shall be of the nature described in this application—light manufacturing; that no manufacturing shall be carried on above the 2nd story; and that in all other respects section 271 of the Labor Law shall be complied with and the building shall not be increased in height or area.

APPLIANCES SUBMITTED FOR APPROVAL

99-38-SA.
APPLICANT—Conran Standpipe Co., Inc., owner.
SUBJECT—Conran System of Mono Rail Nozzles, approval of.
APPEARANCES—
For Applicant: William Conran.
ACTION OF BOARD—Application placed on Reserve Calendar and referred to Engineer of the board.

120-38-SA.
APPLICANT—William C. Mason, owner.
SUBJECT—Madon Duplex and Commercial Industrial Oil Burner, approval of.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Application placed on Reserve Calendar and referred to Engineer of the board.

134-38-SA.
APPLICANT—G. A. L. Electro Mechanical Service, for Harold Leon, owner.
SUBJECT—G. A. L. Bar Interlock, Type K-5, approval of.
APPEARANCES—
For Applicant: Herbert Glaser, Wm. C. Moran and J. G. Kahana.
ACTION OF BOARD—Application placed on Reserve Calendar and referred to Engineer of the board.

MINUTES

184-34-SA.

APPLICANT—D. S. Skene, for Vapofier Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—re Vapofier Oil Burner.

APPEARANCES—

For Applicant: D. S. Skene.

ACTION OF BOARD—Application reopcned and referred to engineer of the board.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Nagative 0
Absent 0

65-35-SA.

APPLICANT—A. Young, agent for Viking Manufacturing Co., owner.

SUBJECT—Application for reopening—change of name—re Viking Range Water Heater, Models 222-232-242.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Nagative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(65-35-SA)

WHEREAS, A. Young, agent for the Viking Mfg. Co., owner, filed March 13, 1935, an application with the Board of Standards and Appeals, for approval of the device known as the Viking Range Water Heater, Models, 222-232 and 242; and

WHEREAS, the device was submitted to the engineer of the board and the bureau of combustibles of the fire department for test and report; and

WHEREAS, the report of the engineer of the board and of the representatives of the bureau of combustibles, approved by the acting deputy chief of department in charge of burcau of combustibles, was substantially as follows:

This is a combination burner and hot water unit used for furnishing hot water in domestic installations and the only difference between the Models 222, 232 and 242, is in the fact that larger sized water boilers are used. The principal and operation of all three models are the same.

The burner unit is of the range type construction and consists of the following parts:

A cast iron burner ring, having concentric circles mounted upon which are four perforated steel shells, having a chromium content of 18 to 20 per cent. The burner basc is 7 inches in diameter. The burner has a two point levelling arrangement whereby the proper lcvel of the burner may be maintained. On the outsidc and attachcd to a cast iron base in an Automatic Products constant lcvel thermostatic control valve, Modcl 240W. The difference in level between the control and burner base is ⅛ of an inch. The oil flows from a standard gravity tank to the oil control valve and then passes through that to the two carbon legs of the burner base and thence into the vaporizing chambers.

Instead of using a metallic wick, there is a ceramic element which acts as a wick. Inserted into the hot water boiler is an immersion type thermostat. The expansion and contraction of which operates the metering valve in the oil control valve.

The operation of the burner and safety controls were tested for approximately 75 minutes and found that all parts of the unit functioned as designed.

As a result of this inspection test, it is recommended that the Viking Range Water Heater, Models 222, 232 and 242, be approved for domestic installations when installed in accordance with the provisions of the Oil Burncr Rules adopted by the Board of Standards and Appeals on July 12th, 1935.

and

WHEREAS, this device was approved by the board October 8, 1935 and owner request permission to market the device as the Torid Heet Range Water Heater, Models 222, 232 and 242.

Resolvcd, that the Board of Standards and Appeals does hereby *approve* the Viking Range Water Heater, Models 222-232 and 242, for use in domestic installations with range oil or No. 1 fuel oil when installed in accordance with the oil burner rules of the Board of Standards and Appeals adopted July 12, 1935, *on condition* that there shall be permanently attached to each burner installed a label reading:

NOTICE
Approved by the
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. No. 65-35-SA.

Resolved further, that the device may also be marketed under the name of Toridheet Range Water Heater, Modcls 222, 232, and 242 *on condition* that under whichever name marketed the requirements herein shall be complied with.

23-37-SA.

APPLICANT—Michael Kliegman, for Silent Heat Oil Burner Co., for Quiet Heet Manufacturing Corp., owner.

SUBJECT—Application for reopening — amendment — change of name — Silent Heet Oil Burner, Models A, B, E.

APPEARANCES—

For Applicant: Michael Kliegman.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Nagative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Nagative 0
Absent 0

THE RESOLUTION—

(23-37-SA)

WHEREAS, Michael Kliegman of Silent Heet Oil Burner Co., for Quiet Heet Mfg. Corp., owner, filed January 21, 1937, an application with the Board of Standards and Appeals, for approval of the device known as the Silent Heet Oil Burner, Models A, B and E; and

WHEREAS, the device was submitted to the engineer of the board and the Division of Combustibles of the Fire Department for test and report; and

WHEREAS, the report of the engineer of the board supplemented by that of the representatives of the Division of Combustibles was substantially as follows:

The burner under test and inspection was a Model B. This burner was installed in a conventional type steam heating plant, used for domestic purposes. It is of the pressure atomizing gun type, consisting of a Robbins & Meyer for General Electric 1/6 H.P. motor, a Sirocco type fan, a Webster fuel unit, consisting of pump, strainer and regulating valve and a Harsch nozzle.

Ignition — Electric — Webster transformed, 110 to 10,000 volts.

Controls—Minneapolis-Honeywell Protecto-Relay R-117-3 and Pressuretrol L-404.

The Models A and E are identical with the above model with the exception that the Model A has a square base and the transformer is mounted directly upon the top of the blower. The Model B has a round base with the transformer at the side. The capacity of these burners is from 1½ to 3½ gallons per hour. With the oil supply shut off and a cold combustion chamber, the burner was operated and the controls on two successive tests shut the burner down in 90 and 94 seconds respectively. The burner was then put in normal operation for a period of approximately 1 hour. The controls functioned as designed. During the period of test there were no flare backs due to faulty ignition, the flame was clean and free of soot and smoke and examination of the combustion chamber showed no undue carbon deposits.

As a result of this inspection and test, it is recommended that the Silent Heet Oil Burner, Models A, B and E be approved for domestic and commercial use when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals with fuel oil not heavier than No. 3, U. S. Dept. of Commerce standards.

and

WHEREAS, this device was approved May 11, 1937, and on May 25, 1937, the resolution was amended to permit the marketing of the burner under the names Edison, Stromberg and Ideal, Models A, B and E on June 22, 1937, the resolution was further amended to include the name, Benat Oil Burner Models A, B and E and on July 13, 1937, the resolution was further amended to include the names, Creveling, Hillcrest, Sun-Glo and the Capitol Oil Burner, Models A, B and E; and

WHEREAS, the applicant now requests a further amendment of the resolution, to permit the marketing of the Silent Heet Oil Burner, Models A, B and E, under the additional name of Master Gulf Oil Burner, Models A, B and E.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Silent Heet Oil Burner, Models A, B and E for domestic and commercial installations, when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals, and when used with fuel oil not heavier than No. 3, U. S. Dept. of Commerce standards, *on condition* that there shall be permanently attached to each burner installed a label reading:

NOTICE
Approved by the
BOARD OF STANDARDS AND APPEALS
For use in New York City
UNDER CAL. No. 23-37-SA.

Resolved further, that this device may also be marketed under the names of Edison Oil Burner, Models A, B and E, as the Stromberg Oil Burner, Models A, B and E, as the Ideal Oil Burner, Models A, B and E, as the Benat Oil Burner, Models A, B and E, as the Creveling Oil Burner, Models A, B and E, as the Hillcrest Oil Burner, Models A, B and E, as the Sun-Glo Oil Burner, Models A, B and E, as the Capitol Oil Burner, Models A, B and E, and as the Master Gulf Oil Burner, Models A, B and E, provided that under whichever name marketed the requirements herein shall be complied with.

MATERIALS SUBMITTED FOR APPROVAL

86-38-SM.

APPLICANT—David E. Kennedy, Inc., owner.
SUBJECT—X-ITE for Walls and Floors, approval of.
APPEARANCES—
For Applicant: E. L. Henderson and L. E. Walsh.
ACTION OF BOARD—Application placed on Reserve Calendar and referred to Engineer of the board.

119-38-SM.

APPLICANT—Bird & Co., Inc., owner.
SUBJECT—Chromalin Floor Covering, approval of.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Application placed on Reserve Calendar and referred to Engineer of the board.

157-38-SM.

APPLICANT—THE Dextone Company, owner.
SUBJECT—LITH-I-BAR JOIST, approval of.
APPEARANCES—
For Applicant: John D. McCann and A. J. Mendez.
ACTION OF BOARD—Application placed on Reserve Calendar and referred to Engineer of the board.

28-38-SM.

APPLICANT—Concrete Plank Co., Inc.
SUBJECT—Cantilite Concrete Plank for Roof & Floor Construction,—approval of.
APPEARANCES—
For Applicant: C. R. Gifford and B. C. Harrison.
ACTION OF BOARD—Material approved in accordance with report of engineer of the board.
THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Nagative 0
Absent 0

THE RESOLUTION—

(28-38-SM)

WHEREAS, the Concrete Plank Co., Inc. filed January 18, 1938, an application for approval of the material known as Cantiltite Concrete Plank simple spans tongue and grooved construction for roof and floor construction under C.26-626-0 Administrative Code (10.-3.8 Building Code); and

WHEREAS, this material was submitted to the Engineer of the Board for investigation and report; and

WHEREAS, the report of the Engineer of the board was substantially as follows:

This plank is constructed of reinforced concrete—the concrete consisting of 1 part portland cement, 1 part high early strength cement, 4 parts hard coal cinders with a foaming compound to aerate the mixture. The steel reinforcement consisting of four No. 3 U. S. gauge longitudinal wires and No. 8 U. S. gauge transverse wires spaced 10 inches C-C and not less than 1/4 in. from top or bottom, or comparable wire of area and material at least equal to the aforementioned sizes. This reinforcement being placed on the top and bottom of a 2-3/4 in. plank for spans not exceeding 5 ft. 9 in. and permitting a load of 82 lbs. The same reinforcement is used for a 2 in. plank for spans not exceeding 5 ft. and a permitted load of 82 lbs.

Reinforcement consisting of 4 No. 6 U.S. Gauge longitudinal wires and No. 10 U.S. gauge transverse wires to "C-C" top and bottom for a 2 in. plank span not exceeding 4 ft. permitted load 108 pounds.

Reinforcement consisting of 4 No. 9 U.S. gauge longitudinal and No. 12 U.S. gauge transverse 10 in.

MINUTES

C C span not exceeding 2 ft. 8 in. permitted load 168 lbs.

Same reinforcement spans not exceeding 2 ft. permitted load 187 lbs.

These loads being based on reports of Columbia University Testing Laboratories, May 4, 1937, and Hunt Laboratories No. 66821, February 3, 1936. The capacities given above are based on computation as simple beams.

and

WHEREAS, the material was tested at Columbia University Testing Laboratories; and

WHEREAS, the report of the Engineer recommended the approval of the material under certain conditions.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as the "Cantilite Concrete Plank" for use in New York City for simple beams in floor and light roof construction for the loads specified on condition:

All planks to be manufactured and installed under the direct supervision of the Concrete Plank Co. The top surface of floors and flat or near flat roofs shall be grouted with Portland Cement 1-1 grout, before any other trades are permitted to work thereon.

The planks shall be fastened to purlins, boards or rafters with galvanized metal clips firmly nailed to the plank or when supported on wood by nails driven through the plank.

Where fire protection is required by the Code, these planks shall be so protected as to meet the test requirements.

All planks manufactured for use in New York City in accordance with the foregoing requirements shall be legibly marked "Cantilite".

Adjourned, 4:45 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, March 8, 1938, as they appeared in Bulletin No. 11, Vol. XXIII are hereby corrected to read as follows:

THE RESOLUTION—

(430-37-BZ)

WHEREAS, Goelet Realty Company (lessee) for Robert Walton Goelet, owner, filed September 2, 1937 an application under the building zone resolution to permit partly in a retail use district and partly in a restricted retail use district, the erection and maintenance of a motion picture theatre; Premises: 384-390 Park avenue and 51-67 East 53rd street, northwest corner (Block No. 1289, Lot No. 36), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 8, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Park avenue is in a restricted retail use district; East 53rd street is in a retail use and restricted retail use district; East 54th street is in a retail use and restricted retail use district and Madison avenue is in a restricted retail use district; and

WHEREAS, the decision of the commissioner of buildings, rendered August 3, 1937, re Alt. App. 786-1937, reads:

11. "Motion picture theatre is unlawful in a restricted retail district, zone resolution, sec. 4b as amended June 4, 1937," Reconsideration denied.

and

WHEREAS, the premises consist of a plot of ground having a frontage of 200 ft. 10 in. on Park avenue, 155 ft. on East 53rd street and 156 ft. 3 in. on East 54th street. The easterly part of the plot (for a depth of 100 ft) is located in a restricted retail use district and the remainder of the plot is located in a retail use district. The Park avenue front of the plot is developed with one story stores to a depth of 61 feet. It is proposed to develop the East 53rd street front of the plot with stores and to erect a motion picture theatre on a portion of the balance of the plot with no portion of the building nearer than 85 feet to the southerly street line of East 54th street; and

WHEREAS, the board deemed that the provisions of section 7, subdivision C of the building zone resolution, under which section this application was made, empowers the board to exercise its discretion and to grant this application under such conditions as would safeguard the character of the more restricted district.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-C thereof, to permit the erection of the proposed motion picture theatre to extend into the restricted retail district, *on condition* that the building shall be of fireproof construction throughout and shall comply with all laws, rules and regulations applicable to the construction and use; that no portion of the proposed theatre use shall extend into the restricted retail district for a distance greater than 39 feet and that there shall be no entrance to or exit from the proposed theatre on Park avenue or on East 53rd street within 100 feet of the westerly building line of Park avenue, except that an emergency exit may be maintained on East 53d street at a distance of not less than 61 feet from the westerly building line of Park avenue; that the use of this applicant's property for theatre purposes shall not be extended north of a point 85 feet south of the southerly building line of East 54th street; that there shall be no entrance to or exit from the proposed theatre on East 54th street; that no illuminated sign of any description shall be placed or maintained on the roof or sides of any building or structure now erected or to be erected upon the premises bounded by the west side of Park avenue, south side of East 54th street and the north side of East 53rd street for a distance of 155 feet west of the westerly building line of Park avenue, except such an illuminated sign or signs on the front of any building on East 53d street and East 54th street, at a distance of not less than 100 feet west of the westerly building line of Park avenue, as shall not extend above the roof or beyond the side walls of such building and except any illuminated sign on the roof of any building more than 150 feet in height; that complete working drawings shall be submitted to the board and approved by the chairman in behalf of the board prior to filing with the Borough Superintendent of the Department of Housing and Buildings and that after said approval all permits required shall be obtained and all work involved completed within one year from the date of this action.

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* Correction — Words "the balance of the plot; and" deleted in line 34 of resolution and the words "on a portion of the balance of the plot with no portion of the building nearer than 85 feet to the southerly street line of East 54th street; and" inserted.

RULES

RULES GOVERNING THE USE OF EQUIPMENT FOR SPRAYING OF PAINTS, VARNISHES, LACQUERS AND OTHER FLAMMABLE SURFACE COATINGS

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS JUNE 10, 1932 AND REVISED, JULY 16, 1937, EFFECTIVE AUGUST 16, 1937.

[353-30-SR]

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 718-A, subdivision 3 of Chapter XIV-A of the Charter of the City of New York for the carrying into effect the provisions of Chapter 10, Article XV of the Code of Ordinances.

Rule 1. Application.

1.1 No person, firm or corporation shall SPRAY, DIP or IMMERSE any article or thing within the City of New York with any flammable paints, varnishes, lacquers or any other inflammable or combustible substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes except in conformance with these rules, and under a permit issued by the Fire Chief and Commissioner. Where the quantity of spraying material used in a day does not exceed two (2) quarts, the Fire Chief and Commissioner may modify or waive these rules.

1.2 APPLICATIONS. Application for the required permit to store and use the above-mentioned articles shall be made to the Fire Chief and Commissioner on forms prescribed by him and shall contain such information as he may require. When a spray, dipping, immersing, storage or mixing room is to be installed, plans shall be filed with the Department of Buildings before a permit is issued.

1.3 RESTRICTIONS. No spraying, dipping or immersing of any article or thing within the City of New York with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes shall be permitted in any premises or portion thereof as follows:

1.3.1 Which is occupied as a Class A or B Multiple Dwelling or a dwelling for one or two families.

1.3.2 Which is artificially lighted by any means other than electricity.

1.3.3 Which is heated by other than the use of steam or hot water circulating systems.

Rule 2. Definitions.

2.1 The term "SPRAY or SPRAYING SPACE," "DIPPING SPACE or IMMERSING SPACE" when used in these rules shall mean that portion of the premises used for the actual work of spraying, dipping or immersing any article or thing with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds, commonly used for painting, varnishing, staining or similar purposes in any booth or room approved.

2.2 The term "CABINET BOOTH" when used in these rules shall mean a compartment with a back, top and two sides equipped with air exhaust facilities, located within a room or any portion of any premises where spraying with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.3 The term "CANOPY BOOTH or HOOD" when used in these rules shall mean an installation consisting of a metal canopy or hood, without any side or end panels enclosing the object sprayed and an air exhaust system under which spraying with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.4 The term "TUNNEL BOOTH" when used in these rules shall mean a compartment consisting of two sides and top, equipped with an air exhaust system in which spraying with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.5 The term "SPRAY ROOM" when used in these rules shall mean a fully enclosed room approved for such use in which any article or thing is sprayed by any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.6 The term "DIPPING ROOM" when used in these rules shall mean a fully-enclosed room approved for such use in which any article or thing is dipped, spread or immersed in any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.7 The term "FIREPROOF or FIRE-RESISTING PARTITIONS" used in these rules shall mean the standards set in the Labor Law and the Rules of the Board of Standards and Appeals for factory buildings. All openings in this type of partition shall only be equipped with self-closing, fireproof doors.

2.8 The term "STORAGE ROOM" when used in these rules shall mean a fully-enclosed room used for the storage and mixing of any inflammable paints, varnishes, lacquers or any flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes.

2.9 The term "CERTIFICATE OF FITNESS" when used in these rules shall mean the written permission granted by the Fire Chief and Commissioner to an individual to supervise and handle spraying, dipping and immersing materials and equipment, in accordance with the provisions of Chapter 10, Article 15 of the Code of Ordinances and these Rules.

2.10 The term "PERMIT" when used in these rules shall mean the written permission issued to a person, firm or corporation by the Fire Chief and Commissioner, to store and use materials covered by Chapter 10, Article 15 of the Code of Ordinances and these Rules.

Rule 3. Ventilation.

3.1 Spraying or dipping spaces shall be ventilated when in operation so that the movement of air shall be at least one hundred (100') linear feet per minute in the breathing zone of the operator and be of sufficient capacity to prevent the accumulation of mist or vapors.

3.2 Air shall be admitted to the spraying, dipping or immersing spaces in an amount equal to the capacity of the fan or fans and in such a manner as to avoid short-circuiting the path of air in the working zone of such spaces. Exhaust fans shall be kept running constantly while spraying or mixing and for a sufficient length of time thereafter to exhaust all vapors, fumes or residues of spraying materials from the spray booth or spray room.

3.3 EQUIPMENT. Motors shall be located outside of spraying, dipping or immersing spaces except as provided in Rule 4.

Rule 4. Specifications for Spray Booths, Spray Rooms and Dip Rooms.

4.1 Spray booths shall be constructed of metal or incombustible material satisfactory to the administrative official having jurisdiction, be adequately ventilated with mechanical ventilation; if lighted to be in conformity with these rules. The necessary fire protection shall be maintained at all times.

4.1.1 Spray, dip and immersing rooms shall be conconstructed of fireproof or fire-resisting partitions with waterproof floors, adequately ventilated by mechanical means, equipped with the necessary fire protection; if lighted and heated to be in conformity with these rules. Floor drains leading to the house drainage system or the public sewer, shall not be permitted. Where more than sixty (60) gallons of material in open tanks are used, a drain to an approved tank located outside the building shall be provided.

4.1.2 Panels of polished wired glass or plate glass at least one-quarter of an inch (¼) thick, not exceeding seven hundred and twenty (720) square inches in area and not more than forty-eight (48) inches in any linear dimension may be used in the sides of a spray booth or room.

4.1.3 The inner sides of walls, ceilings and the floors of all spraying or dipping spaces shall have a smooth surface.

4.1.4 All openings in spray, dip or immersing rooms shall be protected by fireproof doors. Only windows opening to a street may be permitted or a window not on a lot line more than 20 ft. distant from windows of adjacent buildings not in same plane may be used for ventilation.

4.1.5 Ferrous metal used in the construction of spraying, dipping or immersing spaces shall be thoroughly painted on the inside or be galvanized.

4.1.6 All spraying, dipping or immersing spaces shall be so constructed that a reasonable length longer is maintained than required for the article or thing to be sprayed, dipped or immersed. Ferrous metal shall not be used for such floor surface.

4.1.7 At least three (3) feet of clear working space shall always be maintained for each operator spraying, dipping or immersing any article or thing.

4.2 SPECIFICATIONS FOR DUCTS, PIPES AND FANS.

4.2.1 All ducts used for ventilating, spray, dip or immersing spaces shall be constructed of metal of not less than the following gauges of metal.

Ducts twenty-four (24″) inches or less in diameter No. 22 gauge.

Ducts over twenty-four (24″) inches and not over thirty-six (36″) inches in diameter No. 20 gauge.

Ducts exceeding thirty-six (36″) inches in diameter No. 18 gauge.

4.2.2 Ducts shall be strongly constructed and be installed in a workmanlike manner. They shall be rigidly supported.

4.2.3 Ventilating ducts shall run as directly as practicable to the outer air and be protected with a hood against the weather. The exhaust terminal or hood shall also be protected with a screen of copper or bronze with a mesh not larger than one-quarter (¼″) inch.

4.2.4 Where a duct passes through a non-fireproof roof, the duct shall be protected at such point by an outer pipe or sleeve with an air space of at least one (1″) inch between the sleeve and duct. The outer pipe shall be not less than two (2″) inches from any woodwork and such woodwork shall be covered with metal.

4.2.5 Ventilating ducts shall not terminate within ten (10) feet measured horizontally of any chimney outlet, unprotected air intakes or of any door or window in an adjoining building.

4.2.6 If induced draft is used to create an air movement, the air shall be supplied from a point outside the spray or dip or immersing space. Fans and motor must be located outside the spray or dip space, except approved explosion-proof motor and non-ferrous blade fans.

4.2.7 The exhaust system from any spray, dip or immersing space shall not be connected to any other ventilating system or be discharged into a chimney or flue used for the purpose of conveying gases of combustion.

4.2.8 Exhaust fan blades shall be constructed of non-ferrous metal. All exhaust and ventilating fans to be permanently connected to their source of power, using metallic conduit. Rheostats in fan bases not permitted. Fan blades not coming in direct contact with spraying fumes, need not comply with this requirement.

4.3 Storage rooms shall be constructed of fireproof or fire-resisting partitions with waterproof floors and be adequately ventilated by either natural or mechanical means.

4.4 No motors, switches, rheostats, lamps or other electrical equipment shall be located in spray, dipping or immersing rooms or within ten (10) feet of any spray compartment, spray booth, immersing or dipping space unless such electrical equipment be of a type approved for use in explosive atmospheres and where a conduit leads from a hazardous location to a non-hazardous location, the conduit shall be sealed off by an approved sealing compound. Except that alternating current induction motors of the totally enclosed type, having no brushes, make and break contacts, collectors or other arcing or sparking parts may be located within ten (10) feet of a spray booth, spray compartment or dipping space when approved by the authorities having jurisdiction.

4.4.1 Artificial lighting shall be only by means of electricity.

4.5 LIGHTING FIXTURES.

4.5.1 When lighting fixtures are located within 10 feet of a spray booth, spraying compartment or dipping space, they shall be of the rigid stem type, enclosing all wiring and be equipped with keyless sockets having vaporproof globes, protected by wire guards.

4.5.2 All electrical equipment shall be installed and grounded as provided by Chapter 9 of the Code of Ordinances (Electrical Code) and permanently connected to their source of current supply, using metallic conduit.

4.5.3 No pin plug receptacles shall be used.

4.5.4 All electric light wiring shall be enclosed in metal conduits and shall conform to Rule 4.4.

4.5.5 The use of portable cords or trailer lights are prohibited.

Rule 5. Maintenance and Operation.

5.1 Every premises wherein a spraying, dipping, or immersing space is maintained and operated shall be continuously under the charge and supervision of one or more persons holding a certificate of fitness, whose duty shall be to see that the spray, dipping and immersing space rules and the terms of the permit are not violated. No other duties shall interfere with the enforcement of these rules.

5.2 Smoking or the carrying of lighted cigars, cigarettes or pipes in spray, dipping or immersing space is prohibited.

5.3 No person shall be permitted within a spray space between the spray gun and the exhaust outlet while the spray gun is in use.

5.4 Spraying, dipping or immersing spaces and its surroundings shall be kept clean at all times and shall be kept clear of all materials, equipment and utensils not required in the operation of the spray. Side walls, ceilings, baffle plates, etc., shall be sprayed with soap and water solution, before cleaning, or cardboard or masking paper can be fastened before any operation and after said operation be removed from the premises in approved waste cans.

5.5 Floors within and surrounding spray, dip or immersing spaces shall be kept clean and free from waste material at all times.

5.6 Spray rooms, booths, fans, ducts, and other equipment shall be cleaned frequently and maintained in clean and efficient working condition; lacquer spraying booths shall be wet down before cleaning.

5.7 Implements used for cleaning shall be made of nonferrous material to avoid sparks.

5.8 Metal waste cans with self-closing covers shall be provided for all spraying, dipping or immersing spaces and storage rooms. The number to be installed shall be determined by the administrative official having jurisdiction.

5.9 Approved fire appliances shall be installed in all spraying, dipping or immersing spaces and in storage rooms as may be determined by the administrative official having jurisdiction.

5.10 Accumulation of flammable waste, sweepings or deposits from spray, dip or immersing space is prohibited. All such waste shall be placed in approved waste cans and be removed from the premises at the close of work each day.

5.11 All sand papering of lead painted surfaces shall be done with wet sand paper.

5.12 No motor vehicle shall be taken into or out of a spray space under its own power. Batteries shall be removed before the process of spraying is begun.

ule 6. Storage and Mixing.

6.1 Main supplies of spray coating materials and thinners shall be kept in an outside storage building, storage rooms or in vented metal cabinets in accordance with the following amounts:

6.1.1 Spraying materials not in excess of 20 gallons may be stored in metal cabinets or wood cabinets, metal covered on both sides including the door. All cabinets to be ventilated at top and bottom.

6.1.2 Spraying materials in excess of 20 gallons and not exceeding 100 gallons may be stored in double-walled metal cabinets vented directly to the outer air.

6.1.3 Spraying materials in excess of 100 gallons shall be stored in a separate exterior storage building of fireproof or fire-resisting material with ventilated plain glass skylight or in a storage room constructed fireproof in a fireproof building or fire-resisting in a non-fireproof building. The maximum amount of spraying materials to be stored in a storage room of a non-fireproof building shall be determined by the administrative official. Storage rooms shall have a window opening to the outer air but such window shall not be on a lot line, enclosed court, nor opposite within twenty feet of windows of adjacent buildings nor part of the same premises, such window openings to be fireproofed and lower half provided with open louvres or ventilated by metal duct or fan at least 8 inches in diameter. The floors of all storage rooms shall be waterproof up to a height of at least 6 inches from the floor and be properly pitched for drainage purposes to a low point within the enclosure. Any drain in such storage room shall not be connected to the house drainage system or street sewer. The sill of the door shall be at least 6 inches above the finished floor. All doors to be tin-clad, approved, fireproof and self-closing.

6.1.4 Mixing or thinning of coating materials shall be conducted in a storage building or storage room, except that containers of total capacity not exceeding ten gallons may be opened and their contents mixed in the spray room or room in which booths are located while the air exhaust system is operating.

6.1.5 Working supplies sufficient for not more than one day's use but not exceeding twenty gallons to each booth, nor a total of one hundred gallons, may be kept in the spray room or room in which spray booths are located; covers of containers must be kept thereon when such containers are not actually in use. This amount is in addition to the amount allowed in 6.1.7.

6.1.6 Gravity feet material containers for supplying spray guns shall not exceed ten gallons in capacity and shall be supported by wire cables or metal brackets having a factor of safety of two when filled with the heaviest spraying materials used.

6.1.7 Pressure feed tanks and other equipment for use in connection with direct spraying under air pressure shall be restricted to tanks of not more than sixty gallons, individual capacity, designed, constructed and approved for this specific purpose by the Board of Standards and Appeals. Each tank shall be provided with a safety valve set at a pressure not exceeding eighty pounds. All gravity feed containers and other spraying equipment shall be approved as above.

6.1.8 The installation of all electrical wiring, switches, lighting and all other electrical equipment, and the provisions of these rules against carrying matches or smoking and prohibiting flame or spark-producing devices, shall also apply to storage or mixing rooms.

RULES

6.2 STORAGE of spraying, dipping and immersing materials shall not be in excess of two hundred (200) gallons in a storage room, but in a building in which nitro cellulose products are manufactured, stored or kept the amount shall be not over twenty-five (25) gallons as per Sect. 235, Subdiv. 8, Chap. 10, Code of Ordinances.

6.3 Sprinkler heads shall be provided in all spray, dip or immersing spaces and storage rooms and shall be installed in accordance with the Sprinkler Rules of the Board of Standards and Appeals, except in non-sprinklered buildings where sprinkler connection may be made to the house water supply.

6.4 Sprinkler heads in spray, dip and immersing spaces shall be cleaned at least once a week under the supervision of the person holding the certificate of fitness and a coating of light grease or vaseline shall be applied after each cleaning to prevent the formation of a hard deposit and render the sprinkler useless in case of fire. The use of paper bags or other materials about sprinkler heads is prohibited.

Rule 7. General Requirements.

Notice—Attention is called to the provisions of the Code of Ordinances as to violations reading as follows:

Section 300, Article 26, of Chapter 10, of the Code of Ordinances, "Any person who shall wilfully violate or neglect or refuse to comply with any of the provisions of this chapter in addition to any other penalties prescribed by law or ordinance shall, upon conviction, be punished by a fine of not more than $500 or by imprisonment not exceeding 6 months, or by both such fine and imprisonment"

NOTE:—The principal cause of fires in spray-booth installations are: broken electric lamps and other electrical defects; cleaning the interior of booths, fans and motors with highly flammable solvents; accumulation of deposits in the tubes and vent pipes from neglect in cleaning them frequently; unnecessary accumulation of waste and refuse, smoking and a general lack of cleanliness.

(a) "No Smoking" signs, with letters at least 2 inches in height, shall be posted in all spray rooms and paint storage rooms or building.

(b) No combustible material shall be stored or maintained within 15 feet of any spray booth.

(c) All stock shall be arranged so as not to interfere with the operation of automatic sprinkler heads.

Rule 8. Existing Spray Booths and Installations.

These rules shall be retroactive in the following respects:

Rule **1.3** Heating of Rooms.
Rule **3.1** Air Exhaust System.
3.2 Air Supply and Mixing.
Rule **4.1** Construction of Spray Booths.
4.1.3 Surfacing of Booths.
4.1.5 Surfacing of Booths.
4.2.2 Maintenance of Ducts.
4.2.5 Electric Lighting.
4.2.6 Method of Induced Draft.
4.4 Separation of Booth from Flame.
4.4 Location of Motors.
Rule **5.1** Certificate of Fitness.
5.2 Smoking, Matches, etc.
5.6 Maintenance of Equipment.
5.7 Cleaning Implements.
5.9 Fire Appliances.
5.10 Accumulation and disposal of waste materials.
5.12 Motor Vehicles in booths or rooms.
Rule **6.** Storage and Mixing.
Rule **7.** General Requirements.

NOTE:—Rules 6.1, 6.2, 6.3 and 6.4 may not be applied in fireproof buildings equipped with an approved existing automatic sprinkler system where the general conditions of cleanliness are properly maintained at all times.

Rule 9. Approval Forms and Plans.

There shall be filed before installation with the administrative official by the purchaser (or by the seller thereof) an application form on sheet 8 inches by 10 inches, which form shall give the proper name and address of booth user and also the floor on which the booth or booths are to be installed. An ink drawing of the floor upon which the booth will be located shall be submitted on the form sheet; such drawing shall show by feet and inches the location of exits, chimneys and booths.

When a storage and mixing room is to be installed, plans drawn to a scale of at least 1/16 of an inch to a foot shall be filed with the administrative official for examination and approval. Such plan shall show on the floor plan the location of all booths, storage and mixing rooms, exits and all chimneys and exterior openings within 15 feet of the storage rooms and vent ducts.

APPROVED PAINT, VARNISH AND LACQUER SPRAYING EQUIPMENT

Automatic Paint Sprayer.....477-37-SA.
Binks-Hu-Ro-Thor-Hurley Spray Equipment...338-32-SA.
De Vilbiss Spray-Painting Equipment.....336-32-SA.
Eureka Paint Sprayer.....478-37-SA.
Paasche Spray Painting Equipment.....363-32-SA.
Spraco Spray Painting Equipment.....479-32-SA.

NOTICE

In accordance with the requirements of the Building Code and the Rules for Fusion Welding and Gas Cutting adopted by the Board of Standards and Appeals, a Board of Examiners for Welders has been organized in this Department, with the following personnel as members thereof:

Mr. J. E. Herman Mr. Frank Miller Mr. John Powell

Mr. Herman has been designated as Chairman of this Board.

Immediate steps shall be taken to adopt rules for procedure and to make the necessary arrangements with testing laboratories for the testing of applicants for Welder's license.

Alfred Rheinstein, *Commissioner,*
Department of Housing & Buildings.

March 15, 1938.

RULES

FIRE RETARDING RULES FOR GARAGES, ETC.

Adopted by the Board of Standards and Appeals Aug. 30, 1917; Amended Nov. 1, 1917, and Feb. 3, 1922.

Rule 1. Fire Retarding Materials for Garages, Motor Vehicle Repair Shops and Oil Selling Stations. In garages, motor vehicle repair shops and oil selling stations any material or form of construction shall be deemed fire-retarding within the meaning of §73, subdivision 3, of the building code, that resists the action of flame and heat when subjected to a continuous fire for one hour at an average temperature of seventeen hundred (1700) degrees Fahrenheit without the passage of flame, and with a maximum temperature rise to four hundred (400) degrees Fahrenheit on the side away from the fire. The point at which the temperature of transmitted heat is measured shall be protected from external air and weather conditions.

When the test specimen is in the form of partition construction, the area under test shall be not less than one hundred (100) square feet and least dimension shall be not less than nine (9) feet. When in the form of floor construction, the area under test shall be not less than two hundred (200) square feet and the least dimension shall be not less than fourteen (14) feet.

During the fire, the floor construction shall support the live load for which it is designed, and after the fire shall safely sustain twice the designed live load with a maximum deflection of not more than one two-hundredth (1/200) part of the span.

Rule 2. Wood Joisted Floor Construction. Wood joisted floor construction shall be accepted as fire-retarding construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations when the beams are protected on the upper and under sides with the fire-retarding materials specified in rules for floor and ceiling coverings.

Rule 3. Floor Covering. Any one of the following forms of construction shall be accepted as fire-retarding for the covering of the upper sides of wood floor beams in joisted floor construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations.

(a) Seven-eighths (⅞) inch wood underflooring protected with a membrane of two-ply waterproofing covered with not less than two and one-half (2½) inches of 1:2½:5 concrete or better, reinforced with not less than one-fourth (¼) of one (1) per cent of steel mesh;

(b) Two and one-half (2½) inches of 1:2:4 concrete applied directly to the top of the joists, with or without temporary support, reinforced with not less than one-fourth of one per cent steel rods, mesh or steel lath, and having the tops of the joists coated with approved waterproof paint or protected by tar paper on the top and on the sides for a distance of three inches from the top.

Rule 4. Ceiling Covering. Any one of the following forms of construction shall be accepted as fire-retarding for the covering of the undersides of wood floor beams in joisted floor construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations:

(a) One-half (½) inch plaster boards, or three-eighths (⅜) inch gypsum wall boards weighing not less than 16 pounds per square yard with pointed joints covered with No. 26 U. S. gauge sheet metal with one (1) inch lapped seams nailed to the wood beams when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are spaced more than sixteen (16) inches on centers;

(b) Two thicknesses of one-quarter (¼) inch asbestos board laid with tight staggered joints and nailed to the beams, when spaced not more than sixteen (16) inches on centers. or nailed to furring strips when the floor beams are more than sixteen (16) inches on centers;

(c) Metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) inch thick.

Rule 5. Attachment to Ceiling. Fire-retarding ceilings in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations shall be attached to wood floor beams and girders in such manner as to maintain an air space between the wood beams and all wood beams shall be seasoned before applying the protective coat.

Rule 6. Openings in Fire-Retarding Floors. Pipes or conduits which pass through floors shall be fitted with metal thimbles and made watertight for a height of three (3) inches above the floor.

Rule 7. Columns. All structural posts and columns in non-fireproof buildings required to be fire-retarded shall be protected with fire-retarding materials specified for ceiling coverings in these rules, or with any of the materials accepted in fireproof construction; except that an air space shall not be required around steel or cast iron columns.

Where necessary for protection against mechanical injury, the fire-retarding protection on columns shall be jacketed to a height of five (5) feet from the ground with No. 4 U. S. gauge metal.

Rule 8. Girders. All girders in non-fireproof buildings required to be fire-retarded shall be protected with the fire-retarding materials specified for ceiling coverings in these rules, or with any of the materials acceptable in fireproof construction; except that an air space need not be provided around steel girders.

Rule 9. Shaft Enclosures. Existing stairways and vertical shafts in non-fireproof business buildings hereafter converted to be used as garages, motor vehicle repair shops or oil selling stations shall be enclosed in fire-retarding partitions continued through the non-fireproof floor construction, and when unfilled wood stud partitions are used, the space between the floor beams shall be fire-stopped with incombustible materials. All openings in such partitions shall be protected with accepted metal-covered fire doors or windows. Wherever necessary for protection against mechanical injury, the partition shall be jacketed to a height of five (5) feet on the garage side with No. 4 U. S. gauge metal. Any one of the following forms of partitions shall be accepted for the enclosure:

(a) Two by four inch wood studs, spaced not more than sixteen (16) inches on centers, covered both sides with metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) of an inch thick;

(b) Two by four inch wood studs placed not more than sixteen (16) inches on centers, covered both sides with seven-eighths (⅞) inch wood sheathing, one-half (½) inch plaster boards with pointed joints and No. 26 U. S. gauge sheet metal with one-inch lapped seams;

(c) Two by four inch wood studs spaced not more than sixteen (16) inches on centers, covered both sides with seven-eighths (⅞) inch wood sheathing, two thicknesses of one-quarter (¼) inch asbestos boards laid with tight staggered joints and jacketed with No. 16 U. S. gauge metal on the garage side to a height of five (5) feet;

(d) Two by four inch wood studs spaced not more than sixteen (16) inches on centers, filled in solidly between the studs with four inches of approved fireproof materials and covered on both sides with No. 26 U. S. gauge metal;

(e) Existing wood stud, lath and plaster partitions covered on the garage side with No. 26 U. S. gauge sheet metal with one inch lapped seams.

RESERVE CALENDAR

BOARD OF STANDARDS AND APPEALS

Appeals from Administrative Orders.

284-37-A—484-496 Fulton street and 2-30 Bond street, southeast corner (Block No. 159, Lot No. 1), Borough of Brooklyn.

288-37-A—422-438 Fulton street, 14-30 Hoyt street, 171-201 Livingston street and 15-19 Gallatin place (Block No. 156, Lot No. 1), Borough of Brooklyn.

331-37-A—450-458 Fulton street, south side, block bounded by Livingston street, Hoyt street and Elm place (Block No. 157, Lot No. 1), Borough of Brooklyn.

351-37-A—2307 Beverly road and 2410 Bedford avenue, northwest corner (Block No. 5133, Lot No. 14), Borough of Brooklyn.

354-37-A—1-59 Fort Greene place, 126-135 DeKalb avenue and 2-52 South Elliott place (Block No. 2098, Lot Nos. 13-70), Borough of Brooklyn.

358-37-A—166-01 Jamaica avenue, northeast corner of 166th street (Block No. 867, Lot No. 190), Jamaica, Borough of Queens.

386-37-A—4208 Manhattan avenue, west side, 590 ft. 11½ in. north of Neptune avenue (Block No. 7024, Lot No. 89), Borough of Brooklyn.

442-37-A—132-138 4th avenue and 78 East 13th street, southwest corner (Block No. 564, Lot No. 45), Borough of Manhattan.

504-37-A—14 Second avenue, east side, 47 ft. 10 in. south of East 1st street (Block No. 442, Lot No. 6), Borough of Manhattan.

553-37-A—1815-1825 Ocean avenue, east side, 280 ft. south of Avenue M (Block No. 7656, Lot No. 55 and part of Lot Nos. 54 and 58), Borough of Brooklyn.

Appliances Submitted for Approval.

1279-25-SA—Teesdale, Automatic Booster Pumps, Models TUX, TUS, KP and R.

697-28-SA—Acme Fire Alarm Signal System.

380-29-SA—Kennedy 2½-inch Hose Outlet Valve, Type "A".

637-29-SA—Merco Oil Burner, Model K-1.

327-31-SA—Caloroil Horizontal Rotary Oil Burner, Models 1, 2, 3, 4, 5 and 6.

491-31-SA—Superfex Oil Burning Heaters and Heat Projectors, Various Models.

237-32-SA—D. B. Smith & Co. Fire Extinguishers, Models Arrow and Oneida.

400-32-SA—Superfex Oil Burner Warm Air Furnace. Models 100, 100-E, 101, 101-E, 200, 200-E, 300 and 300-E.

98-33-SA—Elkhart Siamese Hose Comection for Standpipe and Sprinkler Systems 3 x 3 x 6 in. flush type of straightway and 90° patterns.

164-33-SA—Firemaster Fire Extinguisher.

165-33-SA—Chemical Processes Company Fuel Oil Burner (for Kerrick Kleaner).

237-33-SA—Kelco Oil Burner.

10-34-SA—Hupp Oil Burner, Models A, B, AU, C, CU. E and EU.

136-34-SA—Korth Oil Burner, Model E.

181-34-SA—Genuine Detroit Safety Float Valve, Models CRC-236-W, CRC-236-E, CRC-236-S and CRC-236-A.

184-34-SA—Vapofier Oil Burner.

221-34-SA—Metropolitan Curb Fill Box No. 138 for Gasoline.

301-34-SM—"Radbur" Flameproofing Compound.

308-34-SA—Presteel Range Oil Burner.

7-35-SA—Harding Float Switch, Type CC (for Standpipe Alarm System).

29-35-SA—Aetna Range Oil Burner, Model 27-SGD.

39-35-SA—De Bothezat Bifurcator (for Paint Spraying).

43-35-SA—Universal Water Closet Unit, Models Castle No. 5232 and Climax No. 5022.

51-35-SA—General Electric Copper Oxide Rectifier, Model 6RC81Y1, for Fire Alarm Service.

88-35-SA—Kraissl-Trumbull Fuel Oil Wall Pump, No 522, for Domestic Oil Burners.

156-35-SA—Gillespie Elevator Shaft Door Switch.

163-35-SA—United Iron Works Centrifugal Pump for Gasoline and Fuel Oil, Type Single Stage Vertical Pump.

171-35-SA—Florence Cabinet Heater, Models CJ-1, CJ-2, CJ-21 and C-2.

189-35-SA—Air-O-Flame Cabinet Heater, Models 42, 51, 52 and 521.

207-35-SA—Cole Hot Blast Oil Heater, Model 915.

216-35-SA—Vac-O-Vent Fill Box (Pressure and Vacuum Relief).

226-35-SA—Savoil Cabinet Heaters and Cooker, Models 100, 200, 201 and 300.

229-35-SA—Hardinge Gun Type Oil Burner, Model 25.

231-35-SA—Sealtite Fill Pipe Terminal for Gasoline.

238-35-SA—Garfire Gun (Fire Extinguisher).

265-35-SA—French Automatic Oil Burner, Model 5 De Luxe.

21-36-SA—Herco Oil Burner, Models F, P15, P35, P50, J5, J10, S20 and S40.

191-36-SM—Carey Rocktex Insulating Wool.

201-36-SA—Quick Heat Pot Type Radiant Heater, Models 316-0, 319-0, 316-1, 319-1, 326-0, 329-0, 326-1 and 329-1.

202-36-SA—Quick Heat Pot Type Circulating Heater Models 218-1, 218-2, 228-1, 228-2, 238-1 and 238-2.

219-36-SA—Bronx Faultless Oil Burner for Pressing Machine.

242-36-SA—Swirling Heat Oil Burner, Models A-S, A-M, A-L and B.

248-36-SA—Dupont Oil Burner.

286-36-SA—Oil Industrial Laboratories, Anti-Syphon Oil Check Valve, Model No. 426.

295-36-SA—Vesta Fuel Oil Meter.

317-36-SA—Dempsey Industrial Oil Burner.

124-37-SA—Beach Air Brushes (for Paint Spraying Equipment).

156-37-SA—McClintock Automatic Hydraulic Sewer Valve

159-37-SA—Stempel Pressure Type Fire Extinguisher

168-37-SA—Flex-O-Gas Oil Burner, Model FR.

214-37-SA—Lattner Gravity Oil Burner, Models A, B, C and D.

281-37-SA—Todd Rotary Burner (Pump Type), Models A, B, C, C-1 and D.

282-37-SA—Lux Model 2 Carbon Dioxide (CO^2) Fire Extinguisher.

289-37-SA—Lido Oil Burner, Models D and C.

385-37-SA—Edwards VACC, Non-Code, Closed Circuit Interior Fire Alarm System.

447-37-SA—Bomar Fill Pipe Terminal for Gasoline and Fuel Oil.

503-37-SA—Indiana Oil Burner.

547-37-SA—Fairfield Model F Jr. Oil Burner.

567-37-SA—Instantaneous Hose Reel.

20-38-SM—Alpha System of Steel and Concrete Construction.

33-38-SM—Gritcrete Short Span Floor Construction.

34-38-SM—Barrett Rock Wool.

49-38-SA—Latham Automatic Oil Burner.

50-38-SA—Ray Gun Type Oil Burner, Model XP.

56-38-SA—Duplex De Luxe Splicing Machine.

78-38-SA—Weco Flush Fill Pipe Terminal for Fuel Oil

86-38-SM—X-Ite for Walls and Floors.

96-38-SM—Johns-Manville Corrugated Transite.

99-38-SA—Conran System of Mono Rail Nozzles.

119-38-SM—Chromalin Floor Covering.

120-38-SA—Mason Duplex and Commercial Industrial Oil Burner.

134-38-SA—G.A.L. Bar Interlock, Type K-5.

157-38-SM—Lith-I-Bar Joist.

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BULLETIN
OF THE
BOARD OF STANDARDS AND APPEALS
CITY OF NEW YORK

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DIRECTORY

BOARD OF STANDARDS AND APPEALS
HARRIS H. MURDOCK, Chairman

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OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

DOCKET

New Cases Filed up to March 22, 1938.

Cal. No. *Department* *Premises Affected*

177-38-A.....F.D.....Pier South Fifth street and Kent avenue (Block 2453, part of Lot 1), Borough of Brooklyn, 74390-L.C.

178-38-A.....H.B.M.....837-843 Washington street and 426 432 West 13th street, southeast corner (Block 645, Lots 25 and 26), Borough of Manhattan, N.B. 40-38.

179-38-A.....H.B.M.....81 Claremont avenue, northwest corner of West 120th street (Block 1991, Lot 13), Borough of Manhattan, Alt. 432-38.

180-38-SA.....F.D.....Vortex Oil Burner, Type V, Model No. 7, Appliance.

181-38-BZ.....H.B.Bx.....410 City Island avenue, northeast corner of Ditmars street (Block 5645, Lot 1), Borough of The Bronx, Alt. 519-37.

182-38-SA.....F.D.....Fisher Oil Burner, Model M, Appliance.

183-38-A.....H.B.Bx.....184 St. Georges Crescent and 185 East 206th street, northeast corner (Block 3313, Lots 1-17 incl.), Borough of The Bronx, N.B. 663-37.

184-38-SA.....F.D.....Moore & Kling Fill Pipe Terminal for Oil, Appliance.

185-38-A.....H.B.Bx.....1805 Anthony avenue, west side, 70 ft. south of East 175th street (Block 2891, Lot 49), Borough of The Bronx, Alt. 68-38.

186-38-S.....D.B.B. & H.B.B.....71-77 Clinton avenue, east side, 100 ft. south of Park avenue and 66-74 Waverly avenue (Block 1888, Lot 41), Borough of Brooklyn, 20150-L.D., 20151-L.D. and Decisions.

187-38-A-WF....H.B.Q....99-19 to 99-21 Northern boulevard, northwest corner of 100th street (Block 1429, Lots 34 and 35), Corona, Borough of Queens, Applic. 998-38.

188-38-SM.....H.B.....Anco Structural Rib Bolts and Anco Lock Nuts, Material.

189-38-A.....H.B.M.....82 Eldridge street, east side, 175 ft. south of Grand street (Block 307, Lot 10), Borough of Manhattan, Alt. 304-38.

190-38-A.....H.B.M.....1-41 West 13th street, north side, 100 ft. west of Fifth avenue, 4-12 and 16-42 West 14th street and 74-76 Fifth avenue (Block 577, Lots 19-32, 33, 35, 37, 42-47, 49, 55, 57, 59, 61 and 65), Borough of Manhattan, Alt. 225-35.

191-38-SM.....H.B.....Gypstcel Junior and Senior Planks for Floor and Roof Slabs, Material.

192-38-BZ.....H.B.Bx.....1679-1681 Jerome avenue, west side, 275 ft. north of Featherbed lane (Block 2861, Lot 32), Borough of The Bronx, N.B. 2429-27.

193-38-A.....D.B.M. & H.B.M.....17 East 54th street, north side, 110 ft. west of Madison avenue (Block 1290, Lot 13), Borough of Manhattan, 35443-F and Decisions.

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410-31-BZ.....D.B.Q.....175-14 Horace Harding boulevard, south side, 117.71 ft. west of Utopia parkway (Block 2661, Lot 26), Flushing, Borough of Queens, N.B. 4258-31.

216-29-BZ.....D.B.Q.....Southwest corner of Nassau boulevard and Little Neck road (Block 4108, Lot 100), Little Neck, Borough of Queens, N.B. 6291-31.

379-33-BZ.....H.B.Q.....79-08 Astoria boulevard and 23-49 79th street, southeast corner (Block 1032, Lot 54), Elmhurst, Borough of Queens, Decision.

DESIGNATIONS: H.B.—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

COURT DECISIONS

Kohnstamm vs. Board of Standards and Appeals—On February 16, 1937, Board denied storage garage, motor vehicle repair shop and auto laundry in business district, under section 21, Cal. No. 302-36-BZ; Premises 965-971 65th street, Borough of Brooklyn. Mr. Justice Wenzel dismissed certiorari, order entered (N.Y.L.J. March 9, 1938).

* * *

La Bouchere Realty Corpn. v. Murdock—On May 18, 1937, Board affirmed decision of Commissioner of Buildings denying curb cut permit for access to gasoline service station in unrestricted use district, Cal. No. 169-37-A, premises 752-754 First avenue northeast corner East 42nd street, borough of Manhattan, on the grounds of the recent acquisition at great expense of property for park and playground purposes and for overhead roadway across East 42nd Street and the danger to pedestrian traffic and to children at this extremely congested intersection. Mr. Justice Sheintag sustained Board's decision, holding that the record disclosed the action of the Board was neither arbitrary nor unreasonable. (N.Y.L.J. March 18, 1938).

CALENDAR

Matter of Ardsley Garage Co., Inc., (Board of Standards and Appeals)—On January 5, 1937, Board granted theatre, partly in business and partly in residence district, under section 7-c (previously denied under section 21), Cal. No. 256-36-BZ, Premises 1109 Lexington avenue and 153 East 77th street, Borough of Manhattan. Mr. Justice Pecora reversed Board, holding: "that the Board exceeded its authority under section 7-c, which is limited to use district regulation and does not grant authority to permit a variance of the area district regulations and to dispense with a required rear yard"; also holding that while a "literal construction of section 151, chapter 10, of the Code of Ordinances, does not bar a theatre next to a storage garage" * * * "the ordinance is indicative of a sound public policy" and "record does not afford a basis for disregarding that public policy." (N.Y.L.J. Sept. 16, 1937). Appellate Division, 1st Department, reversing Board, without opinion, by a three to two decision (N.Y.L.J. March 19, 1938).

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Range Oil Burners and Space Heaters .....Mar.	8, 1938—Vol. 23, No. 10

MARCH 29, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, March 29*, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 575-37-BZ—Application, December 7, 1937, under section 21 of the building zone resolution, of Stanley Salcinski, applicant and owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 60-89 to 60-97 Flushing avenue and 59-104 to 59-110 58th avenue (Charles street), junction of 61st street (Clermont avenue); (Block No. 2697, Lot No. 51), Maspeth, Borough of Queens.

CAL. NO. 495-37-BZ—Application, October 19, 1937, under sections 7c and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Luchas Garage Corporation, owner, to permit partly in a business use district and partly in an unrestricted use district the alteration and conversion of occupancy of part of an existing garage for the storage of more than five (5) motor vehicles to a gasoline service station; premises 1410-1418 Newkirk avenue, south side, 70 ft. 3⅛ in. west of Marlborough road and 604 Marlborough road (Block No. 5235, Lot No. 5), Borough of Brooklyn.

CAL. NO. 422-37-BZ—Application, August 27, 1937, under section 21 of the building zone resolution, of James J. C. Malone, applicant, on behalf of Spruce Estates Corporation, owner, to permit in a residence use district the erection and maintenance of a garage for more than five (5) motor vehicles; premises 413 West 26th street, north side, 162 ft. 6 in. west of Ninth avenue (Block No. 724, Lot No. 26), Borough of Manhattan.

CAL. NO. 511-37-BZ—Application, October 27, 1937, under section 21 of the building zone resolution, of Joseph Lau, applicant, on behalf of Abraham B. Cox, owner, to permit in a business use district the conversion of occupancy of part of an existing building to manufacture and assembly of iron and steel products; premises 1237-1239 Second avenue and 246-250 East 65th street, southwest corner (Block No. 1419, Lot No. 28), Borough of Manhattan.

CAL. NO. 43-38-BZ—Application, January 22, 1938, under sections 7a and 21 of the building zone resolution, of Scacchetti and Siegel, applicants, on behalf of Samcha Realty Corporation, owner, to permit in a residence use, "B" area district the extension in area of an existing building used in part for business (stores) and to occupy the required rear yard by such proposed extension; premises 313-315 West 50th street, north side, 175 ft. 1 in. west of Eighth avenue (Block No. 1041, Lot. Nos. 24 and 25), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

MARCH 29, 1938, 2 P. M.

Appeals from Administrative Orders

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

148-38-A—751 Fourth avenue, southeast corner of 25th street (Block No. 655, Lot No. 7), Borough of Brooklyn.

172-38-A—1209 Dean street, north side, 120 ft. east of Nostrand avenue (Block No. 1207, Lot No. 66), Borough of Brooklyn.

183-38-A—184 St. Georges Crescent and 185 East 206th street (Block No. 3313, Lot Nos. 1-17 inclusive), Borough of The Bronx.

CALENDAR

190-38-A—1-41 West 13th street, north side, 100 ft. west of Fifth avenue, 4-12 and 16-42 West 14th street and 74-76 Fifth avenue (Block No. 577, Lot Nos. 19-32, 33, 35, 37, 42-47, 49, 55, 57, 59, 61 and 65), Borough of Manhattan.

Variation of Labor Law

160-38-S—3869 Broadway, west side, 75 ft. north of West 161st street (Block No. 2137, part of Lot No. 18), Borough of Manhattan.

Appliances Submitted for Approval

36-38-SA—York Air Conditioning Systems Oil Burner, Model M.V.141.

130-38-SA—Electro-Mechanical Interlock, Type PA. (Elevator Device).

142-38-SA—Red Comet Automatic Fire Extinguisher.

151-38-SA—Eclipse Spray Painting Equipment.

165-38-SA—Josam Plaster Interceptor. (Plumbing Device).

166-38-SA—Josam Grease Interceptor (Plumbing Device).

167-38-SA—Sloan Vacuum Breaker, Model V-60-A (Plumbing Device).

174-38-SA—Novac Flush Valve, Vacuum Breaker (Plumbing Device).

175-38-SA—Teasdale & Edwards Incinerator Dust Extractor.

180-38-SA—Vortex Oil Burner, Type "V," Model No. 7.

182-38-SA—Fisher Oil Burner, Model M.

184-38-SA—More and Kling Fill Pipe Terminal for Oil.

Materials Submitted for Approval

122-38-SM—Monoplate Fireproof Construction.

124-38-SM—Blue Bond Mortar Cement.

125-38-SM—Truscon Ferrobord Steeldeck.

126-38-SM—Bar-Ox Paint No. RB-22 (Red).

136-38-SM—Perforated Gypsum Lath.

138-38-SM—Multi-Vent Hollow Building Block in Concrete.

144-38-SM—Geiger Prefabricated Steel and Reinforced Concrete Construction.

147-38-SM—Transite Flue Pipe.

163-38-SM—Asphalt Saturated Asbestos Roofing Felt.

169-38-SM—Insulux Glass Block.

188-38-SM—Anco Structural Rib Bolts and Anco Lock Nuts.

191-38-SM—Gypsteel Junior and Senior Planks for Floor and Roof Slabs.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, March* 29, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 9-38-BZ—Application, January 5, 1938, under sections 7a and 21 of the building zone resolution, of A. C. Benson, applicant, on behalf of John DiBlasi, owner, to permit in a business use district the extension of an existing service station; premises 98-02 to 98-08 Northern boulevard, southeast corner of 98th street (Block No. 1713, Lot No. 1), Corona, Borough of Queens.

CAL. NO. 491-37-BZ—Application, October 13, 1937, under section 21 of the building zone resolution, of Sidney H. Kitzler, applicant, on behalf of Asness Bros., owners, to permit in a business use district the extension of an existing gasoline service station and, also, the inclusion of a brake testing station; premises 429-439 Crescent street and 1044-1048 Liberty avenue, southeast corner (Block No. 4198, Lot No. 7), Borough of Brooklyn.

CAL. NO. 599-37-BZ—Application, December 17, 1937, under sections 7h and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of DeWitt Holding Corporation, owner, to permit for a temporary period of not more than two (2) years partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises 1663-1681 St. Nicholas avenue, west side, 14 ft. 5 in. north of Fairview avenue and 59-61 Hillside avenue (Block No. 2170, Lot No. 129), Borough of Manhattan.

CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent, applicants, on behalf of Maude B. Mowry, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

APRIL 5, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, April* 5, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 200-37-BZ—Application, May 3, 1937, under section 21 of the building zone resolution, of Otto J. Sambach, applicant, on behalf of Howdah Securities Corporation, owner, to permit in a business

use district the erection and maintenance of a gasoline service station; premises 103-39 Springfield boulevard, northeast corner of 104th avenue (Block No. 2046, Lot No. 7), Queens Village, Borough of Queens.

CAL. NO. 404-37-BZ—Application, August 12, 1937, under section 21 of the building zone resolution, of Harold Borgwald, applicant, on behalf of Marie Catherine Russell, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4825 White Plains road, southwest corner of East 243rd street (Block No. 5109, Lot Nos. 1 and 3), Borough of The Bronx.

CAL. NO. 560-37-BZ—Application, November 29, 1937, under sections 7h and 21 of the building zone resolution, of The Mutual Life Insurance Company of New York, applicant and owner, to permit for a temporary period of not more than two (2) years, partly in a business use district and partly in a residence use district, the parking and storage of more than five (5) motor vehicles; premises 279-289 East 170th street, north side, from Morris avenue to College avenue, 1400-1418 Morris avenue and 1401-1419 College avenue (Block No. 2786, Lot Nos. 2, 6 and 29), Borough of The Bronx.

CAL. NO. 479-37-BZ—Application, October 8, 1937, under section 7h of the building zone resolution, of Emery Herleth and Carol Herleth, applicants and lessees, on behalf of James F. Sullivan, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; 89-58 163rd street (Hardenbrook avenue), west side, 247 ft. north of Jamaica avenue (Block No. 836, Lot No. 76). Jamaica, Borough of Queens.

CAL. NO. 11-38-BZ—Application, January 7, 1938, under section 21 of the building zone resolution, of Wingate and Cullen, applicants, on behalf of Fulton Savings Bank, Kings County, owner, to permit in a business use district the conversion of occupancy of part of an existing building to a motor vehicle repair shop; premises 1432 Pitkin avenue, south side, 82 ft. 3½ in. west of Howard avenue and 1261-1263 East New York avenue, northside, 85 ft. 7½ in. west of Howard avenue (Block No. 1477, Lot No. 38), Borough of Brooklyn.

CAL. NO. 247-37-BZ—Application of Morton Pannaman, applicant, on behalf of Theodore Murray and Margaret Murray, lessees, for George R. Jenkins, owner, reopened March 15, 1938, under section 7h of the building zone resolution; to permit in a business use district the storage and parking of more than five (5) motor vehicles for a temporary period of two (2) years (previously denied); premises 40-23 69th street, east side, 278 ft. south of Roosevelt avenue (Block No. 1301, Lot No. 10 and part of Lot Nos. 12 and 14), Woodside, Borough of Queens.

CAL. NO. 330-22-BZ—Application of George J. Lobenstein, applicant, on behalf of Kings County Community Corporation, owner, reopened March 15, 1938, for consideration as to amendment of resolution, under section 7c of the building zone resolution, to permit in a residence use district the extension of a business use; premises 1663-1669 East 17th street, east side, 57 ft. 2½ in. south of Kings Highway (Block No. 6780, Lot No. 55), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

APRIL 5, 1938, 2 P. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, April* 5, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 472-37-BZ—Application, September 30, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of John Castagna and Salvatore Castagna, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 2761-2773 Cropsey avenue, north side, 6 ft. 9⅞ in. west of 28th avenue and 196 28th avenue (Block No. 6915, Lot No. 51), Borough of Brooklyn.

CAL. NO. 429-37-BZ—Application, September 2, 1937, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Morris Roth, owner, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station; premises 47-11 108th street and 108-09 48th avenue, northeast corner (Block No 2003, Lot No. 84), Corona, Borough of Queens.

CAL. NO. 170-37-BZ—Application, April 14, 1937, under section 21 of the building zone resolution, of William R. McVay, applicant, on behalf of Hermine Corlis, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 79-05 Little Neck road, southeast corner of Union turnpike (Block No. 12, Lot Nos. 4, 5 and 6), Floral Park, Borough of Queens.

CAL. NO. 732-29-BZ—Application of John H. Scheier, applicant, on behalf of Esther Nathanson,

owner, reopened March 8, 1938, for consideration as to extension of time to obtain permits and complete work—time having expired by limitation—re Application, granted on condition, under section 21 of the building zone resolution, permitting the extension, from a business use district into a residence use district, of a business use (stores and restaurant); premises 1670-1678 East 17th street, west side, 76 ft. 9¼ in. south of Kings highway (Block No. 6779, Lot No. 33), Borough of Brooklyn.

CAL. NO. 528-37-BZ—Application, November 5, 1937, under sections 7c and 21 of the building zone resolution, of Jacob Morgenthaler, applicant, on behalf of Jacob Morgenthaler's Sons, owner, to permit in a business use district the alteration of a garage for more than five (5) motor vehicles (granted by the board) by the removal of a portion thereof and the extension over the plot of an existing gasoline service station with the conversion of a portion of the premises to a brake testing station; premises 164-176 Fourth avenue and 334-344 Douglass street, southwest corner (Block No. 420. Lot No. 34 and part of Lot No. 37), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman*

APRIL 12, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, April* 12, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 551-37-BZ—Application, Novmber 19, 1937, under section 21 of the building zone resolution, of Bryce Rea, applicant and owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 233-02 Northern boulevard and 45-01 233rd street, southeast corner (Block No. 8166, Lot No. 20), Douglaston, Borough of Queens.

CAL. NO. 4-38-BZ—Application, January 5, 1938, under section 7a of the building zone resolution, of Thomas Dunn, applicant, on behalf of Bolton Cleaners and Dyers, Inc., owner, to permit in a residence use district the extension of an existing dry cleaning establishment; premises 453 Bolton avenue, west side, 125 ft. south of Lacombe avenue (Block No. 3499, Lot No. 50), Borough of The Bronx.

CAL. NO. 616-37-BZ—Application, December 23, 1937, under section 7h of the building zone resolution, of Martyn N. Weinstein, applicant, on behalf of Lillian S. Kay and Caroline Candidus, owners, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 746-768 Livonia avenue, south side, from Van Siclen avenue to Miller avenue, 572-582 Van Siclen avenue and 617-627 Miller avenue (Block No. 4087, Lot Nos. 21 and 27), Borough of Brooklyn.

CAL. NO. 487-37-BZ—Application, August 23, 1937, under section 7h of the building zone resolution, of Francis T. Christy, applicant, on behalf of Rockefeller Center, Inc., lessee (The Trustees of Columbia University in the City of New York, owner), to permit in a retail use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises 25-53 West 48th street, north side and 26-52 West 49th street, south side, 237 ft. 7½ in. east of Sixth avenue (Block No. 1264, Lot No. 10), Borough of Manhattan.

CAL. NO. 140-38-BZ—Application, March 5, 1938, under section 21 of the building zone resolution, of Fred B. McDuffee, Director, Bureau of Achitecture, Department of Public Works, applicant, on behalf of City of New York, owner, to permit in a residence use district the erection and maintenance of a garage for more than three (3) motor vehicles; premises 81-99 Park avenue, east side, between East 39th street and East 40th street, 99-107 East 39th street and 102 East 40th street (Block No. 895, Lot Nos. 1-9 inclusive, 89, 90, 92 and 94), Borough of Manhattan.

CAL. NO. 53-38-BZ—Application, January 28, 1938, under sections 7b and 7c of the building zone resolution, of Halsey, McCormack & Helmer, Inc., applicant, on behalf of Ridgewood Savings Bank, owner, to permit partly in a business use district and partly in a residence use district the erection and maintenance of an extension to an existing business building (Bank); premises 1838-1842 George street and 1002-1004 Forest avenue, southeast corner (Block No. 3575, Lot Nos. 31 and 33), Ridgewood, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

APRIL 12, 1938, 2 P. M.

Building Zone Application

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, April* 12, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 216-29-BZ—Application of Abram Shlefstein, applicant, on behalf of Helen Eckerman, owner, reopened March 22, 1938, for consideration as to extension of permit—re Application, previously granted

CALENDAR

on condition, under section 7f of the building zone resolution, permitting in a business use district the maintenance of a gasoline service station for a temporary period; premises southwest corner of Nassau boulevard and Little Neck road (Block No. 4108, Lot No. 100), Little Neck, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

APRIL 26, 1938, 2 P. M.

Variation of Labor Law.

40-38-S—284-300 Sheffield avenue, southwest corner of Belmont avenue (Block No. 3753, Lot No. 9), Borough of Brooklyn.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, April 26, 1938*, at 2 o'clock, in Room 1013, Municipal Building, on the following matter, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 345-32-BZ—Application of Alphonsus Casey, applicant, on behalf of Patrick J. Reilly, owner, reopened February 23, 1938, for consideration as to extension of permit —re Application, previously granted on condition, under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station for a temporary period; premises north side of 47th avenue, 91 ft. east of Cross Island boulevard (Block No. 1299, part of Lot No. 105), Bayside, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

MAY 3, 1938, 10 A. M.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May 3, 1938*, at 10 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 324-37-BZ—Application, June 29, 1937, under section 21 of the building zone resolution, of Joseph M. Lonergan, applicant, on behalf of Mathilda Litchman and Bruno Bernabo, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4727-4729 Third avenue, west side and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, MARCH 22, 1938.

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASE

408-37-BZ.

APPLICANT—Alfred H. Eccles, for Jackson Avenue Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—75-13 to 75-21 Roosevelt avenue, 37-64 to 37-70 76th street, northwest corner and 75-12 to 75-20 37th road (Block No. 1286, Lot No. 66), Jackson Heights, Borough of Queens.

APPEARANCES—

For Applicant: Alfred H. Eccles, Charles H. Tuttle and G. W. Bersch.

For Opposition: John J. Reardon, J. Sinisi, L. Robert Hitzig, John Simpkin, and Mr. Lurie.

For Administration: Insp. D. Stone, Department of Housing and Buildings.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Absent 0

THE RESOLUTION—

(408-37-BZ)

WHEREAS, Alfred H. Eccles, for Jackson Avenue Corporation, owner, filed August 19, 1937, an application under the building zone resolution to permit in a business use district the erection and maintenance of a gasoline service station; Premises: 75-13 to 75-21 Roosevelt avenue, 37-64 to 37-70 76th street, northwest corner, and 75-12 to 75-20 37th road (Block No. 1286, Lot No. 66), Jackson Heights, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 22, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Roosevelt avenue is in a business use district; that 37th road is in a business and residence use; that 76th street is in a residence and busines use; and that 75th street is in a residence and business use; and

WHEREAS, the decision of the Commissioner of Buildings, rendered August 19, 1937, re. Applic. No. 556-1937, reads:

"1. The erection of a gasoline service station within a business district is contrary to section 4 of the zone resolution."

and

WHEREAS, the premises consists of a plot of ground having a frontage of 100 ft. on Roosevelt avenue, 84 ft.

on 76th street and 100 ft. on 37th avenue. It is proposed to erect upon the plot a one-story building, 86 ft. by 28 ft. 6 in. in area to be used as office, lubritorium, car washing and brake testing and also to install the necessary tanks and pumps for a gasoline service station; and

WHEREAS, the site under appeal was inspected by a committee of the board prior to the hearing; and

WHEREAS, the Board deemed that applicant had failed to substantiate his basis of appeal under section 21 of the building zone resolution and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

Adjourned, 12:45 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, MARCH 22, 1938.

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the special meeting of the board held on Friday morning, March 11, 1938 and the minutes of the special meeting of the board held on Friday afternoon, March 11, 1938; the minutes of the regular meeting of the board held on Tuesday morning, March 15, 1938, and the minutes of the regular meeting of the board held on Tuesday afternoon, March 15, 1938, including a correction of the minutes of the board held on March 8, 1938, affecting Cal. No. 430-37-BZ, were approved as printed in Bulletin No. 12, Vol. 23.

BUILDING ZONE CASES

345-32-BZ.

APPLICANT—Alphonsus Casey, for Patrick J. Reilly, owner.

SUBJECT—Application reopened February 23, 1938 for consideration as to extension of permit—re application (decision of the superintendent of buildings) previously granted on condition, under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station for a temporary period.

PREMISES AFFECTED—North side of 47th avenue, 91 ft. east of Cross Island boulevard (Block No. 1299, part of Lot No. 105), Bayside, Borough of Queens.

APPEARANCES—

For Applicant: Alphonsus Casey.

For Opposition: None.

ACTION OF BOARD—Laid over to April 26, 1938 at 2 P. M. for determination by the board.

528-37-BZ.

APPLICANT—Jacob Morgenthaler, for Jacob Morgenthaler's Sons, owners.

SUBJECT—Application (decision of the superintendent of buildings) under sections 7c and 21 of the building zone resolution, to permit in a business use district the alteration of a garage for more than five (5) motor vehicles (granted by the board) by the removal of a portion thereof and the extension over the plot of an existing gasoline service station with the conversion of a portion of the premises to a brake testing station.

PREMISES AFFECTED—164-176 Fourth avenue and 334-344 Douglass street, southwest corner (Block No. 420, Lot No. 34 and part of Lot No. 37), Borough of Brooklyn.

APPEARANCES—

For Applicant: Joseph Lynch.

For Opposition: None.

ACTION OF BOARD—Laid over to April 5, 1938 at 2 P. M. Applicant to file complete workings drawings with board prior to April 1, 1938.

410-31-BZ.

APPLICANT—Michael Levine, for Louise De Vito, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re application (decision of the superintendent of buildings) under section 7i of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station for a temporary period.

PREMISES AFFECTED—175-14 Horace Harding boulevard, south side, 117.71 ft. west of Utopia parkway (Block No. 2661, Lot No. 26), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Michael Levine.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

216-29-BZ.

APPLICANT—Abram Schlefstein, for Helen Eckerman, owner.

SUBJECT—Application for reopening—extension of permit—re. application (decision of the superintendent of buildings) under section 7f of the building zone resolution, permitting in a business district the maintenance of a gasoline service station.

PREMISES AFFECTED—Southwest corner of Nassau boulevard and Little Neck road (Block No. 4108, Lot No. 100), Little Neck, Borough of Queens.

APPEARANCES—

For Applicant: Abram Schlefstein.

ACTION OF BOARD—Application reopened and set for hearing April 12, 1938, at 2 P. M.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

379-33-BZ.

APPLICANT—Edward T. Curran, for Andrew Haurylak, owner.

MINUTES

SUBJECT—Application for consideration—reopening and restoration to calendar, previously withdrawn—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenanee of a gasoline service station and, also, a motor vehicle repair shop (previously denied for a gasoline service station).

PREMISES AFFECTED—79-08 Astoria boulevard and 23-49 79th street, southeast corner (Block No. 1032, Lot No. 54), East Elmhurst, Borough of Queens.

APPEARANCES—

For Applicant: Edward T. Curran.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

325-37-BZ.

APPLICANT—Salvatore M. De Pasquale, owner.

SUBJECT—Application (decision of the commissioner of buildings) under sections 21 and 7h of the building zone resolution, to permit in a business use district the parking of more than five (5) motor vehicles.

PREMISES AFFECTED—2860-2862 Webster avenue, east side, 100.43 ft. south of Bedford park boulevard (Block No. 3273, part of Lot No. 122), Borough of The Bronx.

APPEARANCES—

For Applicant: William Zuckerberg.

ACTION OF BOARD—Application withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

570-37-BZ.

APPLICANT—Herman Kron, for New York Post Graduate Medical School and Hospital, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 21, 7c and 7h of the building zone resolution, to permit the use of a plot of ground which is located within 200 feet of a hospital as a parking space for more than five (5) motor vehicles.

PREMISES AFFECTED—328-334 East 21st street, south side, 220 ft. west of First avenue (Block No. 926, Lot Nos. 50-53), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application withdrawn on written request.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

24-27-BZ.

APPLICANT—Ferdinand Savignano, for Amalgamated Properties, Inc., owner and Yetta Klien, lessee.

SUBJECT—Application for consideration of amendment (reopened January 5, 1937)—re. (decision of the commissioner of buildings) to permit in a residence use district the change of occupancy of part of the 2nd floor of an existing dwelling to business use (beauty parlor).

PREMISES AFFECTED—8319 (official) 8321 20th avenue, east side, 24 ft. north of 84th street (Block No. 6329, Lot No. 2), Borough of Brooklyn

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application dismissed for lack of prosecution.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(724-27-BZ)

WHEREAS, this application affecting premises 8319 (official)—8321 20th avenue, east side, 24 ft. north of 84th street (Block No. 6329, Lot No. 2), Borough of Brooklyn, was reopened by vote of the board on January 5, 1937, upon request of Ferdinand Savignano, applicant, for Amalgamated Properties, Inc., owner, and Yetta Klien, lessee; and

WHEREAS, the applicant failed to complete his papers, although duly notified to do so.

Resolved, that the application be and it hereby is *dismissed* for lack of prosecution.

61-32-BZ.

APPLICANT—Harry Teichner, for Tolstoi Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the superintendent of buildings) under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—64-70 Neptune avenue, southwest corner of Hoff street (Block No. 7516, Lot No. 2371), Borough of Brooklyn.

APPEARANCES—

For Applicant: Harry Teichner.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(61-32-BZ)

WHEREAS, this application affecting premises 64-70 Neptune avenue, southwest corner of Hoff street (Block No. 7516, Lot No. 2371), Borough of Brooklyn, was granted by the board May 13, 1932, on certain conditions, time extended May 15, 1934, April 23, 1935, April 14, 1936, and March 30, 1937, and applicant requests a further extension of time to complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of May 13, 1932, as last amended on March 30, 1937, only so far as it refers to the completion of the work, so that as amended this portion of the resolution shall read:

"That all plans shall be filed and all work completed within one year from the date of this amended reso-

lution, *on condition* that the resolution adopted by the board on May 13, 1932, shall be complied with in all respects and that prior to filing plans with the commissioner of buildings, complete working drawings shall be filed with this board and approved by the chairman in behalf of the board before plans are filed with the commissioner of buildings."

221-37-BZ.

APPLICANT—Harry L. Marcus, for Max Feld, owner.
SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the commissioner of buildings) under sections 7a and 21 of the building zone resolution, permitting in a residence use district the maintenance of an extension to a business and manufacturing building.
PREMISES AFFECTED—82-20 Caldwell avenue, south side, 153 ft. east of Eliot avenue (Block No. 2939, Lot No. 40; Block No. 2940, Lot No. 15; Block No. 2967, Lot No. 11 and Block No. 2968, Lot No. 1), Elmhurst, Borough of Queens.
APPEARANCES—
For Applicant: Herbert L. Mattinsky.
ACTION OF BOARD—Application reopened and time extended.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO EXTEND TIME—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(221-37-BZ)

WHEREAS, this aplication affecting premises 82-20 Caldwell avenue, south side, 153 ft. east of Eliot avenue (Block No. 2939, Lot No. 40; Block No. 2940, I ot No. 13; Block No. 2967, Lot No. 11 and Block No. 2968, Lot No. 1), Elmhurst, Borough of Queens, was granted by the board January 11, 1938, on certain conditions and applicant requested an extension of time to obtain permits and complete work.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of January 11, 1938, only so far as it refers to obtaining of permits and the completion of the work so that as amended, this portion of the resolution shall read:

"That all permits shall be obtained and all work completed within two months from the date of this action."

APPEALS FROM ADMINISTRATIVE ORDERS

131-38-A.

APPLICANT—Paul Friedman, for M. Busi, lessee.
SUBJECT—Appeal from an order and a decision of the deputy commissioner, division of housing, department of housing and buildings.
PREMISES AFFECTED—59 Fifth avenue, east side, 25 ft. south of East 13th street (Block No. 570, Lot No. 6), Borough of Manhattan.
APPEARANCES—
For Applicant: Paul Friedman, N. C. Cooper, M. Busi and Harry A.. Roman.
For Administration: Inspector Kelly, Department of Housing and Buildings; Inspector Meyer, Fire Department.
ACTION OF BOARD—Placed on reserve calendar pending the filing of a building zone application.

148-38-A.

APPLICANT—Terminal Tavern, Inc., lessee.
SUBJECT—Appeal from an order and a decision of the fire commissioner.
PREMISES AFFECTED—751 Fourth avenue, southeast corner of 25th street (Block No. 655, Lot No. 7), Borough of Brooklyn.
APPEARANCES—
For Applicant: G. Huppert.
For Administration: Inspector Meyer, Fire Dept.
ACTION OF BOARD—Laid over to March 29, 1938 at 2 P. M. Applicant to file revised plans.

172-38-A.

APPLICANT—Harrison Schock, for The Kings County Savings Bank, owner.
SUBJECT—Appeal from decisions of the acting borough superintendent of buildings.
PREMISES AFFECTED—1209 Dean street, north side, 120 ft. east of Nostrand avenue (Block No. 1207, Lot No. 66), Borough of Brooklyn.
APPEARANCES—
For Applicant: Harrison Schock.
For Administration: Eng. Benjamin Saltzman, Department of Housing and Buildings.
ACTION OF BOARD—Laid over to March 29, 1938 at 2 P. M. for applicant to obtain a decision from the borough superintendent as to whether plans as filed, comply with the Sprinkler Rules adopted by the Tenement House Department, which in the opinion of the board, are the only legal Sprinkler Rules for Class "A" or Class "'B" (converted) dwellings.

193-38-A.

APPLICANT—Arthur H. Haaren, for Seventh Avenue Realty Company, owner.
SUBJECT—Application for acceptance—not filed within the 30 day time limit—re appeal from an order of the commissioner of buildings and a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—17 East 54th street, north side, 110 ft. west of Madison avenue (Block No. 1290, Lot No. 13), Borough of Manhattan.
APPEARANCES—
For Applicant: John G. Coleman.
ACTION OF BOARD—Appeal accepted.
THE VOTE TO ACCEPT APPEAL—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

80-38-A.

APPLICANT—Otillie Miller, adjoining owner.
OWNER OF PREMISES—Harry A. Wagner and Joseph Quigg.
SUBJECT—Appeal from a decision of the acting borough superintendent of buildings re revocation of certificate of occupancy.
PREMISES AFFECTED—147-08 46th avenue and 46-05 Parsons boulevard, southeast corner (Block No. 5452, Old Block No. 1230, Lot No. 3), Flushing, Borough of Queens.
APPEARANCES—
For Applicant: E. H. Galc.
For Opposition: None.
ACTION OF BOARD—Appeal to revoke certificate of occupancy, granted.
THE VOTE TO GRANT REVOCATION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0
Absent 0

THE RESOLUTION—

(80-38-A)

WHEREAS, Otillie Miller, adjoining owner, filed on February 9, 1938, an application for a revocation of certificate of occupancy, affecting premises 147-08 46th avenue and 46-05 Parsons boulevard, southeast corner (Block No. 5452, old Block 1230, Lot No. 3), Flushing, borough of Queens; and

WHEREAS, the decision of the acting borough superintendent, dept. of housing and buildings, Queens, dated January 10, 1938 (Correspondence No. 4964(37), reads as follows:

"A letter dated January 7, 1938, signed by one Otillie Miller and yourself, relative to the above-mentioned premises, is hereby acknowledged.

"Please be advised that, under the provisions of Sec. 646, subd. G of the Greater New York Charter, I am without power to revoke certificate of occupancy No. 2730, affecting the above premises.

"The power of revocation lies with the Board of Standards and Appeals, Municipal Building, New York City."

and

WHEREAS, the building in question is 1½ stories, 15 ft. in height, approx. 20 ft. by 14 ft. in area, located on a plot fronting 108.12 ft. on Parsons boulevard and 70.71 ft. on 46th avenue, Queens, located in a residence use "F" area district, erected prior to 1907 and occupied since December 28, 1937, as follows: 1st fl.—store; 2d fl.—store, for which certificate of occupancy No. 2730-37 was issued December 10, 1937, permitting the occupancy of a 1½ story frame building as a store; and

WHEREAS, the applicant contends that the property in question was located in a residence district since prior to zoning in 1916; that the original plot consisted of lots 1 and 2; that the old building as it existed on lot 2 in the rear was built subsequent to the owner's purchase in 1906 and in violation of private restrictions contained in the deed; that the original building located on lot 2 in the rear was a mere shack, built for use as a real estate office and was intended only for temporary use; that the private restrictions in the deed expired January 1, 1915, and the existing building remained and was used in a residential area until 1916; that on July 25, 1916, when the plot was zoned for residence, the original building became a non-conforming use; that some time between 1920 and 1925 said building was removed from lot 2 in the rear, after being partly dismantled and was reconstructed upon an entirely new foundation on lot 1 on the corner; that this moving and reconstruction was done without a permit or certificate of occupancy and was therefore unlawful; that the commissioner of buildings has no discretion or power to vary the use from one lot to another; that the only authority on which the commissioner of buildings could grant certificate of occupancy No. 2730 would be section 6 of the zoning resolution; that the present building on the corner was not an existing building on lot 1 on July 25, 1916; that the change of non-conforming use could only be accomplished where said non-conforming use was lawful and the commissioner of buildings had no power whatever under section 6 or any other section to grant a certificate of occupancy for use as a store under the amended building zone resolution; and

WHEREAS, the premises were the subject of an inspection by a committee of the Board report of which was read at this hearing and which report follows—

REPORT OF COMMITTEE

Cal. No. 80-38-A March 18, 1938.
147-08 45th street, 46-05 Parsons boulevard,
Flushing, borough of Queens

This is an appeal for revocation of certificate of occupancy No. 2730, issued on December 1, 1937, for a store in a building formerly used as a real estate office. It appears that the one-story frame building in question was erected prior to zoning as an office for the real estate company which was engaged in selling the lots in the surrounding area. When zoning was adopted in 1916, the plot upon which this real estate office was located was placed within a residential use district of the most restricted "F" area. The building was continued as a real estate office and around 1925 was changed in position on the the lot and placed on a new foundation. This was done without a permit from the department of buildings and could not have been legally permitted under section 6. Recently the occupancy has been changed from office use to store use and the building is now so occupied.

The committee finds that this change of use from an office occupancy to a store occupancy cannot be permitted as a matter of right under section 6. There has been no application filed with this Board for a zoning variance.

The committee recommends that the certificate of occupancy be revoked.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
PATRICK WALSH,
Committee.

Resolved, that the decision of the acting borough superintendent of buildings be and it hereby is reversed and that certificate of occupancy No. 2730, be and it hereby is *revoked*.

39-38-A.

APPLICANT—Frank E. Redmond, for Parker, Stearns & Company, owner.

SUBJECT—Appeal from an order of the commissioner of buildings.

PREMISES AFFECTED — 284-300 Sheffield avenue, southwest corner of Belmont avenue, (Block No. 3753, Lot No. 9), Borough of Brooklyn.

APPEARANCES—

For Applicant: Frank E. Redmond.

For Administration: Inspector Meagher, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(39-38-A)

WHEREAS, Associated Industries of New York State, Inc., by Frank E. Redmond for Parker, Stearns & Company, owner, filed on January 20, 1938, an appeal from an order of the commissioner of buildings, affecting premises 284-300 Sheffield avenue, southwest corner of Belmont avenue (Block No. 3753, Lot No. 9), borough of Brooklyn; and

WHEREAS, the order of the commissioner of buildings, No. 20017-LF, dated December 22, 1937, reads as follows:

"1. Install an approved standpipe system in accordance with the Rules of the Board of Standards and Appeals, sec. 580-1, chap. 5, code of ord."

"NOTE:—Resolution 434-29-A—as modified is violated."

and

WHEREAS, the building is approximately 160 ft by 195 ft. in area, erected in 1905 and extended in area in 1929; of non-fireproof construction; 4 stories and basement in

height, occupied throughout for the manufacture of rubber articles:—basement, 18 persons; 1st floor, 24 persons; 2d floor, 8 persons; 3d floor, 21 persons; 4th floor, 11 persons; and

WHEREAS, under Cal. No. 434-29-A the Board granted a variation of a similar order on condition that the existing two-source wet sprinkler system be maintained; that all buildings throughout the premises be sprinklered and equipped with a fire alarm system; that any hose connection from sprinkler system be disconnected and outlets permanently capped; and granted so long as the use and occupancy remain unchanged and the buildings be not increased in height or area; and

WHEREAS, the applicant states that there has been no change in conditions since the Board acted on Cal. No. 434-29-A; and

WHEREAS, it appears that the two (2) 16,000 gallon gravity tanks, formerly used as a source of supply for the sprinkler system, have been removed and connections made to a main on Georgia avenue; and

WHEREAS, the applicant contends that the sprinkler system was supplied from a 6-inch lead-in from an 8-inch main on Georgia avenue and a 6-inch lead-in from a 6-inch main in Sheffield avenue, which sources of supply are separated; in addition there is a siamese on Georgia avenue and on Sheffield avenue and that a standpipe is unnecessary in view of the excellent fire protection facilities in the building.

Resolved, that the order of the commissioner of buildings (No. 20017-LF) be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that the requirements of the Board under Cal. No. 434-29-A shall be complied with except that the roof tanks may be removed, provided that a 6-inch connection from an 8-inch main on Georgia avenue shall be installed and maintained and that the existing connection from Sheffield avenue shall also be maintained.

135-38-A.

APPLICANT—Edwin W. Kleinert and A. Stanley Miller, for Villett Homes, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—42-04 to 42-26 Auburndale lane, west side, 95.47 ft. north of Northern boulevard (Block No. 5350, Lot No. 42), Auburndale, Borough of Queens.

APPEARANCES—

For Applicant: Edwin W. Kleinert.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(135-38-A)

WHEREAS, Edwin W. Kleinert and A. Stanley Miller, for Villett Homes, Inc., owner, filed March 3, 1938, an appeal from a decision of the borough superintendent of buildings, affecting premises 42-04 to 42-26 Auburndale lane, west side, 95.47 ft. north of Northern boulevard (Block No. 5350, Lot No. 42), Auburndale, borough of Queens; and

WHEREAS, the decision of the borough of superintendent of buildings, dated February 21, 1938, on Application 1285-38, reads as follows:

"1. Original applications submitted 1/27/38 called for erection of N.B. 1285/38) 8 attached brick one-family dwellings and N.B. 1286(38) 16 one-story attached brick accessory garages. No plans accompanied either application. Amendment and plans filed 2/18/38 called for the substitution of 6 frame detached dwellings in lieu of the 8 brick attached and 6 frame garages in lieu of the 16 brick garages.

"Inasmuch as the building code, effective January 1, 1938 (exempting properly filed plans and applications from its provisions up to January 27, 1938), placed the property within the fire limits, it follows that an amendment as of February 18 to substitute a frame building for brick is contrary to section C26-247.0, administration code.

"Not further considered."

and

WHEREAS, the applicant contends the owner filed applications Nos. 1285 and 1286 for eight attached brick dwellings of six rooms each, with attached garages for two cars each. On February 18, 1938, an amendment was made to the original applications to change the eight brick dwellings into six frame dwellings of six rooms each with six garages; that the owner established the right to erect the proposed buildings under the old building code by filing application on or before January 27, 1938; that that right included that the property be designated as outside of the fire limits; that the words "application for a permit" in section 26-6.0 of the administrative code refers to article 1, section 3 of the old code, wherein paragraph 5 reads as follows: "Amendments; Nothing in this chapter shall prohibit the filing of amendments to any application at any time before the completion of the work for which permit was sought, and such amendments, after approval, shall be made part of the application and filed as such"; that under the old code, the owner could have changed the construction from brick to frame, and likewise could have reduced the number of buildings from eight to six, by amendment; that filing on or before January 27, 1938, the owner secured the right to erect under the terms of the old code, including its provisions for amendments; that every application filed on or before January 27, 1938, will require some amendments to meet the inevitable objections, before being approved; that it would be entirely beyond reason to hold that these other amendments must comply with the new code; that plans filed before January 27, 1938, including amendments as per article 1, section 3, should be examined under the old code; and

WHEREAS, the premises were the subject of an inspection by a committee of the Board report of which inspection was read at this hearing and which report follows:

REPORT OF COMMITTEE

Cal. No. 135-38-A

Premises: 42-04—42-26 Auburndale lane, west side, north of Northern boulevard, Auburdale, Queens.

An application without plans was filed on January 27, 1938, with the superintendent of buildings, permit No. 1285, for the construction of 8 one-family attached non-fireproof dwellings and permit No. 1286 for 16 one-car, non-fireproof garages.

As classified as non-fireproof buildings, the walls were required to be of brick or equivalent masonry. The area is residential in use and "C" in area. Under the provisions of the administrative code, section C26-6.0, even though the new building code was effective on January 1, 1938, if an "application for a permit is filed with the superintendent on or before January 27, 1938," a building may still be erected under the provisions of the old code "provided actual construction is commenced within one year * * * and continuously carried on * * *."

In this case the superintendent notified the applicant that unless plans were filed prior to February 18, 1938, the plans would be examined under the new code.

On February 18th, the owner filed a letter stating his desire to amend the application to cover six detached dwellings and filed applications for unattached

frame buildings which are illegal under the new code for construction within the fire limits which include residential districts of "C" area.

The administrative code places no limitation on amendments to an application filed on or before January 27, 1938. The committee is of the opinion, however, that if an amendment filed after that date proposed a radically different type of building that it should not be accepted for examination under the old code. In this case, however, examination of the plans filed on February 18th, show walls to be of brick veneer up to the top of the first story.

Upon inspection of the premises it was found that Auburndale lane is not opened.

The committee recommends that the decision of the superintendent be modified and the plans as filed with the amendment of February 18th be examined for compliance with the old code inasmuch as the conditions in the area do not indicate that the buildings as proposed would create a hazardous condition.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
PATRICK WALSH,
Committee.

Resolved, that the decision of the borough superintendent of buildings, on application No. 1285-38, be and it hereby is *modified*, and that the appeal be and it hereby is *granted on condition* that the buildings shall be erected in accordance with the requirements of the code in effect prior to January 1, 1938.

173-38-A.

APPLICANT—John Meigel, for Ada M. Gannon and Florence Forsdick, owners.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—1820 Himrod street, south side, 125 ft. west of Onderdonk street (Block No. 3430, Lot No. 25), Ridgewood, Borough of Queens.

APPEARANCES—

For Applicant: John Meigel.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(173-38-A)

WHEREAS, John Meigel for Ada M. Gannon and Florence Forsdick, owners, filed on Mareh 14, 1938, an appeal from a decision of the Borough Superintendent, Department of Housing and Buildings (Queens), affecting Premises: 1820 Himrod street, south side, 125 ft. west of Onderdonk street, (Block No. 3430, Lot No. 25), Ridgewood, Borough of Queens; and

WHEREAS, the decision of the Borough Superintendent on App. No. 617-38, reads as follows:

"1. Proposed extension contrary to C 26-2500, subdiv. a (administrative code) Chapter 929, Laws 1937;

This is a multiple dwelling and by the terms of section 9, multiple dwelling law; the above mentioned section of the administration code applies."

and

WHEREAS, the building is 2 stories (25 ft.) in height, 25 ft. by 52 ft. in area; of frame construction; located in residence use C area district and occupied as follows: Cellar—storage: 1st floor—dwelling, 2 families; 2nd floor dwelling, 2 families; and

WHEREAS, the applicant contends that section 57 of the multiple dwelling law reads in part: "A frame extension which does not exceed in total area seventy square feet and the side walls of which are brick-filled may be added to any existing frame multiple dwelling, provided such extension is used solely for bathrooms or water closets."; that light and ventilation are maintained; that the kitchens and apartments are greatly improved by the extension to be used as bathrooms; that the Multiple Dwelling Examiner approved the application and the Construction Examiner disapproved the same and that a reconsideration of the objection would not in any way increase the fire hazard.

Resolved, that decision of the Borough Superintendent, on Application No. 617-38, be and it hereby is *modified*, and the appeal be and it hereby is *granted on condition* that the proposed extension shall comply with the requirements of the multiple dwelling law and shall be construeted with brick filled walls as proposed.

177-38-A.

APPLICANT—Grace Iron & Steel Corporation, lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—Pier, South Fifth street and Kent avenue (Block No. 2453, part of Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Bernard L. Baskin.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(177-38-A)

WHEREAS, Grace Iron & Steel Corporation, applicant and lessee, filed March 16, 1938, an appeal from an order of the fire commissioner, affecting premises pier located at the foot of South 5th street, 75 ft. west of Kent avenue (Block No. 2453, part of Lot No. 1), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, dated February 15, 1938, Order No. 74390-LC, reads:

"You are hereby notified that an inspection of the above premises, used to store gasoline, shows that the following must be done before the permit requested by you can be issued:

FORTHWITH

1. Discontinue the practice of storing gasoline in portable tank pending the installation of an approved storage system for gasoline. Plans and specifications to be filed with and approved by Department of Buildings and Housing, Division of Buildings, before the work of installing tank is commenced. Tank to be tested and installation supervised by a representative of the Division of Combustibles, Fire Department. Chapter 19, Title C, Part 1, Artic'e 11."

and

WHEREAS, the premises consist of a frame pier, 50 ft. by 250 ft. in area, which is used for the storage of metal under a lease from the City of New York, which provides for use of a gasoline operated crane on said pier. It is proposed to store 50 gallons of gasoline in an approved portable tank for use in connection with the operation of the crane.

Resolved, that the order of the fire commissioner, No. 74390-LC, be and it hereby is *modified*, and the appeal be and it hereby is *granted on condition* that the only gasoline stored on the premises shall be in an approved portable gasoline tank; that such tank shall be filled off the premises from the wagon of the gasoline company; that a certificate of fitness shall be obtained by the person oper-

ating the tank and fuelling the crane; and that an approved portable fire extinguisher shall be attached to the portable gasoline tank.

178-38-A.

APPLICANT—David M. Oltarsh, for Zanville Realty Company, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—837-843 Washington street and 426-432 West 13th street, southeast corner (Block No. 645, Lot Nos. 25 and 26), Borough of Manhattan.

APPEARANCES—

For Applicant: Herbert Mathes.

For Administration: Fred Dahlen, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(178-38-A)

WHEREAS, David M. Oltarsh, for Zanville Realty Company, owner, filed March 16, 1938, an appeal from a decision of the Borough Superintendent, Department of Housing & Buildings, affecting premises 837-843 Washington street and 426-432 West 13th street, southeast corner (Block No. 645, Lot Nos. 25 and 26), Borough of Manhattan; and,

WHEREAS, the decision of the Borough Superintendent dated March 10, 1938, on N.B. Application No. 40-38, reads:

"6. Marquee should not exceed 75 per cent of length of wall on Washington street nor shall it exceed 50 ft. in length. Marquee must comply in all respects with section 2.4.1.4.8 Bldg. Code. Washington and 13th streets are not market streets."

and

WHEREAS, the proposed building is to be nonfireproof, 1 and 2 stories in height, 103 ft. 3 in. by 100 ft. in area, 19 ft. 2 in. by 28 ft. 4 in. in height, to be occupied: Cellar—storage; 1st floor—market, 36 persons; 2nd floor—office, 6 persons; located in an unrestricted use district; and

WHEREAS, the applicant contends that the building is located in a block entirely devoted to the handling and storage of meat; that the building will be used entirely on the first and cellar floors for the handling and storage of meats; that a marquee is essential for this use in order to protect the meat in inclement weather; that a marquee now exists for the entire frontage of the block except where it is proposed to construct one in front of the building involved; that a marquee previously existed in front of this plot previous to the demolition of the old building; that there would be a hardship to compel the owner to stay within the limitations of section 2.4.1.4.8 of the building code.

Resolved, that the decision of the Borough Superintendent, on N.B. 40-38, be and it hereby is *modified*, and the appeal be and it hereby is *granted* permitting the marquee to be constructed as proposed across the entire frontage of the building, *on condition* that in all other respects it shall comply with the requirements of the new building code.

179-38-A.

APPLICANT—M. S. Stephenson, for Union Theological Seminary, lessee.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—81 Claremont avenue, northwest corner of West 120th street (Block No. 1991, Lot No. 13), Borough of Manhattan.

APPEARANCES—

For Applicant: M. S. Stephenson and Fred D. Thompson.

For Administration: Fred Dahlen, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(179-38-A)

WHEREAS, M. S. Stephenson, for Union Theological Seminary, lessee, filed March 16, 1938, an appeal from the Borough Superintendent, Department of Housing and Buildings, affecting premises 81 Claremont avenue. northwest corner of West 120th street (Block No. 1991, Lot No. 13), Borough of Manhattan; and

WHEREAS, the decision of the Borough Superintendent dated March 12, 1938, on Alt. Applic. No. 432-1938, reads:

"Amendment disapproved with the following objection repeated:

5. Means of egress are inadequate. The number of people should be figured as one person for 15 sq. ft. for the gymnasium and one for 10 sq. ft. in the gallery. Correct specifications.

Reconsideration denied."

and

WHEREAS, the building is one story, 20 ft. in height, 123 ft. 8 in. by 53 ft. 6 in. in area, of non-fireproof construction, located in a residence use "B" area, 1½ times height district; erected in 1912 and occupied as follows: Cellar—gymnasium, recreation rooms, social rooms, locker rooms, 100 persons; 1st floor—office, reading room, 47 persons; and

WHEREAS, it is proposed to remove certain non-bearing terra cotta partitions on the 1st story separating two handball courts so as to provide for the use of this space as a single reading and social room; exit will be provided by connecting the existing stairway, as shown on plans; the club room, game room and serving pantry will be provided by erecting partitions in space previously unsubdivided; and

WHEREAS, the applicant contends that exits comply with the Building Code requirements; that the basement alterations do not basically change the use of the floor area or the number of occupants that the normal occupancy of the gymnasium and locker room will be 20 persons and the club rooms 20 to 25 persons; game rooms 10 to 15 persons or a total of 80 persons on the basement story; that approximately once a week luncheons or teas may be given and approximately twice a month dances may be given; that at such time the physical and club activities in the basement area will cease and the occupancy may be increased to as many as 100 persons; that such occasional increase in occupancy should not be considered as sufficient to classify the use of the building as dance hall, restaurant or place of assembly under which classification, due to its area, exit for 228 persons would have to be provided.

Resolved, that the decision of the Borough Superintendent on Alt. Application No. 432-1938, be and it hereby is *modified*, and the appeal be and it hereby is *granted on condition* that the existing exits as shown from the basement by means of stair to Claremont avenue and stairway with automatically opening grating to West 120th street are maintainind and that an additional exit from the proposed social and reading room on the first story shall be provided to the existing doorway to Claremont avenue at the northerly end; that in all other respects all laws, rules

and regulations applying to this occupancy shall be complied with, including the installation of proper exit signs and lights at the exits.

8-31-A.

APPLICANT—Kavy & Kavovitt, Inc., for Angelo Provenzano, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment—re appeal from a decision of the superintendent of buildings.

PREMISES AFFECTED—1526-1536 62nd street, south side, 180 ft. east of 15th avenue and 1523-1537 63rd street (Block No. 5530, part of Lot No. 1 and Lot No. 18), Borough of Brooklyn.

APPEARANCES—

For Applicant: Morris Kavy and Max Hirsch.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(8-31-A)

WHEREAS, this appeal from a decision of the superintendent of buildings affecting premises 1526-1536 62d street, south side, 18 ft. east of 15th avenue, and 1523-1537 63rd street (Block No. 5530, part of Lot No. 1 and Lot No. 18), borough of Brooklyn, was granted by the Board July 14, 1931, on certain conditions and owner requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of July 14, 1931, so that as amended it shall read:

RESOLVED, that the decision of the superintendent of buildings be and it hereby is *modified* and the appeal be and it hereby is *granted on condition,* that the building shall be equipped with a 100 per cent sprinkler system; that the building shall not be increased in height or area and that the subdivision of the building as shown on plans submitted in this appeal shall be maintained.

Resolved further, that in the event the buildings which are the subject of this appeal, are under different ownership and are entirely separated from each other by legal separating walls, the requirements of this resolution need not apply unless the buildings individually are subject to the requirements of the building code for a standpipe system, in which case such requirements for a standpipe system may be waived, providing a standpipe system complying with the standpipe rules of the Board of Standards and Appeals is installed and maintained; that the buildings in all other respects shall comply with all laws, rules and regulations applicable thereto.'

220-36-A.

APPLICANT—Louis Barnett, for Rapid Cutting Co., Inc., owner.

SUBJECT—Application for consideration—reopening and amendment—re appeal from decision of the commissioner of buildings and the board of buildings.

PREMISES AFFECTED—161-165 Franklin avenue, east side, 111 ft. 10 in. south of Myrtle avenue (Block No. 1913, Lot No. 16), Borough of Brooklyn.

APPEARANCES—

For Applicant: Louis Barnett and Samuel Gardstein.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(220-36-A)

WHEREAS, William S. Webb, for Central Presbyterian Church, owner, filed July 9, 1936, an appeal from decisions of the commissioner of buildings and the board of buildings, affecting premises 161-165 Franklin avenue, east side, 111 ft. 10 in. south of Myrtle avenue (Block No. 1913, Lot No. 6), Borough of Brooklyn; and

WHEREAS, the decision of the commissioner of buildings dated June 23, 1936, reads:

"If you wish to obtain a permit for change of occupancy of the above building from that of a church to a warehouse without installing sprinkler, you may appeal to the board of buildings.

Forms for such appeals may be had in this department."

and

WHEREAS, the decision of the commissioner of buildings dated July 6, 1936, reads:

"The objection to the proposed change made by this department to the above application is the change from a frame public building to a business building, same being contrary to section 5, sub-section 4 of the building code."

and

WHEREAS, the decision of the board of buildings dated July 2, 1936, reads:

"APPELLANT—William S. Webb,
305 Washington street, Brooklyn, N. Y.

SUBJECT—Appeal from order and decision of the commissioner of buildings,
Department of Buildings, Brooklyn.

PREMISES AFFECTED—161-3 and 5 Franklin avenue, 111 ft. 10 in. south of Myrtle avenue, Application No. 4744.

APPEARANCES—Mr. William S. Webb.

MOTION OF THE BOARD—Appeal denied.

THE VOTE TO DENY—Affirmative:
Chairman Fassler, Commissioners Thatcher, Reville, Langworthy, Mr. Rippberger representing Commissioner Keller 5
NEGATIVE: None.

RESOLUTION—Whereas, on June 29, 1936, William S. Webb, acting for the owner, filed an appeal from the order and decision of the commissioner of buildings, Department of Buildings, Borough of Brooklyn; said order reads as follows:

"A sprinkler system is to be installed."

and

Whereas, statement made by the appellant in this application reads as follows:

My request for a modification of this order is based on the following reasons: That the premises are in an unrestricted area. That the building is to be used for storage purposes only, is removed from a brick sprinklered factory on the south by a ten-foot passage on the north from a brick building by an eleven-foot passage, and on

the east by approximately thirty feet of yard space of brick buildings in the rear. That the building in the future is to be under the same ownership and occupancy as the sprinklered factory on the south. That on information and belief we understand that the Bureau of Fire Prevention does not consider a sprinkler system or stand pipe equipment necessary in a building of this area that is used for storage purposes only."

and

Whereas, after general discussion of the case, it was the concensus of opinion of the board that if the use of this building is to be changed as contemplated, it will be necessary to install a sprinkler system as directed by the commissioner of buildings, Borough of Brooklyn.

Resolved, that the order and decision of the commissioner of buildings, Department of Buildings, Borough of Brooklyn, be and hereby is affirmed and the appeal be and it hereby is denied."

and

WHEREAS, the building, located in an unrestricted district and erected about 1896, is two stories in height, brick on the 1st story and frame on the 2nd story, 48 ft. by 99 ft. in area; has been occupied as a church, is now vacant and proposed use is warehouse; and

WHEREAS, applicant contends that the building is only two stories in height; that the building is detached from surrounding structures; that the proposed use of the building will be for the storage of new paper board and finished paper boxes and the few employees will have ample exits in case of fire; and

WHEREAS, the appeal was granted by the board July 14, 1936, on certain conditions and applicant requested an amendment of the resolution, and now requests a further amendment as to occupancy.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on July 14, 1936 so that as amended it will read:

"*Resolved*, that the decision of the commissioner of buildings be and it hereby is *modified*, and that the appeal be and it hereby is *granted*, permitting the building to be used as a storage building, *on condition* that the building shall not be increased in height or area; that there shall be a distance of at least 10 ft. between this building and building on the adjacent lots; that the exits shall be made to conform to the legal requirements; that such portable fire-fighting appliances shall be installed as the commissioner shall direct; and that this use and occupancy shall be subject to review by this board if the board should determine that the conditions have become hazardous, . . . Nothing herein contained, however, shall be deemed to preclude voluntary installation of a sprinkler system.

Resolved further, that in the event the sprinkler system is installed in this building, complying with the requirements of the Sprinkler Rules of the Board of Standards and Appeals and the owner desires to occupy the building for factory purposes, such use may be permitted, provided a sprinkler system is maintained and the building and occupancy in all other respects comply with the requirements of the State Labor Law and all other rules, laws and regulations applicable to the construction of the building and its occupancy."

VARIATION OF LABOR LAW

40-38-S.

APPLICANT—Frank E. Redmond, for Parker, Stearns & Company, owner.

SUBJECT—Variation of the labor law as cited in orders of the commissioner of buildings.

PREMISES AFFECTED—284-300 Sheffield avenue, southwest corner Belmont avenue (Block No. 3753, Lot No. 9), Borough of Brooklyn.

APPEARANCES—

For Applicant: Frank E. Redmond.

For Administration: Inspector Meagher, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to April 26, 1938, at 2 P. M., applicant to file new plans.

MATERIAL SUBMITTED FOR APPROVAL

20-38-SM.

APPLICANT—Edwin W. Kleinert, for Porete Mfg. Co., owner.

SUBJECT—Alpha System of Steel and Conerete Construction—Approval of.

APPEARANCES—

For Applicant: Edwin W. Kleinert, C. P. Cueni and others.

ACTION OF BOARD—Material approved in accordance with report of engineer of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(20-38-SM)

WHEREAS, Edwin W. Kleinert, for Porete Mfg. Co., filed January 13, 1938, an application with the Board of Standards and Appeals for approval of the material known as the Alpha System of Steel and Concrete Construction; and

WHEREAS, this material was referred to the engineer of the board for test and report; and

WHEREAS, the report of the engineer and committee of the board was as follows:

Re.: Cal. No. 20-38-SM.

Subject: Alpha System of Steel and Conerete Construction.

This application, filed January 13, 1938, for approval of the Alpha System of Steel and Concrete Construction, was referred to the engineer of the board on February 10, 1938 and an inspection of the plant and of slab construction was made at the plant of the Porete Co. at North Arlington, N. J. on Saturday, February 19, 1938. The committee of the board consisted of Commissioner Savage, Commissioner Blum, Chief Engineer Huber and Mr. Hugh Fox. Present at this inspection was Mr. Edwin W. Kleinert, Mr. E. Walter and Mr. Cueni, representing the Porete Company.

The Alpha System of Steel and Concrete Construction consists of a structural steel beam, a reinforced concrete slab and a spiral helix electrically welded to this beam and solidly embedded into the concrete slab, thereby combining these three elements into one structural unit. (See description filed marked "Exhibit 1" in this report.)

The system has been subjected to load tests by the Columbia University Department of Civil Engineering Testing Laboratories and a copy of a report, dated July 29, 1937, report No. 2458, has been filed. It is marked "Exhibit 2," but without recommendation.

A copy, dated November 16, 1937, signed by J. E. Herman, representing the Borough of Manhattan Building Department; J. T. Sheehan, Brooklyn; John Davies, Richmond; and James Coleman, Queens, marked "Exhibit 3" and from the conclusion in this report and from the inspection conducted by the committee of the board, it is recommended that this material be approved for use in New York City on the following conditions:

1. The welding shall conform to the requirements of the Administrative Code of the City of New York and to the Welding Rules of the Board of Standards and Appeals.

2. Steel—All structural steel shall conform to the requirements of (7.1.3.3.B.C.) C26-322.0.

3. The spiral reinforcing shall conform to Sec. (7.1.2.2.B.C.) C26-316.0 with maximum stresses limited to 16,000 lbs. per square inch and the section shall be properly proportioned to safely transmit all shearing loads into the structural member.

4. All concrete work shall otherwise conform to (8.5. BC) sub-article 5 (reinforced concrete construction), Administrative Code, with concrete proportioned as follows:

One part Portland cement, to at most 5½ parts separate volumes of fine and coarse aggregate measured dry with at most 7½ gals. of water per sack of cement—(7.4.3.3. BC) C26-365.0.

The maximum fibre stress in concrete not to exceed 650 lbs. per square inch for Class A for richer mixtures, in accordance with Code (7.4.3.3.1. BC) C.26-365.06.3.

5. During the construction, the steel Alpha beams and girders when necessary shall be provided with supports to carry all loads until concrete has set, so as to prevent pre- and other straining beyond the maximum deflection of 1/360 of span.

6. Fire protection—Where fire protection is required the beam shall meet the requirements for Class 1 fireproof and Class 2 fire-protected structures.

7. The depth of slab shall meet the requirements of (8.5.5. BC) C26-473.0 and the requirements for a T beam (8.5.7. BC) C26-475.0 but in no event shall the top of helix be less than 1 inch below the top of the unfinished slab, or finished slab when poured monolithically.

8. The use of the beam shall be limited to a simple span with a maximum span twenty-four times the depth of the beams from the top of slab to bottom of steel, but not over 30 ft. in any case.

9. The maximum live load shall not exceed 225 lbs. per sq. ft., loads in excess of 125 lbs. per sq. ft. shall be based on use in buildings of Class 1 or Class 2 construction.

All work shall be performed under the supervision of the engineers of the Porete Manufacturing Co. and all materials and workmanship must meet the requirements of the Building Code and the Rules of the board. The result of the inspection and the tests to which this system was subjected indicates that the system has a higher factor of safety than the usual reinforced concrete T beam.

It is recommended that the Board of Standards and Appeals approve the Alpha System of Steel and Concrete Construction for use in New York City when constructed and installed in accordance with the above report and under the conditions set forth and with the additional requirement that material shall be marked with the name "Alpha," in accordance with the identification mark submitted.

(Sgd.) BERNARD A. SAVAGE,
CHARLES M. BLUM,
LESLIE V. HUBER,
Committee.

Resolved, that the Board of Standards and Appeals does hereby approve the material known as the "Alpha System of Steel and Concrete Construction" for use in New York City when constructed and installed in accordance with the recommendations set forth in the report herein.

APPLIANCES SUBMITTED FOR APPROVAL

181-34-SA.

APPLICANT—Detroit Lubricator Company, owner.

SUBJECT—Genuine Detroit Constant Level Valve, Models CRC-236-W, CRC-236-E, CRC-236-S and CRC-236-A, approval of.

APPEARANCES—

For Applicant: Allen A. Putt.

ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(181-34-SA)

WHEREAS, the Detroit Lubricator Co., owner, filed June 22, 1934, a petition with the Board of Standards and Appeals, for approval of the device known as the Genuine Detroit Constant Level Valve, Models S (CRC-160), S-1 (CRC-180), S-2 (CRC-150), S-3 (CRC-350) and CRC-550, and safety float valves and gravity control valves CRC-200, 300, 161, 301 and 500; and

WHEREAS, the device was submitted to the engineer of the board and the bureau of combustibles of the fire department for test and report; and

WHEREAS, the report of the engineer of the board and of the representatives of the bureau of combustibles, approved by the acting deputy chief of department in charge of bureau of combustibles, was substantially as follows:

These valves are designed for use between the supply tank and burner, with burners requiring a gravity feed. The general construction of the valves is similar. As to operation, Models S, S-1, S-2 and S-3 differ only in the arrangement of the inlet and outlet connection. The Model CRC-550 employs the same principles but is made from die-casting and the other 4 valves are made from brass casting. The Models S-2 and S-3 and CRC-550 are equipped with strainers on the inlet side. The equipment consists of a float operated valve intended to maintain constant head conditions and insure an unvarying flow of oil to the burner. When the oil reaches a certain level the float acts to close the valve and shut off the oil supply from the storage tank. Any demand for fuel from the burner lowers this level which opens the valve and permits a fresh supply of oil to enter, thus the constant level is automatically maintained within the float chamber. The valves consist essentially of float, body and valve assembly. The body consists of brass casting except as mentioned above in CRC-550, so constructed as to maintain the floats and valve assembly. The float is made of two sections of brass, drawn to a cup shape and soldered at the center. A sleeve running vertically through the center of the float and soldered at the top and bottom provides passage for the needle valve.

The valve assembly consists of a Monel Metal needle, operated by means of a float actuated by two counter-weights. These weights pivot on projections provided on the valve cap and work in a brass collar pressed in to the stem of the needle. The valve seat is of brass and screws into the part provided in the body casting.

Each model was set up and tested, and it was amply demonstrated that at no time did they permit an abnormal flow of oil. It is recommended that as a result of these tests that these valves be accepted for use in conformity with the provisions of Rule 8-a of the Oil Burner Rules of the Board of Standards and Appeals.

The safety float valves and gravity control models CRC-200, 300, 301-161 and 500 are designed as safety controls for burners as provided for in Rule 4-a of the Oil Burner Rules. These models were operated and tested, but as they did not require an approval

under the rules, it is recommended that same be accepted for the use to which they are adapted.

and

WHEREAS, these constant level valves, safety float valves and gravity control valves were approved by the board, November 7, 1934 and applicant requested an amendment of the resolution to include improved valves; and

WHEREAS, this application was reopened by vote of the board November 3, 1937 and referred to the engineer for report; and

WHEREAS, the report of the engineer and of the representatives of the Division of Combustibles of the Fire Department was substantially as follows:

These valves are automatic safety float valves which were originally approved by the Board of Standards and Appeals, with the addition of certain automatic features described below:

The CRC-236-A Safety Float Valve is designed to automatically regulate the flow of oil to gravity burners in warm air heaters. Its operation is mechanical (non-electric) and consists essentially of a box mounted on valve cover, having a thermal element mounted on one of its sides, and which is responsive to air temperature changes; a spring resisted toggle mechanism connected to and moving in response to volumetric liquid change within the thermal element, plus an adjusting screw, which, by changing the spring tension on the toggle mechanism, allows the mechanism to be set to maintain a given temperature within a range of 50 to 75° F., and to operate with a temperature change differential of 2°.

The CRC-236-E Automatic Safety Float Valve is designed to be used on all types of gravity burners where operation from a remote thermostat is desired. Or the same control may be operated from a pressure, temperature or vacuum switch, or any other type of two-wire high or low voltage electrical control. The automatic means consists essentially of a box mounted on the cover of the CRC-236 Safety Float Valve, this box having removable cover, and on one end of the box a 7/8 in. hold is provided where conduit connection is required. Inside the box a terminal block provides a connection to a substantial electro-magnet, and which provides the necessary movement to throw the adjustable needle valve from "High" to "Low" fire, or "High" to "Off" fire.

The CRC-236-S Automatic Safety Float Valve (non-electric) is designed for use on steam generating boilers, and automatically regulates the flow of oil to gravity type burners in response to changes in steam pressures. This device consists essentially of a box mounted on the cover of the CRC-236 Safety Float Valve, this box having a threaded pressure connection which is connected by means of a copper tube of small diameter to the steam dome of the boiler. Inside the box is mounted a bellows power element movement of which is communicated to a spring resisted toggle mechanism to provide movement of a metering valve from "High" to "Low" fire or "High" to "Off" fire, and which is adjustable between certain limits. A Knurled bakelite knob is mounted on one side of the box by means of which the spring tension of the toggle mechanism may be changed, allowing the standard instrument to be adjustable from 30# to 100# pressure, with a differential of approximately 5#. Other ranges and differentials are available.

The CRC-236-W Automatic Safety Float Valve (non-electrical) is designed to automatically regulate the flow of oil to gravity type oil burners in response to changes in temperature on an immersion bulb and well which is located directly in the water, temperature of which is to be regulatd. This device consists essentially of a box mounted on the cover of the CRC-236 Safety Float Valve. To the power element on this box is connected a bulb which contains a solid liquid charge, the volumetric change of which provides the necessary movement to a spring resisted toggle mechanism which moves the oil metering valve from "High" to "Low" or "High" to "Off" position. A knurled bakelite knob is provided to change the spring tension on the toggle mechanism allowing a range of 130° to 160° F. on the standard instrument, with a differential of approximately 15°. Other ranges and differentials are available.

As a result of this inspection and test of these devices, it is recommended that the Genuine Detroit Constant Level Valve, Models CRC-236-W, CRC-236-E, CRC-236-S and CRC-236-A be approved for use when installed in accordance with the provisions of the Oil Burner Rules of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby approve the device known as the Genuine Detroit Constant Level Valves, Models S (CRC-160), S-1 (CRC-180), S-2 (CRC-150), S-3 (CRC-350) and CRC-550, and safety float valve CRC-236-A, CRC-236-E, CRC-236-S and CRC-236-W, *on condition* that these devices shall be installed in accordance with above report and the Oil Burner Rules of the Board of Standards and Appeals.

214-37-SA.

APPLICANT—P. M. Lattner Mfg. Company, owner.

SUBJECT—Lattner Gravity Oil Burner for Pressing Machines, Models A, B, C and D, approval of.

APPEARANCES—

For Applicant: P. M. Lattner.

ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(214-37-SA)

WHEREAS, P. M. Lattner Mfg. Company, owner, filed May 11, 1937, an application with the Board of Standards and Appeals for approval of the device known as the Lattner Gravity Oil Burner for Pressing Machines, Models A, B, C and D; and

WHEREAS, the device was submitted to the engineer of the board and the division of combustibles of the fire department for test and report; and

WHEREAS, the report of the engineer of the board, supplementary to that of the representatives of the division of combustibles, was substantially as follows:

The burner consists essentially of a cast iron, circular base at the center of which is located a specially shaped flame deflector and spreader.

The oil is supplied to the vaporizing bowl by means of copper tubing and the level of the oil in the bowl is regulated by means of a Detroit lubricator constant level valve Model CRC-236-S.

The supply of oil is contained in a six-gallon metal tank.

The burner is manufactured in the following sizes: 16, 18, 20 and 22 inch bowls known as Models A, B, C and D, respectively.

The float valve has on it a steam regulating device which increases or lessens the supply of oil, as the pressure rises or falls.

Ignition: The burner, from a cold start ignited by hand. Thereafter the flame is maintained by means of an oil pilot light provided for in the float valve.

The operating principal of this burner was tested and during the period of the test it was found that all controls functioned as designed.

During the period of the test the burner was safely and readily lighted and the flame was not extinguished by starting puffs or back-drafts.

MINUTES

As a result of the inspection and test of this burner, it is recommended that the Lattner Gravity Oil Burner for Pressing Machines, Models A, B, C and D, be approved for commercial and industrial use in tailoring shops with oil not heavier than No. 2 commercial grade fuel oil, when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals and that before such approval becomes final, a copy of the following specifications be filed with the said board. It is suggested that the following recommendations be incorporated in the instruction card which must be placed near the burner in each installation.

Resolved, that the Board of Standards and Appeals does hereby approve the device known as the Lattner Gravity Oil Burner for Pressing Machines, Models A, B, C and D, for use in commercial and industrial installations when installed in accordance with above report and the Oil Burner Rules of the Board of Standards and Appeals, and the following additional requirements:

1. When exposed oil piping is more than 8 inches in length, same shall be enclosed in iron or steel piping or BX cable. Such piping shall be securely fastened to the floor or walls with non-combustible fastenings as per Rule 7.1.1 and 7.1.2.
2. That the stand supporting the burner in the fire box of the boiler shall be securely bolted to the bottom thereof.
3. The oil supply container to be firmly anchored to the floor and at a distance of at least 60 inches from the boiler in which the device is installed.
4. Only approved safety cans shall be used for the storage and filling of oil containers.
5. Floor beneath oil burner device shall be protected by a shield of at least ½ in. asbestos or other equivalent material. This shield to extend at least 12 inches beyond the outline of the boiler in which the device is installed.
6. The device shall bear a label permanently affixed thereto, reading as follows:

APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. No. 214-37-SA.
Only an Approved Safety Can Shall Be Used in Filling this Storage Container.

7. That the tank be set rigidly in a cup-shaped base receptacle of sufficient capacity to contain one-third the contents of the tank in case of leakage.
8. That the device shall be connected by a suitable flue pipe to a legal chimney or to the outer air, this flue to be provided with a suitable check to nullify down draft.
9. That the boiler from the top thereof to the floor line shall be protected with a jacket 1 in. in thickness of either air-cell asbestos or 85 per cent magnesia, except that an operating opening may be left open at the base not exceeding 50 sq. in. in area, said jacket to be secured by wire to the boiler and completely covered with sheet metal or with hard cement surface.
10. The storage of oil shall be limited to not more than 2 five-gallon safety cans in reserve unless the installation is made in complete conformity with the oil burner rules.
11. The board reserves the right to add additional requirements if and when such additional requirements are deemed necessary.
12. Notification of each installation shall be made to the fire department and the applicant must agree to accept the responsibility for his agents.

Adjourned: 4:45 P. M.

EDWARD V. BARTON, Chief Clerk.

NOTICE

In accordance with the requirements of the Building Code and the Rules for Fusion Welding and Gas Cutting adopted by the Board of Standards and Appeals, a Board of Examiners for Welders has been organized in this Department, with the following personnel as members thereof:

MR. J. E. HERMAN MR. FRANK MILLER MR. JOHN POWELL

Mr. Herman has been designated as Chairman of this Board.

Immediate steps shall be taken to adopt rules for procedure and to make the necessary arrangements with testing laboratories for the testing of applicants for Welder's license.

March 15, 1938.

ALFRED RHEINSTEIN, *Commissioner*,
Department of Housing & Buildings.

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication in this BULLETIN of the calendars of the board, each case being set down by Calendar Number and premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the offices of the board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the board is to dispose of all cases promptly, for the reason that the pendancy of an appeal or application ties the hands of the administrative official in enforcing his order; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, March 1, 1938, as they appeared in Bulletin No. 10, Vol. XXIII are hereby corrected to read as follows:

THE RESOLUTION—

(166-37-BZ)

WHEREAS, Mary B. Roberts, for Lawida Corporation, owner, filed April 13, 1937 an application under the building zone resolution to permit in a business use district for a temporary period of not more than two (2) years, the use of a plot of ground for the parking and storage of more than five (5) motor vehicles, and also, for used car sales; premises: 4485-4519 Broadway, northwest corner of West 192nd street (Block No. 2180, Lot Nos. 633, 635 and part of Lot No. 646), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Broadway is in a business use district; W. 192nd street is in a residence and business use district; and Bennett avenue is in a residence and business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered October 11, 1937, reads:

"Your application for a certificate of occupancy to use the above premises for parking and storage of more than five motor vehicles and for used car sales has been denied as the premises are located in a business district where this use is prohibited by the zoning resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 420 feet on Broadway and 100 feet on W. 192nd street; it is proposed to use the plot for the sale of used cars and also, the parking and storage of more than five (5) motor vehicles for a temporary period of not more than two (2) years; and

WHEREAS, the premises in question were the subject of an inspection by a committee of the board report of which inspection was read at this hearing and which report follows:

REPORT OF COMMITTEE

Cal. No. 166-37-BZ

4485-4519 Broadway, northwest corner of West 192nd street, Manhattan.

The plot involved in this appeal is now vacant, but is used for the sale of secondhand cars which is a conforming use, being regarded as a salesroom permitted under section 4, subdivision 15, of the zoning resolution, as determined by the courts in the matter of Scharlin Motor Corpn. (Murdock et al) and in matter of Aaron Bring Chevrolet Co., Inc., v. Murdock.

It is proposed to retain this conforming use and to add parking and storage, which are non-conforming uses in business and residence districts, but to limit such uses to the business use area.

The committee, after inspection and upon consideration of the demand for storage space not fully met by the existing garages within the general area, recommends that the temporary use be permitted, provided the parking and storage of automobiles is confined to the rear and westerly portion of the plot in the business use district, and the front portion along Broadway is used for car sales. The plot should be enclosed with proper fencing, should be graded and entered only from West 192nd street.

(Sgd.) HARRIS H. MURDOCK,
Chairman.

BERNARD A. SAVAGE,
CHARLES M. BLUM,
Committee.

and

WHEREAS, this report recommended the granting of this application on certain conditions and the board deemed that this was a proper application for the exercise of its discretion under section 7, subdivision H.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 7-H, *for a period of two years*, permitting Lot No. 633, the easterly portion of Lot No. 646, all being within the business use area, with a frontage of 420 ft. on Broadway and a depth of 100 ft. on West 192nd street, to be used for parking and storage of automobiles, *on condition* that the Broadway frontage of the plot shall continue to be used for the storage of automobiles offered for sale; that proper license for such use shall be obtained from the commissioner of licenses; that the plot shall be generally graded and shall be covered with steam cinders or other suitable material, properly rolled and bound to prevent dusting, and to provide surface drainage; that there shall be erected on the interior lot lines, where walls of adjacent premises do not occur, a substantial heavy woven wire fence, not less than 6 ft. in height; that a similar fence shall be erected on the street building line of West 192nd street with not over one (1) opening not exceeding 15 feet in width, with curb cut opposite of similar width; that along the street building line of Broadway there shall be erected a similar fence with a suitable curb of concrete or wood, firmly fastened, to serve as a bumper; that no building shall be erected on premises during the continuation of this use except at the entrance at 192nd street there may be a building not exceeding one story in height, as an office; that any other building, complying with the requirements of the building code and zoning resolution for a conforming use may however be constructed along the Broadway frontage; that signs advertising the parking and storage use shall be limited to one erected at the entrance not exceeding 5 sq. ft. in area; that such portable fire-fighting appliances shall be maintained as the commissioner shall direct; that suitable aisles shall be maintained at all times for the length of the plot to permit the easy exit and entrance of cars; that during the term of this permit no use other than herein allowed shall be permitted and no such use shall be extended to the westerly portion of this lot within the residential district; and that all permits shall be obtained and all work shall be completed within six months from the date of this action.

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*Correction—Number "10" changed to "100" in line 29 of resolution the words "the westerly portion of Lot No. 646 within the business use area with a frontage of 420 ft. along Broadway" deleted and the words "Lot No. 633 the easterly portion of Lot No. 635 and the southerly portion of Lot No. 646 all being within the business use area with a frontage of 420 ft. on Broadway and a depth of 100 ft. on West 192nd street" inserted in lines 77, 78 and 79 of resolution.

MULTIPLE DWELLING LAW ON SALE

Copies of the Multiple Dwelling Law are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50c; by mail 54c.

Copies of the Supplemental Rules and Regulations of the Tenement House Department on Fire Retarding, Fire Escapes, Fire Stairs and Fire Towers are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 10c; by mail 12c.

RULES

RULES FOR FUSION WELDING AND GAS CUTTING.

RULES COVERING THE SPECIFICATIONS FOR DESIGN, FABRICATION AND INSPECTION OF FUSION WELDED STRUCTURES AND THE QUALIFICATIONS OF WELDERS AND SUPERVISORS.

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS FEBRUARY 25, 1938.
EFFECTIVE MARCH 21, 1938.

[Cal. No. 1-38-SR]

Authority:
Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, paragraph 2, of the Charter of the City of New York and C26-514.0 of the Administrative Code (8.6.2.2).

SCOPE.

These rules are supplementary and additional to the requirements for Fusion Welding as permitted under C26-514.0 of the Administrative Code (8.6.2.2) reading:

Fusion welding may be substituted for, or used in combination with, riveting or bolting to connect or assemble the component parts of steel beams, girders, lintels, trusses, columns and other structural steel used in building construction if done under rigid inspection and specification, in accordance with the rules of the Board. These Rules shall also apply to gas cutting.

NOTE: Where a reference in parenthesis appears after the Administrative Code Section, it refers to the Section of the New Building Code as formerly numbered.

Rule 1. Application For Permits.

1.1 No person shall perform gas or electric welding on structures or parts thereof erected or to be erected within the City of New York except as provided in these Rules and in conformity with C26-211.0 of the Administrative Code (2.3.2).

1.2 The commencement of any structural welding work is forbidden until an application for a permit to perform such work is filed with and approved by the superintendent. The superintendent shall be notified in writing at least 48 hours prior to the date when the structural welding work is to commence. C26-172.0 of the Administrative Code (2.1.1.12).

Rule 2. Definitions.

2.1 ARC WELDING. A fusion welding process wherein the welding heat is obtained from electric arc formed between the base metal and metal electrode.

2.2 BASE METAL. The metal upon which the weld or cut is made.

2.3 BUTT WELD. A butt weld is a weld whose throat lies in a plane disposed approximately 90 degrees with respect to the surfaces of at least one of the parts joined. The size of a butt weld shall be expressed in terms of its net or unreinforced throat dimension in inches. C26-158.0 of the Administrative Code (1.149).

2.4 CONTINUOUS WELD. A weld which is uninterrupted throughout the length of the joint.

2.5 CRATER. An unfilled concave depression in the fusion area of an arc weld resulting from penetration of the welding arc into the metal thereunder.

2.6 FILLER METAL. Metal especially prepared for addition to the weld. This term shall apply to this material only before deposition.

2.7 FILLET WELD. A fillet weld is a weld of approximately triangular cross section, whose throat lies in a plane disposed (inclined) approximately 45 degrees with respect to the surfaces of the parts joined. The size of a fillet weld shall be expressed in terms of the width in inches of its adjacent fused sides. C26-158.0 of the Administrative Code (1.149).

2.8 FLAT WELD. A weld made by the fusion welding process on a horizontal plane or one inclined not over 45 degrees to the horizontal, the weld being made from the upper side of the parts joined.

2.9 FUSION WELDING. Fusion welding is the process of joining metal parts in the molten, or molten and vapor states, without the application of mechanical pressure or blows. Under these rules fusion welding is restricted to arc and gas welding processes. C26-75.0 of the Administrative Code (1.67).

2.10 GAS CUTTING. Gas cutting is the process of severing ferrous metals by means of the chemical behavior of oxygen, in the presence of ferrous metals at high temperatures, to produce a kerf, or cut, of uniform width without burning the edges of the kerf or cut. C26-77.0 of the Administrative Code (1.69).

2.11 GAS WELDING. A fusion welding process in which the heat of welding is supplied by the combustion of oxygen and acetylene or other fuel gas in a suitable torch. Filler metal may be melted from a welding rod. Under these rules, gas welding is restricted to the oxy-acetylene process wherein filler metal is added.

2.12 HORIZONTAL WELD. A weld made by the fusion welding process on a plane vertical or inclined less than 45 degrees with the vertical, the linear direction of the weld being horizontal or inclined not more than 45 degrees to the horizontal.

2.13 LAYER. A stratum of weld metal of a fusion weld and consisting of one or more interwoven beads.

2.14 OVERHEAD WELD. A weld made by the fusion welding process on a horizontal plane or one inclined not over 45 degrees to the horizontal, the weld being made from the underside of the parts joined.

2.15 OVERLAP. A condition of lack of fusion where the deposited metal has overflowed the fused area of metal.

2.16 PENETRATION. The linear distance that the deposited metal penetrates below the original surface of the base metal.

2.17 ROOT. A root is the zone at the bottom of the cross-sectional space provided to contain a fusion weld. C26-312. (CL) of the Administrative Code (1.122).

2.18 SLOT WELD. A weld made in an enclosed or partially enclosed opening formed in one of the parts of a lap joint.

2.19 SUPERINTENDENT. Wherever the word "Superintendent" appears in these Rules, it shall mean the Superintendent of Housing and Buildings of the borough having jurisdiction.

2.20 TACK WELD. A weld of random size or shape intended only to fix a member or part thereof of a structure, in correct position preparatory to final welding, and shall not be considered to transmit stress.

2.21 THROAT. The minimum thickness of a weld along a straight line passing through the root. Throat of a fillet weld is the distance along a line from the root to the hypothenuse at right angles thereto, of the largest isosceles triangle which can be constructed in the cross section of the fillet weld. The throat of a butt weld shall be equal to the thickness of the thinner part joined. C26-53.0 of the Administrative Code (1.144).

2.22 UNDERCUT. A condition wherein the base and weld metal is melted away leaving a depression, the surface of which lies below the designed surface contour of the joint.

2.23 VERTICAL WELD. A weld made by the fusion welding process on a plane vertical or inclined less than 45 degrees with the vertical, the linear direction of the weld being vertical or inclined not more than 45 degrees to the vertical.

2.24 WELD DIMENSIONS. The dimensions of a weld shall be expressed in terms of its size and length. C26-158.0 of the Administrative Code (1.149).

2.25 WELD LENGTH. Shall be considered to be the unbroken length of the full cross-section of the weld exclusive of the length of any craters. C26-158.0 of the Administrative Code (1.149).

Rule 3. Design and Supervision.

3.1 The licensed architect or licensed professional engineer designing or supervising the construction of a welded structure shall be experienced and skilled in such work. C26-515.0 (c) (8.6.2.3.3).

3.2 PERMISSIBLE UNIT STRESSES.

In the design of welded structures or parts thereof the stress at every connection must be accurately calculated and the required amount and the exact type and location of weld and filler metal with respect to the parts joined be specified.

3.2.1 Welded joints shall be so proportioned that the maximum stresses shall be less than the following amounts in pounds per square inch:

Shear on section through the throat of a weld	11,300
Tension on section through the throat of a weld	13,000
Compression on section through the throat of a weld	15,000

Maximum fiber stresses due to bending shall not exceed the maximum values allowed above for tension and compression respectively. C26-368.0b (6) of the Administrative Code (7.4.5.6).

3.2.2 Stress on a fillet weld shall be considered as shear for any direction of the applied stress.

3.2.3 Adequate provision shall be made for bending stresses due to eccentricity in the disposition or section of base metal parts.

3.2.4 The allowable compressive strength mentioned in these Rules is not intended to prevent butt welds being used across the entire section to transmit the total compressive stress in compressive flanges of beams, girders, truss plates or compression blocks or other members protected against lateral deflection even though such stress exceeds 15,000 lbs. per sq. in., but not exceeding the maximum allowable compressive stress in the parts joined.

3.3 WORKING STRESSES FOR WINDLOADS. When the stress in any member due to wind is less than 33⅓% of the stress due to live and dead loads, it may be neglected. For combined stresses due to wind and other loads, the permissible working stresses may be increased 33⅓%, provided the section thus found is at least that required by the dead and live loads alone. For stresses due to wind only, the permissible working stress shall be the same as for live and dead loads. C26-372.0, 373.0 and 374.0 of the Administrative Code (7.4.8).

3.4 WELDED GIRDERS. In welded girders the connection of component parts of flanges to each other and of flanges to webs shall be by continuous or intermittent fillet welds designed to transmit the stress. C26-520.0 (d) of the Administrative Code (8.6.2.8.4).

3.5 Girders shall be proportioned either by their moments of inertia or by the flange-area method; in the latter method, when applied to a welded girder having no holes in the web, 1/6 of the web area may be considered a part of the area of each flange. Stiffeners may be either angles or flat plates, welded to the web and flanges by welds designed to transmit the stresses.

3.6 BEAMS. The use of continuous beams and girders, shall be permitted provided their welded connections be designed to transmit the stresses involved in continuous beam construction and columns are designed for the moment added by such construction. At the ends of non-continuous beams, the connections shall be designed to avoid excessive secondary stresses due to bending.

3.7 WELDED COLUMNS. C26-520.0 (e) of the Administrative Code (8.6.2.8.5). Fillet welds connecting the component parts of a built-up column may be either continuous or intermittent. If intermittent the length of each weld at the ends of the column shall be equal to the least width of the column. The length of the intervening welds shall be at least one and one-half inches, spaced at most four inches in the clear. The size, length and spacing of the fillet welds shall be such as to provide the same strength, per unit of column length, as the allowable shearing stresses in structural steel for power driven rivets. Lattice bars and tie plates shall be welded so as to obtain strength equal to that specified in C26-368.0b (6) of the Administrative Code (7.4.5.4). Shearing stresses.

3.7.1 Where column splices are welded, welds must be provided equal in strength to the shear of the standard column splice.

3.8 WELDED BUTT JOINTS. The edges of base metal parts, one-quarter inch or more in thickness, transmitting stress by means of butt welds shall be beveled. For single and double "V" joints, the bevel of each part shall be at least 30 degrees. For single and double bevel joints, the bevel shall be at least 45 degrees.

Before welding, the root edge or face of one part shall be separated from the root edge or face of the other part by not less than 1/16 inch nor more than ¼ inch.

Butt welds shall be reinforced by depositing additional metal on the weld to a height extending beyond the surface of the thinnest part joined. The height of such reinforcement shall be at least the following percentages of the thickness of the thinnest part joined: 20 percent for single "V" and single bevel butt welds, and 12½ percent on each side, for double "V" and double bevel butt welds. C26-520.0(f) of the Administrative Code (8.6.2.8.6).

3.9 FILLET WELDS. The length of any fillet weld shall be made not less than four times the weld size or else the size of the weld shall be considered not to exceed ¼ of the length for purposes of calculating strength under these rules.

3.10 WELDS IN SLOTS OR HOLES. When welding inside a slot or hole in a plate or other part, in order to join same to an underlying part, fillet welding may be used along the wall or walls of the

slot or hole, but the latter shall not be filled with weld metal or partially filled in such manner as to form a direct weld-metal connection between opposite walls, except that fillet welds along opposite walls may overlap each other for a distance of one-fourth of their size. No slot or hole shall be less in width or diameter than 1½ times its depth.

3.11 FIELD RIVETED, BOLTED AND WELDED CONNECTIONS. C26-521.0 of the Administrative Code (8.6.2.9).

3.11.1 In tier structures less than 125 feet high, in which the height is less than two and one-half times the minimum horizontal dimension, all column splices and field connections may be bolted.

3.11.2 In structures in which the height is over 100 feet and is more than two and one-half times the minimum horizontal dimension, and in structures 100 feet or less in height in which the height is more than four times the minimum horizontal dimension, column splices and connections to columns shall be riveted or welded.

3.11.3 In structures over 125 feet in height and in all structures of a special character, connections of beams and girders to columns, and beams and girders bracing columns shall be riveted or welded. Column splices in structures 200 feet or more in height shall be riveted or welded. Column splices in tier structures less than 200 feet high (except as provided in the preceding paragraph) may be bolted.

3.11.4 All other field connections may be bolted (except that, in all structures, the connections for supports for running machinery or other moving loads shall be riveted or welded).

3.11.5 Within existing structures steel work for alterations, or additions (except to the main structural framework), which do not affect existing column splices, connections and other riveted or welded work, may be bolted.

3.12 COMPLETION OF WORK.
Upon the completion of all structural welding operations, the licensed architect or licensed professional engineer responsible for the design of the structure shall certify to the Superintendent that the fabrication and welding of such structure have been carefully inspected and that the requirements of his design and these Rules have been fulfilled in every respect by the contractor who has done the welding.

Rule 4. Board of Examiners for Welders.

4.1 The Board of Examiners for Welders provided for in C26-209.0 of the Administrative Code (2.3), shall be appointed by the Commissioner of Housing and Buildings from members of the staff of the Department as recommended by the Superintendents. All certificates of qualification issued shall be uniform for the five Boroughs. There shall be a separate certificate for gas welding and for electric arc welding, which certificates shall not be interchangeable and shall apply specifically to the type of work to be done and shall be issued in accordance with Rule 5.

4.2 WELDERS TO BE QUALIFIED. No person shall perform welding work on any structural member of a structure without having obtained a certificate of qualification from the Board of Examiners for Welders. C26-211.0 of the Administrative Code (2.3.2).

4.2.1 Before a certificate of qualification may be issued authorizing a person to perform welding work on any structural member of a structure, the person applying for such certificate shall have submitted to and satisfactorily passed an examination to determine his qualifications, conducted by Board of Examiners for Welders to be appointed by the Commissioner. A certificate of qualification shall be issued to each applicant having proved his qualifications and upon the payment of a fee of Two Dollars. Such certificate shall continue in effect for a period of one year unless sooner revoked or suspended and to be effective thereafter shall be renewed annually. The annual renewal fee shall be One Dollar.

4.2.2 No person shall be eligible for a certificate of qualification to perform welding work as provided in this section unless he is a citizen of the United States of America.

4.2.3 The Superintendent may revoke or suspend a certificate of qualification of any person, if workmanship on any structural welding is such as to indicate incompetency or negligence which might endanger a structure or result in injury to humans.

Rule 5. Qualification Test for Welders.

5.1 These qualification tests shall be conducted by the Board of Examiners for Welders or its representative but, in the discretion of the Board of Examiners for Welders documentary or other evidence, or both, that the applicant has passed the qualification test, conducted by a standard testing laboratory or an inspection by the Superintendent or his representative may be accepted as satisfactory proof of the applicant's fitness to make structural welds in accordance with Rule 5.4. Welders performing work outside New York City may be qualified under this rule. C26-381.0 of the Administrative Code (8.1.2).

5.2 Qualification for arc welding shall not constitute qualification for gas welding, and vice versa. Qualification for welding with bare electrodes shall not constitute qualification for welding with flux-coated electrodes, and vice versa.

5.3 The foregoing provisions are not intended to bar an applicant from further trial in case of one or more failures, or to require an operator who has passed the tests to qualify anew for every job he may undertake.

5.4 QUALIFICATION REQUIREMENTS.

5.4.1 Before issuance of a certificate of qualification by the Board of Examiners for welders the applicant shall have passed the qualification tests prescribed as follows:

5.4.2 The minimum qualification requirements shall be the welding of test specimens of the type shown in Fig. 2 and specified in Rule 5.4, each specimen to be tested for failure in a reliable tension testing machine and to develop ultimate resistance not less than 80 kips if welded with filler metal of grade 2, 4, 10 or 15; or 67 kips if welded with filler metal of grade 20, 30 or 40.

5.4.3 Two specimens shall be welded in the downward or flat welding position, two in the vertical welding position and if the operator is to perform overhead welding, two in the overhead welding position.

5.4.4 The form of test specimen shall be as shown in Fig. 2, consisting of four steel bars or plates connected by four approximately equal

fillet welds. The specifications of the bar steel shall conform to Rule 7. The welding edges of the splice bars shall be cut flat and square and any burrs shall be removed. The bars shall be clamped securely together and tack welded in proper position with the splice bars centered on the main bars and the faces of the main bars in true planes, in preparation for the test welding. Welding shall be performed with the same process (arc or gas), the same welding procedure, and the same type of electrodes or welding rods as are to be used in the work for which the operator is being tested; the diameter of electrodes or rods shall be the largest to be used in the work, for which the applicant proposes to qualify.

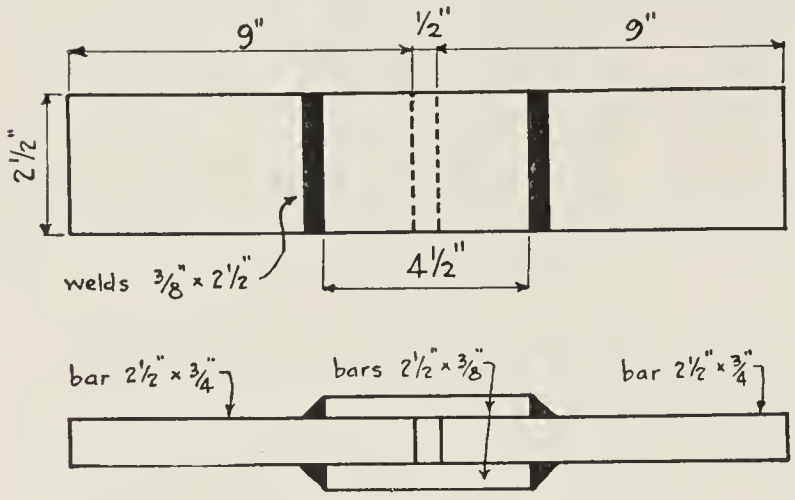


FIG. 2

Welds shall be made as nearly as possible to the designed dimensions, and in conformity with the practices set forth in Rule 6; at every cross-section the weld size in each direction shall be within 1/16 in. of the prescribed ⅜ in.

Rule 6. Quality of Welds.

The quality of welds permitted under these rules shall conform to the following requirements:

6.1 The Quality of Test Welds and Construction Welds shall fulfill all requirements with regard to shape and internal quality.

6.1.1 All lap welds shall indicate good penetration to the root of the weld and good fusion at both sides of the bead.

6.1.2 All fillet welds shall show absence of undercutting, proper shape of the bead, lack of overlaps and proper fusion.

6.1.3 All butt welds shall show good fusion without overlapping or undercutting.

6.2 UNDERSIZE WELDS. Undersize or undercut welds shall be built up by welding to conform to the weld cross-section called for in the drawings and specifications. The surface of previously deposited welds shall be cleaned of oxides or slag before any reinforcing weld metal is applied.

6.3 Shape.

6.3.1 Welds shall conform in shape to those shown on Figs. 3a and 4a and shall not be undersized.

6.3.2 Surfaces of weld shall be reasonably smooth and uniform in contour. Weld metal along the toe of the weld shall not overlap the base metal surface but shall form an intimate contact therewith as shown in Figure 3.

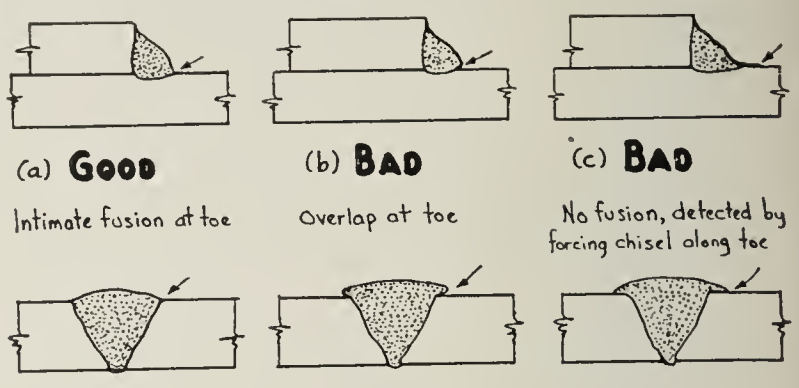


FIG. 3

6.3.3 INTERNAL QUALITY. The weld metal shall be sound throughout and shall be free from oxides, non-metallic inclusions and gas pockets. The weld metal shall be thoroughly fused with the base metal along all surfaces and edges of union, and shall penetrate into the root of the weld, as shown in Fig. 4a.

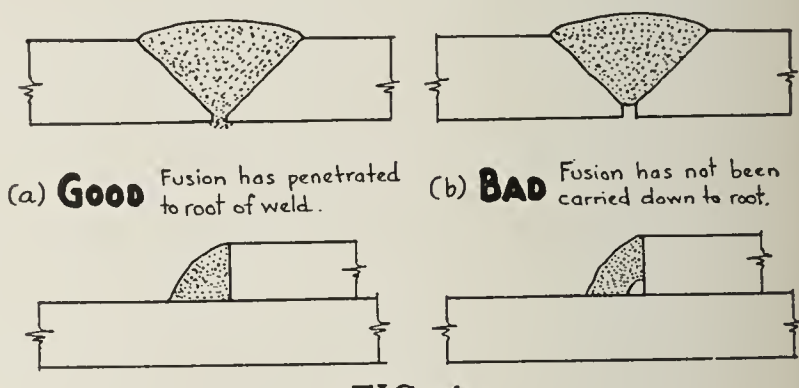


FIG. 4

6.3.4 WELD ENDS. The ends as well as the body of the welds shall conform to all the requirements of Rule 6.

Rule 7. Specifications and Tests of Welding Materials.

7.1 Structural steel shall conform to A.S.T.M. Specifications A-7-36 or A-9-36.

7.2 Filler metal (electrodes or welding rods) shall conform to all requirements of A.S.T.M. Specifications A205-37.T and the superintendent may accept certified test results from a reputable manufacturer that tests have been made in conformance with these specifications.

Rule 8. Gas Cutting of Structural Steel.

C26-526.0 (a) to (g) of the Administrative Code (8.6.3.2.1-7 inc.).

8.1 Contractors desiring to do gas cutting shall be required to satisfy the Superintendent as to their ability to produce satisfactory gas cuts.

8.1.1 Gas cutting shall be done by one experienced in this work and under the continual supervision, as provided in 9.1.

8.2 Gas cutting on any member while it is carrying stress is prohibited (except for detail cutting to correct minor fabricating errors where the removal of metal resulting from such detail cutting would leave unimpaired the required strength of the members to be cut).

8.2.1 Any field cutting of structural members to provide openings or to remove portions of flanges shall not be done, unless provided for in the design.

8.3 Gas cut edges shall be smooth and regular in contour.

8.4 Gas cutting may be used in the preparation of base metal parts for welding provided the edges are thoroughly cleaned after cutting so as to expose clean steel.

8.5 Gas cutting to replace the milling of surfaces is prohibited.

8.6 Gas cutting of holes in a member designed without provision therefor is prohibited.

8.7 The radii of re-entrant gas cut fillets shall be as large as possible and at least one inch. To determine the net area of members so cut, one-eighth inch shall be deducted from the gas cut edges.

Rule 9. Supervision and Inspection.

9.1 Any welding to be done on a structure or any part thereof shall be performed under the supervision of a representative of a standard testing agency or an inspecting agency responsible to the owner or licensed architect or licensed engineer. Such agency shall be acceptable to the Superintendent.

9.2 The agency as provided for in 9.1 shall take adequate means to assure that the preparing, gas cutting, assembling and welding of the joints of the structure conform to the design and that the resulting structure is free from deficiencies and injurious defects. He shall keep and submit daily to the licensed architect or licensed professional engineer responsible for the work adequate records of the progress of the work, of difficulties experienced, and of his decision of acceptance and rejection. His records shall allocate a definite and personal responsibility for his acceptance of every weld as to size, location, type of filler metal used and quality of workmanship, and shall evidence that no weld called for in the design has been omitted. He shall require that each welder stamp his identification symbol on his work, and the inspector after inspecting each weld shall do likewise.

9.2.1 He shall inspect for defects and irregularities, plate cracks adjacent to or behind welds crater cracks or cracks in the weld metal.

9.2.2 He shall gauge all welds for deficiency of throat or other critical cross-section.

9.2.3 He shall carefully observe and reject undercutting, overlap or lack of fusion at edges of weld, lack of penetration, or porosity, location of craters, size and shape of bead, and order occasional chipping to determine penetration and correct all or any irregularities of workmanship contrary to the design.

9.3 The contractor who is to do welding shall submit to the Superintendent a statement that the work will be done in accordance with these rules and the Administrative Code and shall include in such statement, the detailed procedure he proposes to follow, which shall include the following:

That each welder or group of welders shall be under the continual supervision of an experienced foreman.

That only welders qualified under these rules be employed. Each welder shall exhibit, when required, his Certificate of Qualification.

That each welder shall be provided with proper gauges to check his work.

That the foreman shall be able to read blueprints and shall lay out and allocate the work each welder is to perform and he shall carefully observe the burn-off of the electrode; the fusion, and penetration of crater; the formation of the bead; and the sound of the arc.

That only the base metal and filler metal conforming to the job specifications and these rules be used.

That the welding equipment furnished shall have proper characteristics to allow good work.

That whenever deemed necessary by the Superintendent, such tests of the finished welds, shall be made as required by him.

Rule 10. Workmanship on Welded Structures.

10.1 The arrangement of the joints to be welded shall be such as to enable the operator to have an unobstructed view of the surfaces to be welded at all times during the welding operation.

10.2 Welds found deficient in dimensions, but not in quality may be enlarged by additional welding. Where a deficient weld renders the weld inaccessible or has caused new conditions which would make reinforcement dangerous or ineffectual, the weld shall be removed and original conditions restored or in lieu thereof a revised design, correcting this condition shall be submitted to the superintendent. Any weld found deficient in quality, size, or made contrary to the requirements of these rules shall be removed by chipping or melting and shall be remade. The weld metal shall be removed throughout its depth to clean base metal. A cracked weld shall be removed throughout its entire length.

The cutting or chipping of a weld shall not extend into the base metal. In removing welds, care shall be taken not to burn or otherwise injure the base metal and after melting the exposed base metal shall be cleaned by chipping and wire brushing.

10.3 TACK-WELDS. In making tack-welds, the same precautions should be observed as when starting welds. Where a designed weld will later be made over the tack-weld, the tack-weld shall be made with the same care as required for designed welds.

Whenever tack-welds are located where a designed weld will later be made, they shall be made according to the foregoing requirements. When encountered in the final welding operation, they shall be thoroughly fused in with the final weld. Tack-weld should be thickest at the center and should taper at both ends for convenience in carrying the regular weld over the tack-weld (see Fig. 19).

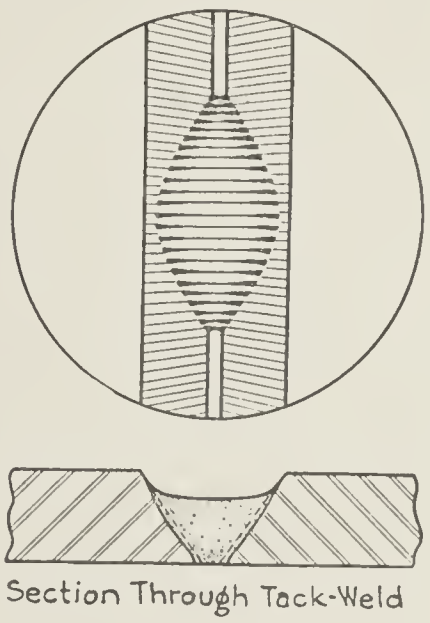


FIG. 19

10.4 Surfaces to be welded shall be free from mill scale, rust, paint or other foreign matter. A thin coat of

linseed oil or its equivalent over the surfaces to be welded need not be removed. These provisions shall apply to new structures and where new steel is to be welded to steel in any existing structure.

Structural steel shall not be painted on any areas where shop or field welding is to be performed, except that a coat of linseed oil without pigment may be used for temporary protection. However, structural members which have been painted, may be welded, provided that the paint is completely removed from the areas to be welded. Parts which are welded in the shop, to be erected by bolts or rivets, shall receive the usual painting if any is required after the shop welding is finished. Parts to be field welded shall receive a coat of linseed oil after shop work is completed, and after erection and field welding, they shall be given two coats of acceptable metal protection if painting is required. C26-522.0 of the Administrative Code (8.6.2.10).

10.5 Where rivets are under load there shall be no welding at the connections between structural members so riveted unless precautions are taken to prevent loss of tension of rivet in a manner approved by the superintendent. See 3.11.5.

10.6 In assembling and during yelding, the component parts of a built up member shall be held by sufficient clamps, or other adequate means shall be employed for temporarily fastening the members together and bracing the framework until the joints are welded. This shall consist of erection bolts or positive devices imparting sufficient strength and stiffness to resist all temporary weights and lateral forces, including wind.

For all welded structures, erection bolts, or equivalent means shall be employed for temporarily supporting the members, and existing loads, and for insuring proper alignment.

The temporary support of girders carrying columns or other heavy loads shall be made rigid by such means as shall be designed by the licensed architect or licensed professional engineer in charge and approved by the Superintendent.

In tier building erection, members shall not be erected more than two tiers, or more than one-column length above any column connections yet unwelded.

Rule 11. Metal Chimneys and Tanks.

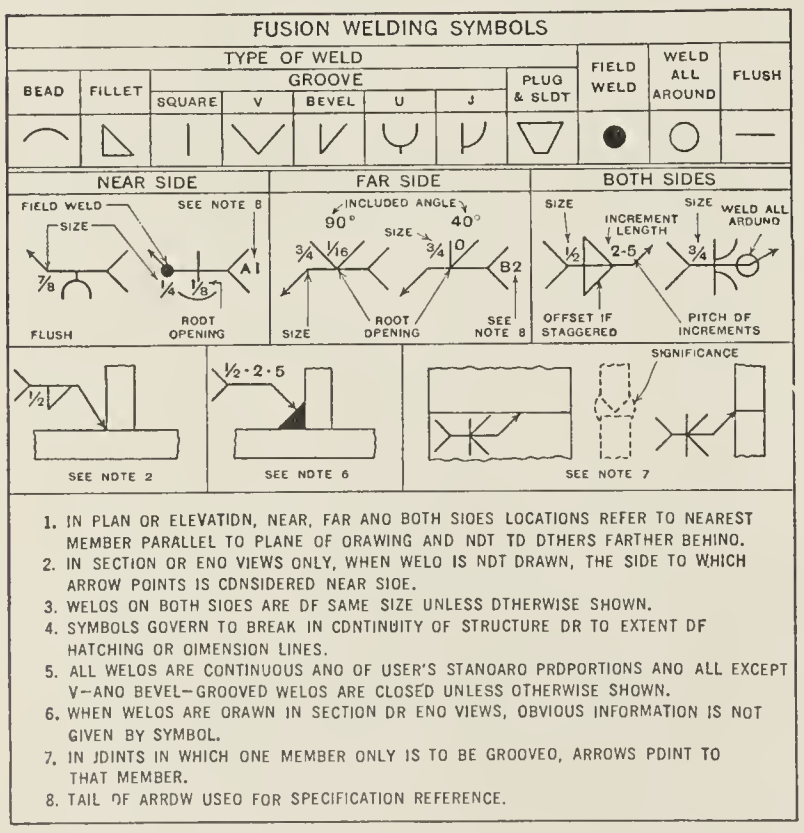
Metal Chimneys and Tanks and all materials entering into their construction, when welded, shall conform to these Rules.

APPENDIX.

The following is not to be considered as part of the Rules for Fusion Welding and Gas Cutting, but is printed for general information only:

I. Weld Symbols.

To provide for uniformity when plans are filed with the superintendent symbols for fusion welding and a method of showing them on drawing shall be as shown in figure 1.



Note: All dimensions in inches.

FIG. 1

II. Sizes, Chemical Composition and Tests of Filler Metal.

Standard sizes of filler metal are as follows: 1/16, 3/32, 1/8, 5/32, 3/16, 7/32, 1/4, 5/16 and 3/8 in. in diameter. In the case of coated or covered filler metal, the standard sizes refer to the diameter of the core wire.

Table 1.—Tensile Requirements for Deposited Metal.

Grade	Base Metal	Treatment of Welded Specimen *a*	All-Weld Tension Test: Tensile Strength, min., lb. per sq. in.	All-Weld Tension Test: Elongation in 2 in., min., per cent
No. 2	Firebox quality steel plate, tensile strength 55,000 lb. per sq. in., min.; or Steel for bridges, tensile strength 60,000 lb. per sq. in., min., with carbon not over 0.25 per cent and manganese not over 1.00 per cent., or equivalent steels.	stress-relieved	80 000	20*b*
		non-stress-relieved	80 000	15*b*
No. 4	same as for Grade No. 2	stress-relieved	75 000	20*b*
		non-stress-relieved	75 000	15*b*
No. 10	same as for Grade No. 2	stress-relieved	60 000	25
		non-stress-relieved	60 000	20
No. 15	same as for Grade No. 2	stress-relieved	60 000	20
		non-stress-relieved	60 000	17
No. 20	same as for Grade No. 2	stress-relieved	52 000	10
		non-stress-relieved	55 000	7
No. 30	same as for Grade No. 2	stress-relieved	45 000	7
		non-stress-relieved	47 000	5
No. 40	same as for Grade No. 2	stress-relieved	45 000	5
		non-stress-relieved	47 000	3

a Stress-relieving where called for in these specifications is for the purpose of developing the fundamental properties of the weld metal unaltered by locked-up stress. Values obtained from stress-relieved welded specimens are about 5 per cent lower in tensile strength and 10 to 20 per cent higher in ductility than those of non-stress-relieved specimens. The fact that a filler

metal test requires stress-relief signifies only that it must develop the strength required regardless of stress-relief, and not that stress-relief must always be used in actual work. Stress-relieving shall be within the range of 11 00 to 1200 F. for 1 hr. per 1 in. of thickness. Gas-welded specimens may be heat-treated at higher temperatures than the temperature specified above for stress-relief.

b It is immaterial how these high physical properties are obtained, that is, whether by carbon-steel filler metal with manganese and silicon contents or by the use of some other alloying elements, but the total amount of such other elements shall be less than 4 per cent.

CHEMICAL COMPOSITION.

The filler metal shall be capable of depositing metal conforming to the following requirements as to chemical composition:

Phosphorus, max., per cent	0.04
Sulfur, max., per cent	0.04

CHEMICAL ANALYSIS.

For arc-welding electrodes, the sample for analysis shall be prepared as follows: A specimen of standard base metal (see Table 1 below) of sufficient size, shall be prepared, and a pad of five superimposed layers of arc metal deposited thereon. The fifth or top layer shall be ground or machined away and discarded. The fourth layer shall be carefully milled off and used for the analysis specified.

For gas-welding rods, the sample for analysis may be prepared as described in preceding paragraph, except that three layers shall be considered sufficient and the top layer used for the analysis, or analysis may be made of the welding rod. In the latter case, ten rods shall be selected at random from the lot, and milled in such manner as to represent the entire cross-section.

TEST SPECIMENS.

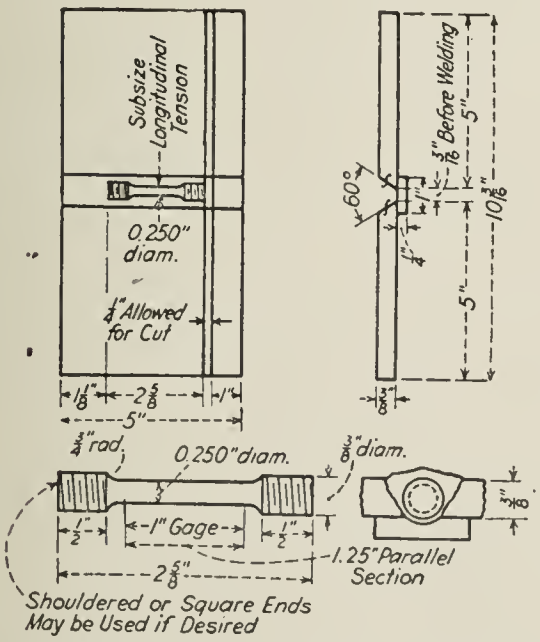
ALL WELD METAL TENSION TESTS. The deposited metal shall conform to the minimum tensile properties specified in Table 1.

SPECIMENS (Test).

From each lot of each size of filler metal, a sufficient number of electrodes or welding rods shall be selected at random and a deposited metal specimen prepared. The specimen shall be prepared in accordance with its proposed use.

For 1/16, 3/32 and 1/8 in. filler metal, a plate 3/8 in. in thickness shall be prepared as illustrated in Fig. 5 and the sub-size all-weld tension specimen prepared as shown.

For 5/32 in. and larger sizes of filler metal, a plate 3/4 in. in thickness shall be prepared as illustrated in Fig. 6 and the tension specimen prepared as shown.



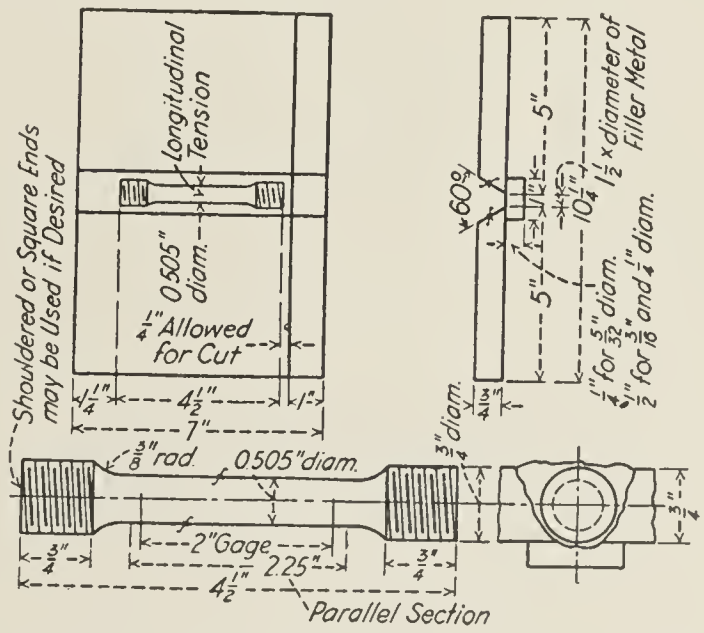
NOTE 1.—The above plate shall be used for 1/8-in. filler metal.
NOTE 2.—Welds shall be deposited in either layers or beads.
NOTE 3.—Welds in vertical position shall be deposited upwards.
NOTE 4.—Electric welds shall cool to at least 100 F. between the deposition of each layer or bead.

Test Plate for 1/8-in. Diameter Filler Metal and Method of Machining Specimen.

FIG. 5

Test Plate for Filler Metal 5/32-in. in Diameter and Larger and Method of Machining Specimen.

FIG. 6



NOTE 1.—The above plate shall be used for filler metal 5/32-in. in diameter and larger.
NOTE 2.—Welds shall be deposited in either layers or beads.
NOTE 3.—Welds in vertical position shall be deposited upwards.
NOTE 4.—Electric welds shall cool to at least 100 F. between the deposition of each layer or bead.

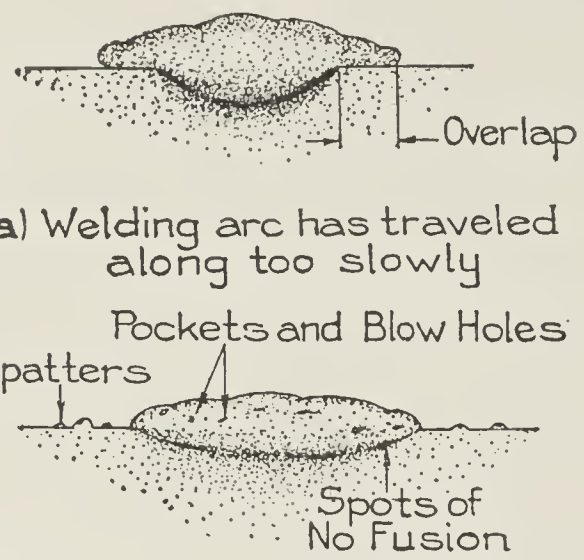
REQUIREMENTS FOR ARC WELDS

III. Bare and Lightly Coated Electrodes.

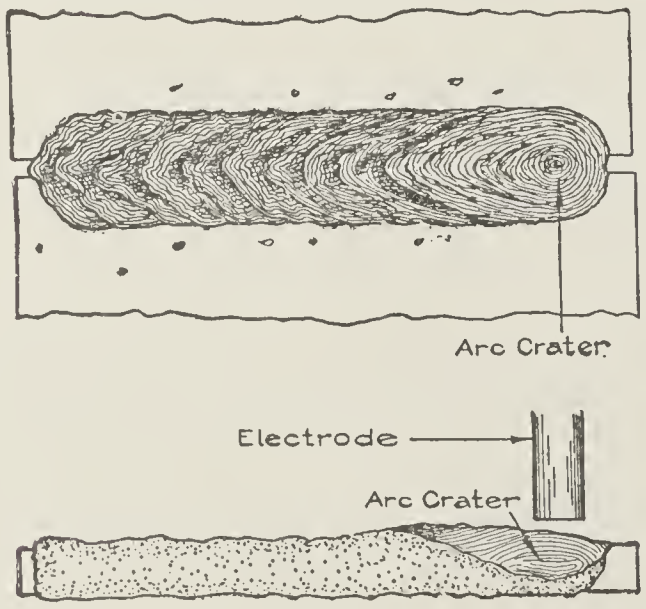
WELDING ARC. Unsound welds, insufficient penetration and overlap in general, resulting from improper arc

length and amount of current and incorrect rate of travel, are prohibited. The characteristics of these different conditions are illustrated in Figs. 7 and 8.

FIG. 7



DEPTH OF CRATER. The depth of arc crater should not be less than 1/16 in. (see Fig. 8).



Longitudinal section of deposited metal showing penetration and arc crater.

FIG. 8

LENGTH OF ARC. In manual metal arc-welding, proper fusion, penetration and soundness of weld shall be secured by using as short an arc as can be maintained for each form of weld. A typical example of proper arc length for given thickness of base metal and for a 3/8-in. fillet weld is shown in Fig. 9. When properly manipulated, the arc will throw a steady shower of small sparks, and (in the case of bare electrodes) will be accompanied by a regular, crackling, snappy sound with fractional intervals less than

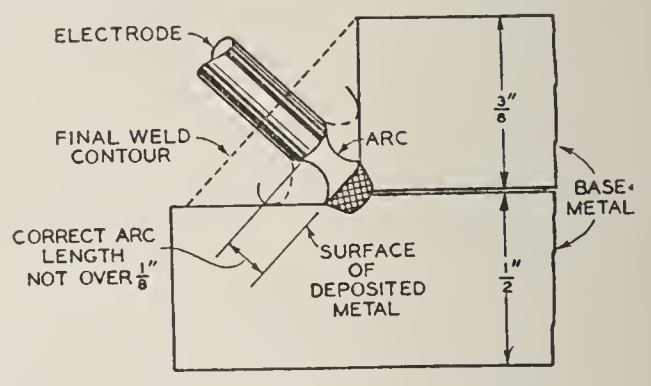


FIG. 9

one-half second between explosions. With a given current, the length of arc depends upon the arc voltage which should not exceed 20 volts.

CURRENT. The amount of current shall be such as will best suit the arrangement and the thickness of the base metals to be joined. Sizes and current values shall conform to those given in Table 2. In special cases other approved sizes and currents may be specified, when permitted by the Superintendent. The current and voltage used shall be measured by suitable meters, either mounted on the arc welding machine panel, or portable, for use at the point of welding. Allowance shall be made for line drop where the meters are not adjacent to the point of welding.

Table 2—Current Values and Sizes of Bare and Lightly Coated Electrodes for Various Sizes of Welds

Size of Weld In.	Minimum Number of Layers	Electrodes and Current Values
1/4	1	In all these cases use either 5/32-in. electrodes with 160-180 amps., or 3/16-in. electrodes with 180-225 amps.
3/8	1	
1/2	2	
5/8	2	
3/4	3	

MANUAL OPERATION OF ARC. The arc shall be started by drawing a long arc momentarily to preheat base metal before deposition of filler material to insure thorough fusion at start of weld, or it shall be started moving a short arc rapidly back and forward over a limited area at start.

In case of a long weld where more than one electrode is used, the arc shall be re-started about 1/4 in. to 3/8 in. ahead of the crater, going back over the crater to properly fill it and keep a uniform contour, thus insuring proper preheating as in start of weld.

On single layer welds the arc shall progress with either a straight forward motion or an oscillatory motion depending on size of joint to be filled to bring it up to proper contour and insure proper fusion in root zone.

In multi-layer welding the first layer shall be deposited by moving the arc in a straight forward motion to secure proper fusion in the root zone, while subsequent layers shall be deposited with an oscillatory motion to build up the weld to the proper contour. The first layer shall be

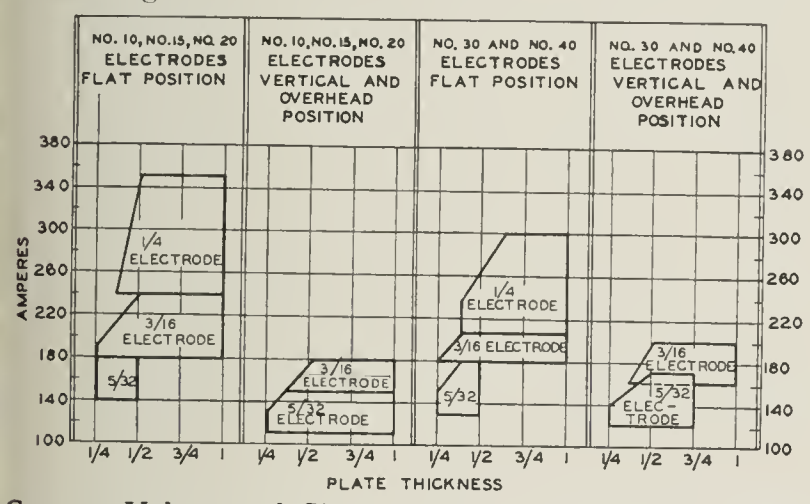
made with an electrode small enough to get thorough penetration at the root zone.

Each layer shall be thoroughly cleaned by brushing or chipping to remove all excess scale and oxides before depositing succeeding layers. The surface of each layer shall be reasonably smooth and uniform in contour.

IV. Heavily Coated Electrodes.

WELDING PROCEDURE. In making welds with heavily coated electrodes the procedure recommended by the manufacturer of the electrodes being used shall be followed, but if such instructions are not available, the procedures given below shall be followed.

CURRENT. The amount of current shall be such as will best suit the arrangement and the thickness of the base metal to be joined. The current ranges in Fig. 10 are given as a guide in selecting the best operating conditions for various electrode sizes and plate thicknesses for flat, vertical and overhead welding. In special cases, other approved sizes and amounts of current may be specified. The current and voltage used shall be measured by suitable meters, either mounted on the arc welding panel, or portable, for use at the point of welding. Allowance shall be made for line drop where the meters are not adjacent to the point of welding.



Current Values and Sizes of Heavily Coated Electrodes for Various Plate Thicknesses for Manually Welded Operations.

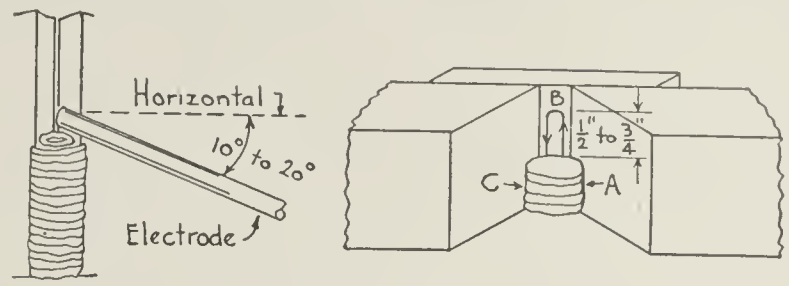
FIG. 10

WELDING PROCEDURE FOR FLAT BUTT WELDS. In making butt welds on bevel joints, weave the electrode from one side of the joint to the other. This weaving may not be necessary on the first pass. These oscillations shall be regulated so that the weld metal fuses into the side walls without directing the arc against the walls. This shall be accomplished by pointing the electrode downward and allowing the outer edges of the arc to play lightly on the walls. A stay shall be made long enough on the turns to insure complete fusion into the side walls.

The travel speed shall be regulated to limit the thickness of the layer per pass to not more than ⅛ in.

WELDING PROCEDURE FOR VERTICAL AND OVERHEAD BUTT WELDS. One-eighth (⅛)-in. and 5/32-in. diameter electrodes should be used in the vertical and overhead welding positions, but the 3/16-in. diameter may be used in vertical welding when necessary.

Vertical welds shall be made by welding upward. The first pass should be started by oscillating or weaving the electrode from side to side (Fig. 11*A*) to produce a weld metal bridge across the "V." Then the arc is to be moved rapidly upward for ½ to ¾ in. along the bottom of the "V" (Fig. 11*B*), drawing a long arc (about 30 volts), and then back down to the crater again (Fig. 11*C*), shortening the arc to its previous length. The movement up and down should require about 1/3 sec. and should be easily accomplished with a bending action of the wrist. Its purpose is to allow the molten metal in the pool to solidify and to preheat the plates ahead of the crater.

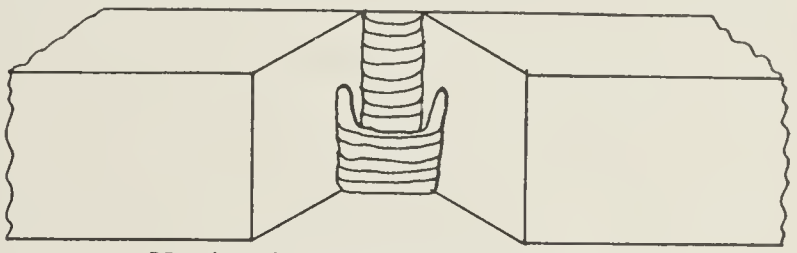


Vertical Butt Weld—First Layer.

FIG. 11

The above cycle of operation shall be repeated all the way up, each time depositing a thin layer of metal on top of the preceding layer. The travel speed on the first pass shall be regulated to limit the deposit to the equivalent of about a ¼-in. fillet weld. On succeeding passes, the thickness shall not exceed ⅛ or 5/32 in. The successive passes shall be made by this up and down technique or by successive horizontal weaving.

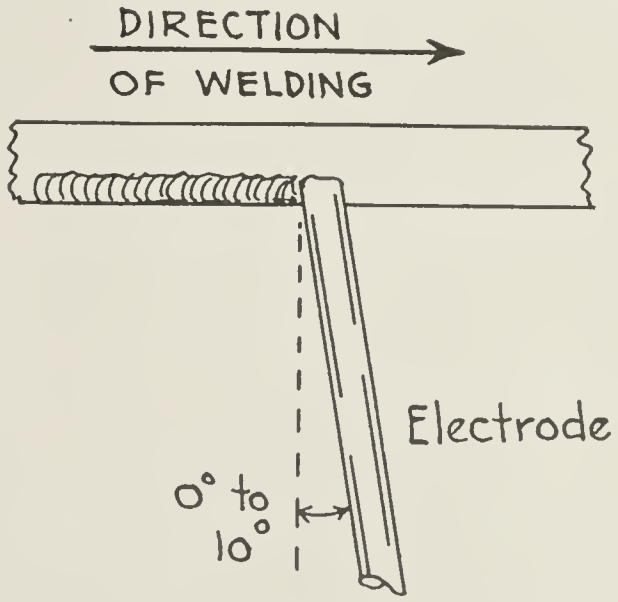
If, in making the second and succeeding passes, a procedure similar to that of the first pass shall be used, the motion (Fig. 12) to be across the pool or shelf, then upward and back at one side of the "V," then across the shelf to the other side, and up and back to the shelf again. The up and down motions shall be done rapidly, lengthening the arc while doing so. If the procedure of weaving straight across is used, it shall be similar to the above except that the up and down motion at each end of the shelf is eliminated.



Vertical Butt Weld—Second Layer.

FIG. 12

For overhead butt welds, the procedure shall be the same as that previously described for vertical welds. The electrode shall be pointed upward and sometimes leaning slightly forward, as shown in Fig. 13. A shelf on which to work shall be deposited at the start and the cycles of operation shall be the same as those for vertical welding.



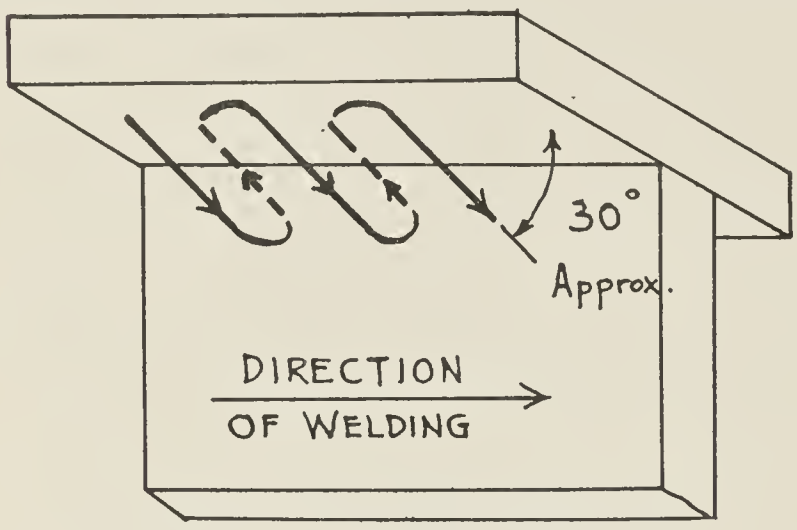
Overhead Butt Weld.

FIG. 13

WELDING PROCEDURE FOR FLAT AND OVERHEAD FILLET WELDS. For light fillet welds (¼ in. or less) and the first pass of multiple pass welds, the electrode shall be moved only in the direction of travel. The second and successive passes or heavy single-pass welds (⅜ in. for example) shall be made by weaving the electrode in a plane making an angle of about 30 degrees with the underside of the plate, as shown in Fig. 14. The solid line represents actual welding. The dotted line represents an upward skip done in about 1/3 sec.

WELDING PROCEDURE FOR VERTICAL FILLET WELDS. Vertical fillet welds shall be made in the same manner as vertical butt welds.

WELDING PROCEDURE FOR MULTI-LAYER FILLET WELDS IN ANY POSITION. In certain cases fillet welds in sizes up to ⅜ in. may be made in a single pass by holding the electrode at a suitable angle and moving it along at a uniform rate. Where the fillet weld

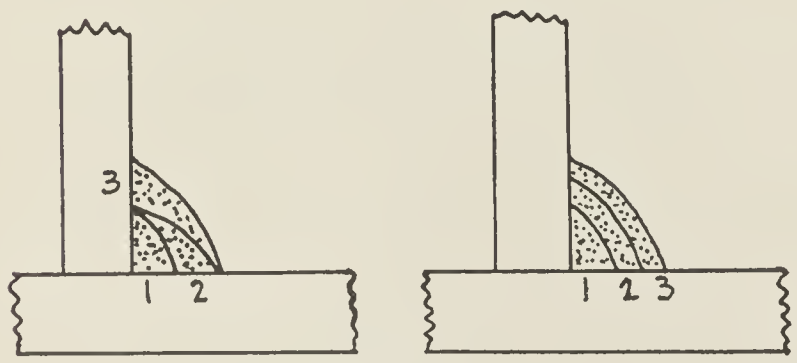


Overhead Fillet Weld.

FIG. 14

requires more than one layer, the second and subsequent layers shall be deposited as a complete spread over the previously deposited metal or in two or more parts as shown in Fig. 15.

ALTERNATE METHODS OF MAKING MULTI-LAYER WELDS



Flat, Vertical, or Overhead Fillet Weld.

FIG. 15

V. Requirements for Gas Welds.

WELDING FLAME. Torches may be either single or multiple flame. The adjustment of the welding flame shall be the same as used in the qualification tests.

The size of the inner cone or inner cones shall be regulated for varying thicknesses of base metal so that the proper amount of heat and flame condition is obtained to properly perform the welding operation. The criterion for welding flame regulation is that the inner cone or inner cones should be of a size and character which produce sufficient heat to maintain the welding puddle in a quiet molten state, and to cause fusion of the welding puddle with the base metal.

The orifice of the welding tip shall be kept clean at all times during the welding operation so that the regular and symmetrical inner cone or cones can be maintained.

WELDING ROD. The size of the welding rod to be used shall be such that the rod shall be of sufficient diameter to maintain the welding puddle in a quiet molten state.

STARTING WELDS. In starting a weld, the base metal shall be heated to a dull red for a distance of from 1 to 2 in. along the joint so that the point of welding can be brought to the fusion temperature evenly before welding rod is added. If the weld is stopped for any reason, the same precautions should be observed upon restarting.

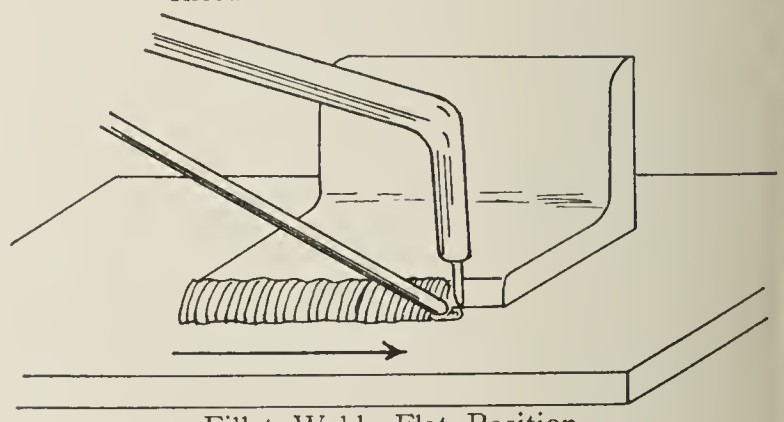
WELDING TECHNIQUE—GENERAL. The welding torch and welding rod shall be manipulated so as to maintain a definite puddle of molten weld metal without overheating either the base metal or deposited metal. The end of the welding rod shall be kept within the limits of the puddle at all times, particular care being taken not to disturb the rear edge of the puddle which might cause slag on the surface to become entrapped in the weld metal. In manipulating the flame, the tip of the inner cone shall preferably not touch either base metal, puddle or welding rod.

Either backhand or forehand technique may be employed. The various positions of welding rod and flame with respect to each other in backhand and forehand techniques are illustrated in Figs. 16 and 17.

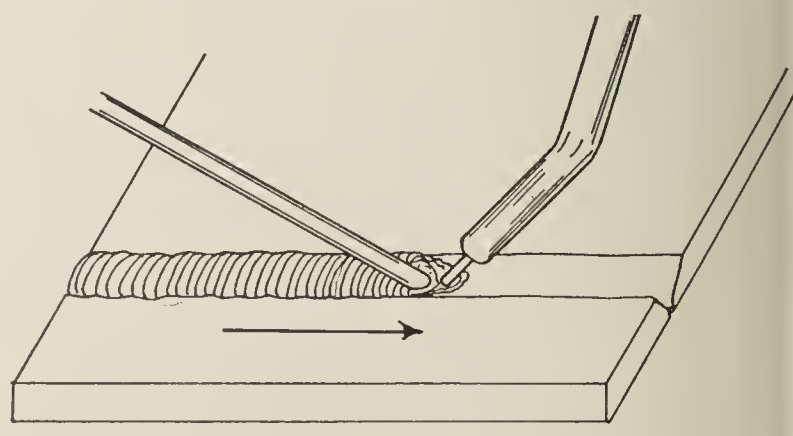
In carrying the puddle forward, the base metal surfaces just in advance of the puddle shall be prepared for fusion with the puddle by melting sufficient surface metal to remove oxides and expose sound base metal. In some cases this depth of melting may be 1/32 in. or less. Manipulation of the rod and flame in controlling the puddle shall

FIG. 16

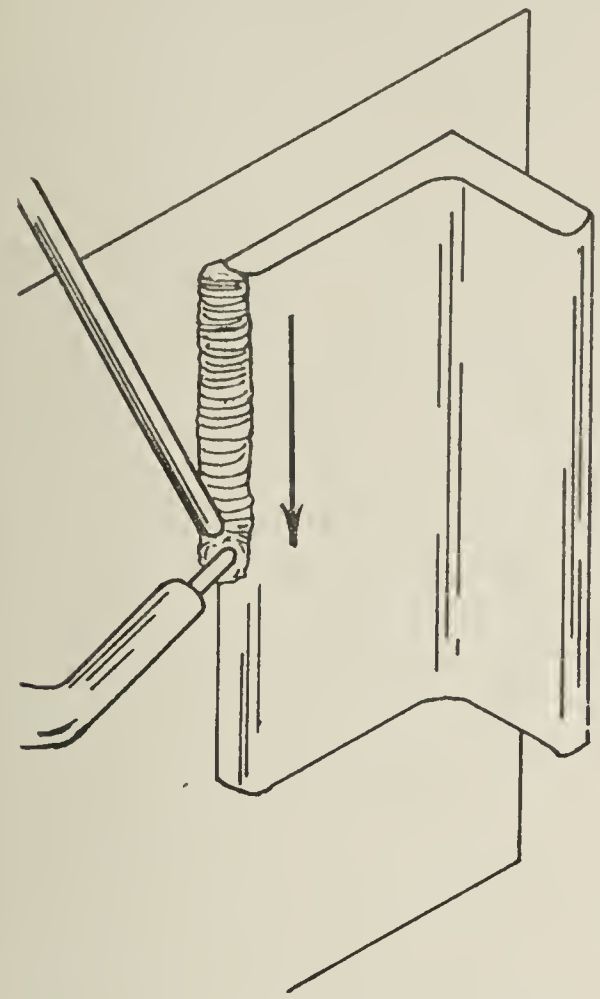
Positions of Rod and Flame in Backhand Technique.
Arrow indicates direction of welding.



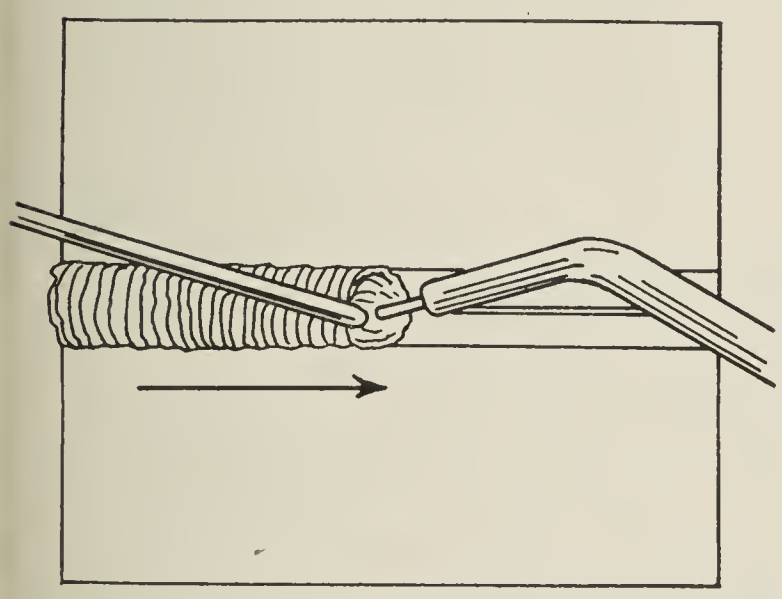
Fillet Weld—Flat Position.



Butt Weld—Flat Position.



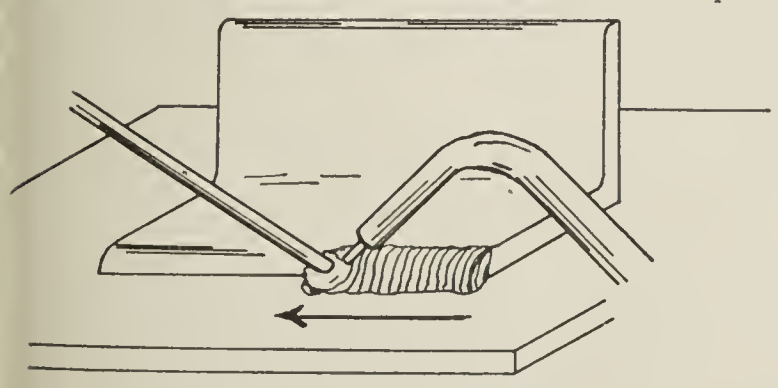
Fillet or Butt Weld—Vertical Position.



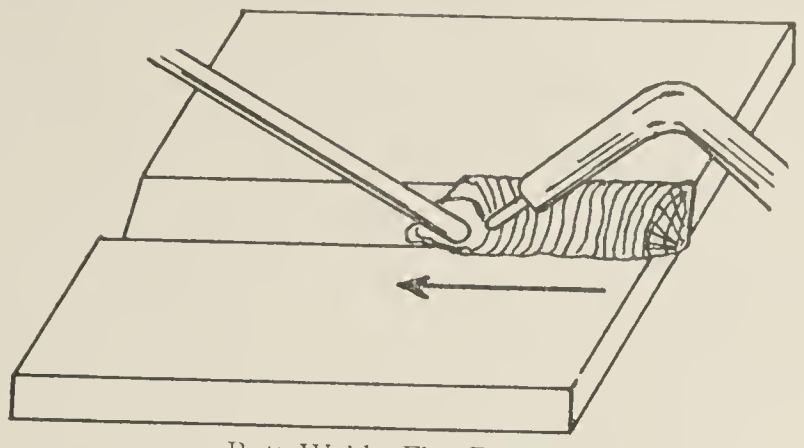
Fillet or Butt Weld—Horizontal Position.

FIG. 17

Positions of Rod and Flame in Forehand Technique.



Fillet Weld—Flat Position.



Butt Weld—Flat Position.

be such that at no time is molten metal from the puddle permitted to flow ahead until this melting has occurred.

For welding in positions other than flat, it shall be permissible to carry a fairly shallow puddle for convenience in controlling it. When using backhand technique, this shall be done by distributing the molten metal in the puddle with the end of the welding rod, providing the puddle is kept sufficiently molten so that surface oxides do not become entrapped in the weld.

FILLET WELDS. When fillet welding in the flat position, there is a tendency for the top plate to melt before the bottom plate. This shall be avoided by pointing the flame more against the lower plate as shown in Figs. 16 and 17. It is essential that fusion be secured at the inside corner or root of the joint, the welding rod and inner cone shall be manipulated so this result will be secured. If desired, the welding rod may be stirred lightly, well within the bounds of the puddle, to maintain a shallow puddle and distribute the molten metal so as to obtain readily welds of proper size and shape.

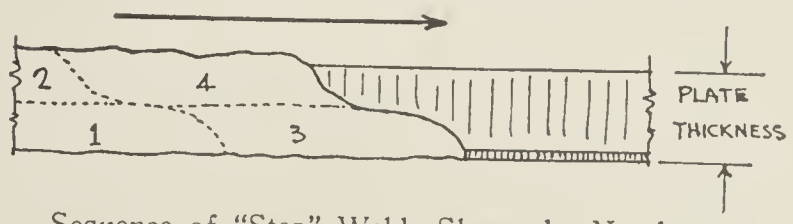
BUTT WELDS. When butt welding in the flat position, manipulation of rod and inner cone shall be such that the bottom of the vee is fused together at the same time but in advance of the upper walls of the vee so that the weight of the puddle does not cause molten metal to sag inside the joint. Where spacing of the joint exceeds 1/6 in., it is allowable to weld the bottom of the vee together in a separate operation, ½ in. to 1 in. at one time ahead of the principal point of welding.

MULTI-LAYER WELDING. Multiple layer welding may be used in place of single layer welding for all positions of welding and thicknesses of metal, but especially for welds of larger size. The criterion shall be the size of puddle that can most effectively be carried by the welder for the particular position of welding. If the completion of a weld in one layer requires a puddle larger than indicated by this criterion, two or more layers shall be made.

The layers of the weld may be made continuously for the full length, or the welding may be done by the "step" method illustrated in Fig. 18.

FIG. 18

"Step" Method of Multi-Layer Welding.

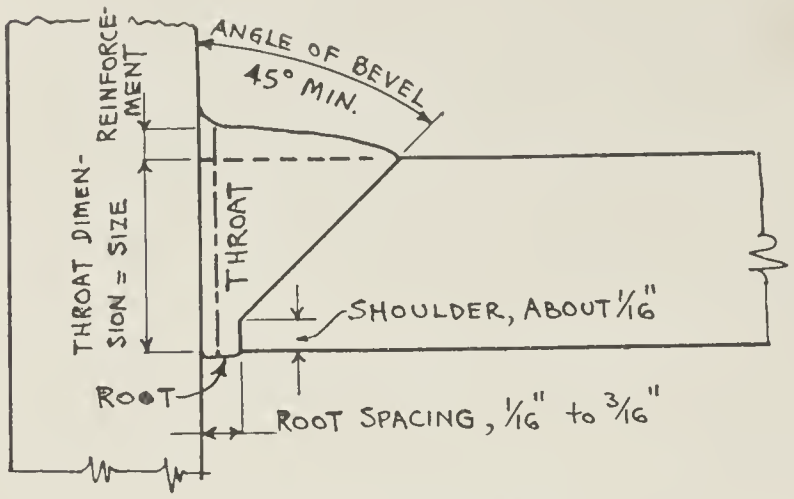


Sequence of "Step" Welds Shown by Numbers.

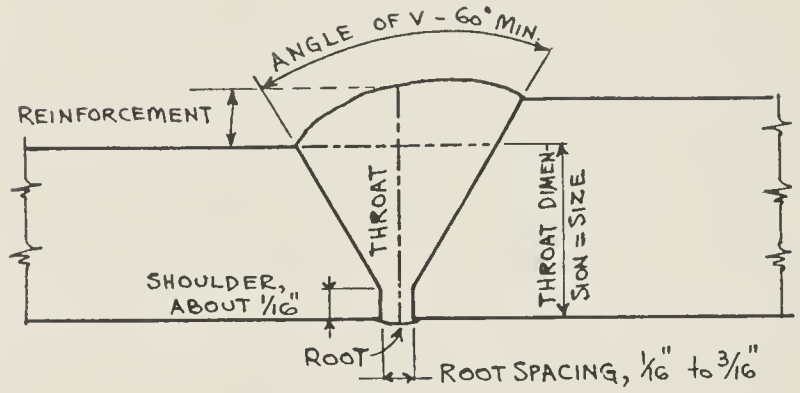
VI. Illustrations of Butt and Fillet Welds.

RULES

FIG. 20

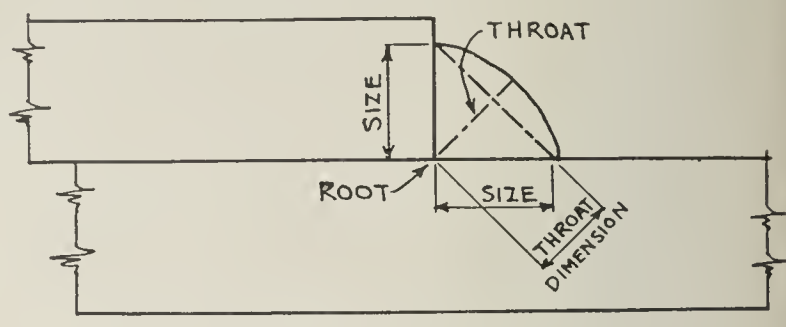


Single Bevel Butt Weld.

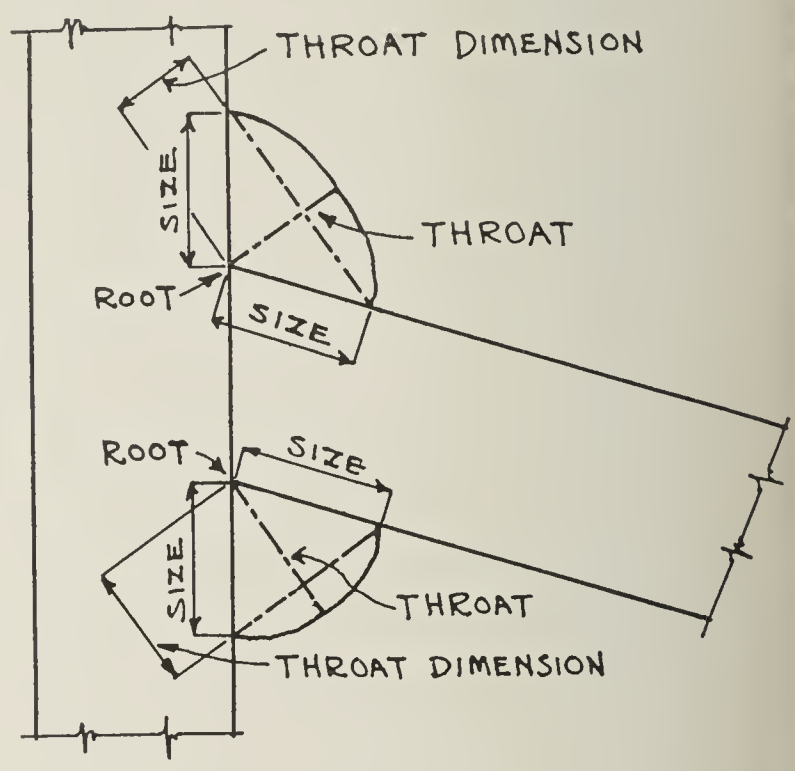


Single-V Butt Weld.

FIG. 21



Right Fillet Weld.



Oblique Fillet Weld.

APPROVED APPLIANCES

APPROVED FIRELINE HOSE VALVES

TYPE A—150 LBS. WATER WORKING PRESSURE

May be installed on all 4-inch and 6-inch systems and on uppermost stories on 8-inch systems

Name	*Calendar No.*
Fairbanks Company	81-20-SA
Walworth Company	899-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Croker National Fire Prev. Eng. Co.	304-28-SA
Jenkins Brothers	779-28-SA
W. D. Allen Mfg. Co.	890-28-SA
John Simmons Co.	209-29-SA
Grinnell	651-30-SA
Elkhart	14-31-SA

TYPE B—250 LBS. WATER WORKING PRESSURE

May be installed on all standpipe systems

Name	*Calendar No.*
New York Brass Foundry Co. (Stillbech)	53-21-SA
Walworth Company	900-27-SA
W. D. Allen Mfg. Company	1151-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Jenkins Brothers	780-28-SA
Croker National Fire Prev. Eng. Co.	970-28-SA
Fairbanks Company	268-29-SA
Pratt & Cady	231-30-SA
Elkhart	15-31-SA

APPROVED FUEL OIL FILL PIPE TERMINALS

Name	*Calendar No.*
Fee and Mason	10-36-SA
Flagg	345-35-SA
J. H. N.	292-35-SA
Newbury	223-35-SA
Preferred	213-35-SA
Rhode Island	204-35-SA
Seal-O-Strain	48-35-SA
Sealtite	231-35-SA
Simplex	214-35-SA

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BULLETIN
OF THE
BOARD OF STANDARDS AND APPEALS
CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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DIRECTORY

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TELEPHONE—WORTH 2-0184.
OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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Fire Drill Rules.

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

DOCKET

New Cases Filed up to March 29, 1938

Cal. No. *Department* *Premises Affected*

194-38-A.....H.B.Q.....241-249 Beach 15th street, 241R-249R Beach 15th street and 1504-1506 Heyson road, northwest corner (Block 130, Lot 62), Far Rockaway, Borough of Queens, Applic. 1797-38.

195-38-A.....H.B.Bx.....452 East 138th street, south side, 320 ft. west of Brown place (Block 2282, Lot 26), Borough of The Bronx, Alt. 129-38.

196-38-BZ.....H.B.R.....494 Mason avenue, east side, 50 ft. north of Seaver avenue (Block 3711, Lot 3), Dongan Hills, Borough of Richmond, N.B. 549-37.

197-38-A.....F.D..... 517-545 West 56th street, 806-830 Eleventh avenue, southeast corner and 530-546 West 57th street (Block 1085, Lots 1, 9, 17), Borough of Manhattan, Decision.

198-38-A.....H.B.B.....Southwest corner of 47th street and First avenue (Buildings Nos. 51 and 52), (Block 725, part of Lot 1), Borough of Brooklyn, Applic. 2704-38.

199-38-BZ.....H.B.Q.....Southeast corner of Van Wyck avenue and 85th avenue, (Block 9647, Lots 1, 8, 16, 30 and 32), Jamaica, Borough of Queens, Decision.

200-38-BZ.....H.B.M.....2-24 West 53rd street, south side, 100 ft. west of Fifth avenue (Block 1268, Lots 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 52), Borough of Manhattan, Decision.

201-38-SA.....F.D.....General Electric Oil Burner, Type DB-2, Appliance.

202-38-A.....H.B.Q.....13-24 to 13-26 Jackson avenue (124 Jackson avenue), southwest corner of 21st street (Van Alst avenue), (Block 58, Lot 9), Long Island City, Borough of Queens, Applic. 6086-37.

203-38-BZ.....H.B.M.....4770 Broadway, south side, 105 ft. east of Dyckman street (Block 2233, part of Lots 5, 6, 7, 8 and 9), Borough of Manhattan, Decision.

204-38-A.....F.D.....49-55 Throop avenue, east side, 50 ft. south of Wallabout street and 418 Wallabout street (Block 2267, Lot 7 and part of Lot 6), Borough of Brooklyn, 74642-L.C.

205-38-SA.....F.D.....PDM Low Pressure Oil Burner, Appliance.

206-38-S.....H.B.M.....451-453 Fourth avenue, east side, 70 ft. ¾ in. north of East 30th street (Block 886, Lot 5), Borough of Manhattan, Alt. 291-37.

207-38-A.....H.B.B.....489-491 Fulton street, north side, 43 ft. 4½ in. west of Bridge street (Block 152, Lots 3 and 4), Borough of Brooklyn, Applic. 955-38.

208-38-SM.....H.B.....Pumite Brand Volcanic Pozzolana, Material.

209-38-S.....H.B.Bx.....1366-1372 Inwood avenue, east side, 170 ft. south of West 170th street (Block 2856, Lot 20), Borough of The Bronx, Order No. 6-38, N.B. 2420-22 and B.N. 1208-37.

210-38-A.....H.B.M.....831-837 Eighth avenue and 301 West 50th street, northwest corner (Block 1041, Lot 29), Borough of Manhattan, Alt. 3713-37.

211-38-A.....D.B.M. & H.B.M.....26 Gramercy Park south (138 East 20th street), south side, 231 ft. west of Third avenue and 133 East 19th street (Block 875, Lot 55), Borough of Manhattan, 37264-F and Decision.

212-38-A.....H.B.Bx.....400-420 East 181st street, south side, between Webster avenue and Park avenue (Block 3030, Lot 7), Borough of The Bronx, F.P. Slip Applic. 10-38.

Restored to Calendar

237-36-SA.....F.D.....Heat-Pak Oil Burner, Models 35 and Compact, Appliance.

DESIGNATIONS: H.B.—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

CERTIORARI ORDER SERVED ON THE BOARD OF STANDARDS AND APPEALS

On March 29, 1938, Emanuel Goldberg, attorney, served on the Board, petition and order of certiorari for Spindler Realty Corp., objector, re decision of Board of March 1, 1938, granting a two year permission for parking and storing of automobiles, under section 7-h, Cal. No. 166-37-BZ, at premises 4485-4519 Broadway N.W. corner of West 192nd street, Borough of Manhattan.

RULES

Last Publication in Bulletin

Carbon Dioxide Liquefier Rules.... Mar. 15, 1938—Vol. 23, No. 11

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Exit Rules (Revolving Doors)	June	15, 1937—Vol. 22, No. 24
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Tank Trucks, Gasoline, etc.	Nov.	24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr.	10, 1923—Vol. 8, No. 15

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Anti-Siphon Valves	Mar.	5, 1935—Vol. 20, No. 10
Fireline Hose Valves	Mar.	29, 1938—Vol. 23, No. 13
Fuel Oil Burners for Domestic and Commercial Use	Mar.	8, 1938—Vol. 23, No. 10
Fuel Oil Fill Pipe Terminals	Mar.	29, 1938—Vol. 23, No. 13
Fuel Oil Burners for Industrial Use	Jan.	25, 1938—Vol. 23, No. 4
Fuel Oil Pumps	Mar.	8, 1938—Vol. 23, No. 10
Paint, Varnish and Lacquer Spraying Equipment	Mar.	22, 1938—Vol. 23, No. 12
Range Oil Burners and Space Heaters	Mar.	8, 1938—Vol. 23, No. 10

APRIL 5, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, April* 5, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 200-37-BZ—Application, May 3, 1937, under section 21 of the building zone resolution, of Otto J. Sambach, applicant, on behalf of Howdah Securities Corporation, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 103-39 Springfield boulevard, northeast corner of 104th avenue (Block No. 2046, Lot No. 7), Queens Village, Borough of Queens.

CAL. NO. 404-37-BZ—Application, August 12, 1937, under section 21 of the building zone resolution, of Harold Borgwald, applicant, on behalf of Marie Catherine Russell, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4825 White Plains road, southwest corner of East 243rd street (Block No. 5109, Lot Nos. 1 and 3), Borough of The Bronx.

CAL. NO. 560-37-BZ—Application, November 29, 1937, under sections 7h and 21 of the building zone resolution, of The Mutual Life Insurance Company of New York, applicant and owner, to permit for a temporary period of not more than two (2) years, partly in a business use district and partly in a residence use district, the parking and storage of more than five (5) motor vehicles; premises 279-289 East 170th street, north side, from Morris avenue to College avenue, 1400-1418 Morris avenue and 1401-1419 College avenue (Block No. 2786, Lot Nos. 2, 6 and 29), Borough of The Bronx.

CAL. NO. 479-37-BZ—Application, October 8, 1937, under section 7h of the building zone resolution, of Emery Herleth and Carol Herleth, applicants and lessees, on behalf of James F. Sullivan, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; 89-58 163rd street (Hardenbrook avenue), west side, 247 ft. north of Jamaica avenue (Block No. 836, Lot No. 76), Jamaica, Borough of Queens.

CAL. NO. 11-38-BZ—Application, January 7, 1938, under section 21 of the building zone resolution, of Wingate and Cullen, applicants, on behalf of Fulton Savings Bank, Kings County, owner, to permit in a business use district the conversion of occupancy of part of an existing building to a motor vehicle repair shop; premises 1432 Pitkin avenue, south side, 82 ft. 3½ in. west of Howard avenue and 1261-1263 East New York avenue, northside, 85 ft. 7½ in. west of Howard avenue (Block No. 1477, Lot No. 38), Borough of Brooklyn.

CAL. NO. 247-37-BZ—Application of Morton Pannaman, applicant, on behalf of Theodore Murray and Margaret Murray, lessees, for George R. Jenkins, owner, reopened March 15, 1938, under section 7h of the building zone resolution, to permit in a business use district the storage and parking of more than five (5) motor vehicles for a temporary period of two (2) years (previously denied); premises 40-23 69th street, east side, 278 ft. south of Roosevelt avenue (Block No. 1301, Lot No. 10 and part of Lot Nos. 12 and 14), Woodside, Borough of Queens.

CAL. NO. 330-22-BZ—Application of George J. Lobenstein, applicant, on behalf of Kings County Community Corporation, owner, reopened March 15, 1938, for consideration as to amendment of resolution, under section 7c of the building zone resolution, to permit in a residence use district the extension of a business use; premises 1663-1669 East 17th street, east side, 57 ft. 2½ in. south of Kings Highway (Block No. 6780, Lot No. 55), Borough of Brooklyn.

CAL. NO. 389-37-BZ—Application, August 3, 1937, under sections 7h and 21 of the building zone resolution, of Goldenthal Brothers, ap-

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plicants, on behalf of William Allan, owner, to permit partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles: premises 31-08 to 31-12 45th street, 44-09 Newtown road and 44-16 31st avenue, south side, 5.4 ft. west of 45th street (Block No. 710, Lot Nos. 5, 20, 21 and 22), Long Island City, Borough of Queens.

CAL. NO. 497-37-BZ—Application, October 20, 1937, under section 7h of the building zone resolution, of Daniel Ginsberg, applicant, on behalf of William Losak, lessee, for Jacob Litvin and Anna Litvin, owners, to permit in a business use district the parking and storage of more than five (5) motor vehicles for a period of two (2) years in addition to the existing use of the premises for the sale of used cars; premises 1203-1235 East New York avenue, northeast corner of Ralph avenue and Union street (Block No. 1477, Lot No. 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

APRIL 5, 1938, 2 P. M.

Appeals from Administrative Orders

171-38-A—827 Hart street, north side, 100 ft. east of Knickerbocker avenue (Block No. 3220, Lot No. 54), Borough of Brooklyn.

185-38-A—1805 Anthony avenue, west side, 70 ft. south of East 175th street (Block No. 2891, Lot No. 49), Borough of The Bronx.

189-38-A—82 Eldridge street, east side, 175 ft. south of Grand street (Block No. 307, Lot No. 10), Borough of Manhattan.

198-38-A—Southwest corner of 47th street and First avenue (Bldgs. Nos. 51 and 52); (Block No. 725, part of Lot No. 1), Borough of Brooklyn.

204-38-A—49-55 Throop avenue, east side, 50 ft. south of Wallabout street and 418 Wallabout street (Block No. 2267, Lot No. 7 and part of Lot No. 6), Borough of Brooklyn.

202-38-A—13-24 to 13-26 Jackson avenue (124 Jackson avenue), southwest corner of 21st street (Van Alst avenue); (Block No. 58, Lot No. 9), Long Island City, Borough of Queens.

211-38-A—26 Gramercy Park South (138 East 20th street), south side, 231 ft. west of Third avenue and 133 East 19th street (Block No. 875, Lot No. 55), Borough of Manhattan.

212-38-A—400-420 East 181st street, south side, between Webster avenue and Park avenue (Block No. 3030, Lot No. 7), Borough of The Bronx.

Variations of Labor Law

101-38-S—375-387 Kent avenue and 22-36 South 6th street, southeast corner (Block No. 2468, Lot Nos. 6 and 9), Borough of Brooklyn.

209-38-S—1366-1372 Inwood avenue, east side, 170 ft. south of West 170th street (Block No. 2856, Lot No. 20), Borough of The Bronx.

Appliances Submitted for Approval

201-38-SA—General Electric Oil Burner, Type DB-2.

205-38-SA—PDM Low Pressure Oil Burner.

213-38-SA—"Low" Wind-operated Stationary Single and Dual Suction Type Ventilator.

Material Submitted for Approval

208-38-SM—Pumite Brand Volcanic Pozzolana.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, April* 5, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 472-37-BZ—Application, September 30, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of John Castagna and Salvatore Castagna, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 2761-2773 Cropsey avenue, north side, 6 ft. 9⅞ in. west of 28th avenue and 196 28th avenue (Block No. 6915, Lot No. 51), Borough of Brooklyn.

CAL. NO. 429-37-BZ—Application, September 2, 1937, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Morris Roth, owner, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station; premises 47-11 108th street and 108-09 48th avenue, northeast corner (Block No. 2003, Lot No. 84), Corona, Borough of Queens.

CAL. NO. 170-37-BZ—Application, April 14, 1937, under section 21 of the building zone resolution, of William R. McVay, applicant, on behalf of Hermine Corlis, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 79-05 Little Neck road, southeast corner of Union turnpike (Block No. 12, Lot Nos. 4, 5 and 6), Floral Park, Borough of Queens.

CAL. NO. 732-29-BZ—Application of John H. Scheier, applicant, on behalf of Esther Nathanson, owner, reopened March 8, 1938, for consideration as to extension of time to obtain permits and complete work—time having expired by limitation—re Application, granted on condition, under section 21 of the building zone resolution, permitting the extension, from a business use district into a residence use district, of a business use (stores and

restaurant); premises 1670-1678 East 17th street, west side, 76 ft. 9¼ in. south of Kings highway (Block No. 6779, Lot No. 33), Borough of Brooklyn.

CAL. NO. 528-37-BZ—Application, November 5, 1937, under sections 7c and 21 of the building zone resolution, of Jacob Morgenthaler, applicant, on behalf of Jacob Morgenthaler's Sons, owner, to permit in a business use district the alteration of a garage for more than five (5) motor vehicles (granted by the board) by the removal of a portion thereof and the extension over the plot of an existing gasoline service station with the conversion of a portion of the premises to a brake testing station; premises 164-176 Fourth avenue and 334-344 Douglass street, southwest corner (Block No. 420, Lot No. 34 and part of Lot No. 37), Borough of Brooklyn.

CAL. NO. 32-38-BZ—Application, January 18, 1938, under section 7c of the building zone resolution, of Samuel Rosenblum, applicant, on behalf of Borden's Farm Products Division of The Borden Co., owner, to permit in a residence use district the extension in area of an existing milk bottling and pasteurizing plant; premises 80-92 Third avenue, 286-304 Dean street, southwest corner and 271-283 Bergen street (Block No. 197, Lot Nos. 25, 26, 27 and 28), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman*

APRIL 12, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, April* 12, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 551-37-BZ—Application, Novmber 19, 1937, under section 21 of the building zone resolution, of Bryce Rea, applicant and owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 233-02 Northern boulevard and 45-01 233rd street, southeast corner (Block No. 8166, Lot No. 20), Douglaston, Borough of Queens.

CAL. NO. 4-38-BZ—Application, January 5, 1938, under section 7a of the building zone resolution, of Thomas Dunn, applicant, on behalf of Bolton Cleaners and Dyers, Inc., owner, to permit in a residence use district the extension of an existing dry cleaning establishment; premises 453 Bolton avenue, west side, 125 ft. south of Lacombe avenue (Block No. 3499, Lot No. 50), Borough of The Bronx.

CAL. NO. 616-37-BZ—Application, December 23, 1937, under section 7h of the building zone resolution, of Martyn N. Weinstein, applicant, on behalf of Lillian S. Kay and Caroline Candidus, owners, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 746-768 Livonia avenue, south side, from Van Siclen avenue to Miller avenue, 572-582 Van Siclen avenue and 617-627 Miller avenue (Block No. 4087, Lot Nos. 21 and 27), Borough of Brooklyn.

CAL. NO. 487-37-BZ—Application, August 23, 1937, under section 7h of the building zone resolution, of Francis T. Christy, applicant, on behalf of Rockefeller Center, Inc., lessee (The Trustees of Columbia University in the City of New York, owner), to permit in a retail use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises 25-53 West 48th street, north side and 26-52 West 49th street, south side, 237 ft. 7½ in. east of Sixth avenue (Block No. 1264, part of Lot No. 10), Borough of Manhattan.

CAL. NO. 140-38-BZ—Application, March 5, 1938, under section 21 of the building zone resolution, of Fred B. McDuffee, Director, Bureau of Achitecture, Department of Public Works, applicant, on behalf of City of New York, owner, to permit in a residence use district the erection and maintenance of a garage for more than three (3) motor vehicles; premises 81-99 Park avenue, east side, between East 39th street and East 40th street, 99-107 East 39th street and 102 East 40th street (Block No. 895, Lot Nos. 1-9 inclusive, 89, 90, 92 and 94), Borough of Manhattan.

CAL. NO. 53-38-BZ—Application, January 28, 1938, under sections 7b and 7c of the building zone resolution, of Halsey, McCormack & Helmer, Inc., applicant, on behalf of Ridgewood Savings Bank, owner, to permit partly in a business use district and partly in a residence use district the erection and maintenance of an extension to an existing business building (Bank); premises 1838-1842 George street and 1002-1004 Forest avenue, southeast corner (Block No. 3575, Lot Nos. 31 and 33), Ridgewood, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

APRIL 12, 1938, 2 P. M.

Appeal from Administrative Order

190-38-A—1-41 West 13th street, north side, 100 ft. west of Fifth avenue, 4-12 and 16-42 West 14th street and 74-76 Fifth avenue (Block No. 577, Lot Nos. 19-32, 33, 35, 37, 42-47, 49, 55, 57, 59, 61 and 65), Borough of Manhattan.

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Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, April* 12, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 216-29-BZ—Application of Abram Shlefstein, applicant, on behalf of Helen Eckerman, owner, reopened March 22, 1938, for consideration as to extension of permit—re Application, previously granted on condition, under section 7f of the building zone resolution, permitting in a business use district the maintenance of a gasoline service station for a temporary period; premises southwest corner of Nassau boulevard and Little Neck road (Block No. 4108, Lot No. 100), Little Neck, Borough of Queens.

CAL. NO. 559-37-BZ—Application, November 29, 1937, under section 7h of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Fellman Realty Corporation, owner, to permit in a business use district for a temporary period of not more than two (2) years the parking and storage of more than five (5) motor vehicles; premises 5020-5036 Broadway, 3996-4010 Tenth avenue, 501-517 West 213th street and 500-518 West 214th street (Block No. 2231, Lot Nos. 1, 5, 13 and 17), Borough of Manhattan.

CAL. NO. 9-38-BZ—Application, January 5, 1938, under sections 7a and 21 of the building zone resolution, of A. C. Benson, applicant, on behalf of John DiBlasi, owner, to permit in a business use district the extension of an existing service station; premises 98-02 to 98-08 Northern boulevard, southeast corner of 98th street (Block No. 1713, Lot No. 1), Corona, Borough of Queens.

CAL. NO. 599-37-BZ—Application, December 17, 1937, under sections 7h and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of DeWitt Holding Corporation, owner, to permit for a temporary period of not more than two (2) years partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises 1663-1681 St. Nicholas avenue, west side, 14 ft. 5 in. north of Fairview avenue and 59-61 Hillside avenue (Block No. 2170, Lot No. 129), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

APRIL 19, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, April* 19, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 1059-17-BZ—Application of Jacob I. Goodstein, applicant, on behalf of Comprehensive Omnibus Corporation, owner, reopened September 22, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in an unrestricted use district the alteration of a garage for more than five (5) motor vehicles (previously granted by the Board on condition), so as to modify the conditions and to permit a vehicular entrance to Madison street; premises 46-48 Oliver street, south side, 100 ft. 2 in. east of Madison street and 68 Madison street (Block No. 278, Lot No. 48), Borough of Manhattan.

CAL. NO. 52-38-BZ—Application, January 27, 1938, under sections 7c and 21 of the building zone resolution, of J. Nelson Cooper, applicant, on behalf of Lincoln Warehouse Corporation, owner, to permit in a residence use district the erection and maintenance of a garage for more than three (3) motor vehicles; to be used in conjunction with the warehouse located on the westerly portion of the plot; premises 1187-1201 Third avenue, east side, from East 69th street to East 70th street, 203 East 69th street and 204 East 70th street (Block No. 1424, Lot No. 1), Borough of Manhattan.

CAL. NO. 196-38-BZ—Application, March 24, 1938, under section 7d of the building zone resolution, of H. E. Gibbs, applicant, on behalf of Joseph A. Palma, President, Borough of Richmond, for City of New York, owner, to permit the erection in a residence use district of an electrically operated sewage pumping station; premises 494 Mason avenue, east side, 50 ft. north of Seaver avenue (Block No. 3711, Lot No. 3), Dongan Hills, Borough of Richmond.

HARRIS H. MURDOCK, *Chairman.*

APRIL 19, 1938, 2 P. M.

Variation of Labor Law

160-38-S—3869 Broadway, west side, 75 ft. north of West 161st street (Block No. 2137, part of Lot No. 18), Borough of Manhattan.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, April* 19, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent, applicants, on behalf of Maude B. Mowry,

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owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

APRIL 26, 1938, 2 P. M.

Appeal from Administrative Order

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

Variation of Labor Law.

40-38-S—284-300 Sheffield avenue, southwest corner of Belmont avenue (Block No. 3753, Lot No. 9), Borough of Brooklyn.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, April* 26, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 345-32-BZ—Application of Alphonsus Casey, applicant, on behalf of Patrick J. Reilly, owner, reopened February 23, 1938, for consideration as to extension of permit —re Application, previously granted on condition, under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station for a temporary period; premises north side of 47th avenue, 91 ft. east of Cross Island boulevard (Block No 1299, part of Lot No. 105), Bayside, Borough of Queens.

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MAY 3, 1938, 10 A. M.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May* 3, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 324-37-BZ—Application, June 29, 1937, under section 21 of the building zone resolution, of Joseph M. Lonergan, applicant, on behalf of Mathilda Litchman and Bruno Bernabo, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4727-4729 Third avenue, west side and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

SPECIAL MEETING

FRIDAY MORNING, MARCH 25, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

389-37-BZ.

APPLICANT—Goldenthal Brothers, for William Allan, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7h and 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—31-08 to 31-12 45th street, 44-09 Newtown road and 44-16 31st avenue, south side, 5.4 ft. west of 45th street (Block No. 710, Lot Nos. 5, 20, 21 and 22), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Martin Goldenthal.

For Opposition: None.

ACTION OF BOARD—Laid over to April 5, 1938 at 10 A. M. on request of applicant's representative.

559-37-BZ.

APPLICANT—Samuels and Samuels, for Fellman Realty Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district for a temporary period of not more than two (2) years the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—5020-5036 Broadway, 3996-4010 10th avenue, 501-517 West 213th street and 500-518 West 214th street (Block No. 2231, Lot Nos. 1, 5, 13 and 17), Borough of Manhattan.

APPEARANCES—

For Applicant: Archie Samuels and Samuel I. Goldberg.

For Opposition: Leo Niedelman, Maurice J. McCarthy, Mildred Malatsky, Mr. Engler, Thomas R. McTigue, H. M. Lancaster, Alfred H. Giere and Morris L. Steinberg.

For Administration: Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to April 12, 1938 at 2 P. M. for report of committee and final decision by the board. No further argument.

32-38-BZ.

APPLICANT—Samuel Rosenblum, for Borden's Farm Products Division of The Borden Company, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7c of the building zone resolution, to permit in a residence use district the extension in area of an existing milk bottling and pasteurizing plant.

PREMISES AFFECTED—80-92 Third avenue, 286-304 Dean street, southwest corner and 271-283 Bergen street (Block No. 197, Lot Nos. 25, 26, 27 and 28), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel Rosenblum and George Metzler.

For Opposition: A. Sonnenthal, Peter Gallon, Margaret A. Reinig, Mrs. Susman, Bertha Johnson, Patrick C. Flannelly, Archibald Oboler, Milton M. Eisenberg, Edward Haas, Eva B. McDonnell and Anthony Paretti.

ACTION OF BOARD—Laid over to April 5, 1938 at 2 P. M. for report of committee. No further argument.

217-33-BZ.

APPLICANT—Benjamin N. Brody, for Helen Schrage Lehman, owner.

SUBJECT—Application reopened January 25, 1938 (re decision of the acting borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a business use district the extension of a proposed gasoline service station which was granted by the board on condition (by order of the Court).

PREMISES AFFECTED—110-38 Springfield boulevard and 217-20 110th road (Junior place), southwest corner (Block No. 2038, Lot No. 28), Queens Village, Borough of Queens.

APPEARANCES—

For Applicant: Benjamin N. Brody.

For Opposition: None.

ACTION OF BOARD—Resolution amended.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(217-33-BZ)

WHEREAS, this application affecting premises southwest corner of Springfield boulevard and 110th road (Junior place); (Block No. 2038, Lot No. 28), now known as 110-38 Springfield boulevard and 217-30 110th road, Queens Village, Borough of Queens, was denied by the Board June 23, 1934, reopened and again denied December 1, 1936, the action of the Board reviewed by the court and the application by order of the court, reopened and granted January 11, 1938, on certain conditions as to a plot with a frontage of 33 ft. 5 in. on Springfield boulevard; and

WHEREAS, the applicant requested an amendment of the resolution so that the plot would have a frontage of 67 ft. on Springfield boulevard; and

WHEREAS, this application was reopened by vote of the Board January 25, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 25, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Springfield boulevard is in a business use district; 110th road is in a residence and business use district; 111th avenue is in a residence and business use district and Monterey street is in a residence use district; and

WHEREAS, the decision of the Commissioner of Buildings, rendered January 13, 1938, re NB 102-36, reads:

"The extension of a gasoline station in a business district is prohibited by Sec. 4 of the Zone Law. Not further considered."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 67 ft. on Springfield avenue and 100 ft. on 110th road, (Junior place); it is proposed to erect upon the plot a one story building 67 ft. by 23 ft. in area to be used as auto laundry, office, and lubritorium and, also, to install the necessary tanks and pumps for a gasoline service station; and

WHEREAS, in view of the action by the Court in connection with the plot having a frontage of 33 ft. 5 in. at the corner of 110th road and Springfield boulevard and also in view of the court's action as to the gasoline station denied by the board under Cal. No. 91-29-BZ, to the south of the site under appeal, the board deems that this application as to the additional lot should be granted under section 21, upon certain conditions, covering the use of the combined plot.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of January 11, 1938, so that as amended the resolution shall read:

"*Granted* under section 21, in accordance with the order of the court as to the northerly portion of lot 28, and *granted* under section 21 as to the southerly portion of lot 28, so as to permit the entire plot with a frontage of 67 feet on Springfield boulevard and 100 feet on 110th road to be occupied as a gasoline service station, *on condition* that the entire plot shall be leveled substantially to the grade of the surrounding streets; that the accessory building shall be erected at the rear of the plot to the west, as indicated on revised plans filed marked "Received February 18, 1938"; that this accessory building shall be constructed of fireproof materials, except that the roof beams, roof boarding, window frames and sash, door frames and doors may be of wood, provided the ceilings throughout are fire-retarded in accordance with the rules of the Board of Standards and Appeals and that no windows or other openings are constructed on the lot line walls opening upon adjacent premises; that the greasing pit section shall have no closure doors at the front unless greasing racks of hydraulic type are installed or unless the greasing pits are ventilated with spark-proof motor driven fans with ducts leading through the roof; that there shall be no excavation under this accessory building, except for such greasing pits; that any heating system installed shall be separated from the balance of the building with fireproof materials and entered only from the exterior of the building; that the balance of the plot shall be surfaced with concrete or cracked bluestone properly bound with a tarvia or similar binder and rolled; that any gasoline pumps erected shall be not nearer than 15 feet to either street building line; that there shall be erected on the interior lot line to the south, a masonry wall from the front of the accessory building to the street line on Springfield boulevard, not less than 7 feet in height, except that this wall may be ramped down to a height of 4 feet

within the distance of 10 feet from the street building line of Springfield boulevard; that a similar wall shall be erected along the line of 110th road, extending along the front of the accessory building for a distance of 20 feet; that entrance to the gasoline station shall be limited to two (2) to Springfield boulevard and one (1) from 110th road and no entrance to exceed 20 feet in width with curb cuts opposite not exceeding a similar width; that there shall be erected near the intersection of Springfield boulevard and 110th road, a solid block of concrete not less than 12 inches in height, extending for a distance of five feet in either direction from the intersection; that the entrance to Springfield boulevard to the south shall not be nearer than five feet to the interior lot line; that between the entrances there shall be established and maintained curbed areas, as indicated, which shall be planted; that a similar curbed area shall be installed along the southerly property line as indicated; that no automobile repairing shall be carried on and no parking of cars other than those being serviced; that no portable gasoline tanks shall be used on or from the premises; that the gasoline tank and piping installed shall be constructed of new material only; that advertising shall be restricted to the illuminated globes of the gasoline pumps and to a permanent flat sign attached to the face of the accessory building, excluding all roof signs and all temporary signs, but permitting the erection within the building line near the street intersections of one post standard supporting a sign which may be illuminated, advertisingly only the brand of gasoline on sale, provided such sign does not extend beyond the building line for a distance of more than four (4) feet; that complete working drawings shall be submitted for approval by the Chairman in behalf of the board before same are filed with the superintendent of buildings; that such plans shall be submitted within three months and that all permits required and all work involved shall be completed within one year from the date of such approval."

360-37-BZ.

APPLICANT—John J. McNamara, for Long Island Railroad Company, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district for a temporary period of not more than two (2) years the storage and parking of more than five (5) motor vehicles.

PREMISES AFFECTED—26 Stewart street and 63 Conway street, west side, 148 ft. 6¼ in. north of Broadway (Block No. 3474, Lot No. 15), Borough of Brooklyn.

APPEARANCES—

For Applicant: John J. McNamara and Harry J. Williams.

For Opposition: Edward Thomas Reilly.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(360-37-BZ)

WHEREAS, John J. McNamara, for Long Island Railroad Company, owner, filed July 13, 1937, an application under the building zone resolution to permit for a temporary period of not more than two (2) years the storage and parking of more than five (5) motor vehicles; Premises: 26 Stewart street and 63 Conway street, west side, 148 ft. 6¼ in. north of Broadway (Block No. 3474, Lot No. 15) Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 25, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Conway street is in a business use district; Stewart street is in a business use district; Broadway is in a business use district and Bushwick avenue is in a business and residence use district; and

WHEREAS, the decision of the Commissioner of Buildings, rendered July 12, 1937, App. No. 11812-37, reads:

"Proposed parking and storage of more than five (5) motor vehicles in business district is contrary to Art. II. Sect. 4-A of Zone Resolution."

and

WHEREAS, the premises consist of an irregularly shaped plot of ground having a frontage of 45 ft. 4 in. on Stewart street, 15 ft. 6 in. on Conway street and a distance of 227 ft. along the north lot line, it is proposed to use the plot for a temporary period of not more than two years for the storage and parking of more than five (5) motor vehicles; and

WHEREAS, the site under appeal was inspected by a committee of the board prior to the hearing; and

WHEREAS, the board deemed that this was a proper case to exercise its discretion under section 7, subdivision H of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7h, permitting the plot under appeal to be used for a temporary period of two years from the date of this action for the parking and storage of more than five (5) motor vehicles, *on condition* that the entrance shall be exclusively from Conway street; that a fence shall be maintained across the property on the Stewart street building line; that proper aisles shall be maintained at all times so as to permit ready exit and entrance for automobiles; that during the term of this variance, no buildings shall be erected on the premises; that no signs shall be erected except at the entrance to Conway street, advertising the parking and storage use; that a substantial fence or barricade shall be maintained along the interior lot lines to exclude extension of this use to adjoining premises.

576-37-BZ.

APPLICANT—Joseph Lau, for Katherine S. Galbraith, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop.

PREMISES AFFECTED—217 East 64th street, north side, 255 ft. east of Third avenue (Block No. 1419, Lot No. 11), Borough of Manhattan.

APPEARANCES—

For Applicant: Sidney Strauss and Mr. Burns.

For Opposition: None.

For Administration: Inspector Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(576-37-BZ)

WHEREAS, Joseph Lau, for Katherine S. Galbraith, owner, filed December 6, 1937 an application under the building zone resolution to permit in a business use dis-

trict the conversion of occupancy of an existing building to a motor vehicle repair shop; Premises: 217 East 64th street, north side, 255 ft. east of Third avenue (Block No. 1419, Lot No. 11), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 25, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that East 64th street is in a business use and unrestricted use district; East 65th street, is in a business use district; Second avenue is in a business use and unrestricted use district and 3rd avenue is in a business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered December 1, 1937, re Application No. 2620, reads:

"1—Motor vehicle repair shop not permitted in a business district. Reconsideration denied."

and

WHEREAS, the building is of non-fireproof construction two (2) stories in height, with a frontage of 25 ft. on the 1st story and 19 ft. on second story and a depth of 40 ft. to be occupied on first story as a motor vehicle repair shop, 2nd story dwelling; and

WHEREAS, the board deemed that applicant had substantiated his basis of appeal under section 21 of the building zone resolution and was therefore, entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a varition* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted,* under section 21, permitting the building to be occupied as to the ground floor only, for light automobile repairing, *on condition* that no forge, anvil, acetylene torch or other open flames shall be employed; that all work shall be done with hand tools and with light motor driven tools, requiring not more than ½ h.p. each; that such portable fire extinguishers shall be installed as the Fire Commissioner shall direct.

Adjourned, 12:45 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

SPECIAL MEETING

FRIDAY AFTERNOON, MARCH 25, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

497-37-BZ.

APPLICANT—Daniel Ginsberg, for William Losak, lessee, for Jacob Litvin and Anna Litvin, owners.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district the parking and storage of more than five (5) motor vehicles for a period of two (2) years in addition to the existing use of the premises for the sale of used cars.

PREMISES AFFECTED—1203-1235 East New York avenue, northeast corner of Ralph avenue and Union street (Block No. 1477, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Paul Friedman.

For Opposition: Alexander D. Sparrow, Miles F. McDonald and Jerome N. Wanshel.

ACTION OF BOARD—Laid over to April 5, 1938 at 10 A. M. on request of attorney in opposition.

534-37-BZ.

APPLICANT—James J. Millman, for Nakoma Realty Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the alteration and conversion of part of two (2) existing buildings to a garage for more than five (5) motor vehicles.

PREMISES AFFECTED—144-146 and 148-150 Frost street, south side, 100 ft. west of Graham avenue (Block No. 2739, Lot Nos. 15 and 17), Borough of Brooklyn.

APPEARANCES—

For Applicant: James J. Millman and Frank Weinstein.

For Opposition: Gaetana Perrette.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(534-37-BZ)

WHEREAS, James J. Millman, for Nakoma Realty Corporation, owner, filed November 10, 1937, an application under the building zone resolution to permit in a business use district the alteration and conversion of part of two (2) existing buildings to a garage for more than five (5) motor vehicles; Premises: 144-146 and 148-150 Frost street, south side, 100 ft. west of Graham avenue (Block No. 2739, Lots Nos. 15 and 17) Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 25, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Frost street is in business and unrestricted use districts; Withers street, Graham avenue are in business use districts and Manhattan avenue is in business and unrestricted use districts; and

WHEREAS, the decision of the commissioner of buildings, rendered November 8, 1937, re App. No. 15355-37, reads:

"1. App. contrary to Art. II, Sec. 3, Sub. 15. Proposed garage for more than 5 cars in existing building in business district."

and

WHEREAS, the premises consist of two buildings of non-fireproof construction, one and three (3) stories in height, with a total frontage of 100 feet and a depth of 100 feet; it is proposed to connect these buildings on the first story and to occupy the first story as a garage for more than five motor vehicles; the two upper stories of No. 144-146 to be occupied as lofts; and

WHEREAS, the board deemed that the applicant was entitled to relief under section 21 on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use dis-

trict regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21, to permit the street floor stories of the buildings under appeal to be used as a private garage for the storage of more than five (5) trucks owned and operated by the Preferred Oil Company; that a 12 foot opening, as indicated, may be constructed between the buildings, *on condition* that the buildings shall comply in all other respects with all laws, rules and regulations applying to use and occupancy; that no gasoline storage system shall be installed in the premises; that no gasoline shall be permitted except in the fuel tanks of the trucks; that the upper stories of the building shall be put in good repair and occupied only by uses conforming to the requirements of the business district; that no roof signs shall be erected on the building; that no automobile repair work shall be carried on; that all permits required shall be obtained and all work involved completed within one year from the date of this action.

562-37-BZ.

APPLICANT—Frank G. Burger, for Foggin-Burger Land Co., Inc., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7-c of the building zone resolution, to permit in a residence use district the maintenance of an open shed as an extension to an existing store use.

PREMISES AFFECTED—1233 Castleton avenue, north side, 75.39 ft. west of Taylor street (Block No. 202, Lot No. 43), West New Brighton, Borough of Richmond.

APPEARANCES—

For Applicant: Carl D. Isaacs, Leonard L. Collier and George McWilliams.

For Opposition: Thomas Nunly and Arthur F. Simonson.

For Administration: Chester W. Campbell and A. B. Comins, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(562-37-BZ)

WHEREAS, Frank G. Burger, for Foggin-Burger Land Co., Inc., owner, filed November 30, 1937, an application under the building zone resolution to permit in a residence use district the maintenance of an open shed as an extension to an existing store use; Premises: 1233 Castleton avenue, north side, 75.39 ft. west of Taylor street (Block No. 202, Lot No. 43), West New Brighton, Borough of Richmond; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 25, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Castleton avenue is in a business use district; Dongan street is in a residence and business use district and Taylor street is in a residence and business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered November 9, 1937, reads:

"Your application, New Building No. 600/1937 to erect an open shed at the rear of premises 1233 Castleton avenue, NS, 75 ft. W. of Taylor street, West New Brighton, Borough of Richmond, is hereby denied, it being contrary to the zoning resolution, as the property on which this open shed will be situated is in a residence use district, the shed to be used for storage of auto accessories and merchandise delivery for store on front of lot.

and

WHEREAS, the premises consist of a plot of ground having a frontage of 102 feet and a depth of 150 feet; the rear of the plot extends into the residence use district for a distance of 50 ft.; the rest of the plot is in the business use district. Upon the plot there is located a one story brick store 60 ft. by 100 ft. in area; at the rear of this store (and located in the residence use district) there has been erected (without permit) a shed 37 ft. 10 in. by 17 ft. 8 in. in area, to be used for storage of auto accessories and merchandise delivery for store on front of lot; and

WHEREAS, the premises were the subject of an inspection by a committee of the board; and

WHEREAS, the board deemed that the provisions of section 7, subdivision C of the building zone resolution, under which this application was made, empowered the board to exercise its discretion and to grant this application under such conditions that would safeguard the character of the more restricted district.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* of the application use district regulations, and that the application be and it hereby is *granted*, under section 7-c, permitting the construction and use of the existing shed as indicated on plans filed with the appeal, *on condition* that this shed within the residential district shall be used for storage only in connection with the occupancy of the store by Sears, Roebuck & Co.; that there shall be erected on the interior lot lines within the residential district, a masonry wall not less than 6 ft. in height, continuously from the corner of the storage shed to the rear line and along the entire rear line and on the westerly interior line for a distance of at least 50 ft. from the rear line; that the rear yard shall be properly graded and drained and may be used for loading and unloading merchandise in connection with the store occupancy; that no parking shall be permitted on the premises other than the automobiles owned by the Sears, Roebuck Co. or their employes or customers, for which no fee for parking shall be charged; that the structure within the residential district shall not be further increased in height or area; and that all permits shall be obtained and all work shall be completed within six months from the date of this action.

594-37-BZ.

APPLICANT—Lama and Proskauer, for Estate of James J. Burnes, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7h and 21 of the building zone resolution, to permit in a business use district for a temporary period of not more than two (2) years the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—39-34 to 39-38 60th street, west side, 307 ft. north of Roosevelt avenue and 39-27 to 39-31 59th street (Block No. 1230, Lot No. 35), Woodside, Borough of Queens.

APPEARANCES—

For Applicant: Alfred A. Lama, Wm. J. O'Neill and Hans Angerman.

For Opposition: Miss D. J. Sherman and J. A. Smith.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(594-37-BZ)

WHEREAS, Lama and Proskauer, for Estate of James J.

Burnes, owner, filed December 16, 1937, an application under the building zone resolution to permit in a business use district for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; Premises: 39-34 to 39-38 60th street, west side, 307 ft. north of Roosevelt avenue and 39-27 to 39-31 59th street (Block No. 1230, Lot No. 35) Woodside, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, March 25, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 59th street is in a business use district; 60th street is in a business use district and Roosevelt avenue is in a business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered December 8, 1937, reads:

> "Be advised that application which you made to this department, as representative for the Estate of James J. Burnes, 379 Newton street, Waltham, Mass., for issuance of Certificate of Occupancy to cover use of premises situated at and known as 39-34 to 39-38 60th street, described as being on the west side of 60th street, 307 ft. north of Roosevelt avenue, Borough of Queens, for open air parking and storage purposes for more than five motor vehicles, is hereby denied, as this location is situated in a business district, and such use would be contrary to subdivision 15, section 4, of the building zone resolution of the City of New York."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 64.24 ft. on 60th street, 47.64 ft. on 59th street and 148.21 ft. on Vaux road, on which there exists a one story frame office building 9 ft. by 12 ft. in area. It is proposed to occupy the plot for the parking and storage of more than five (5) motor vehicles for a temporary period of two years; and

WHEREAS, the site under appeal was inspected by a Committee of the Board prior to the hearing; and

WHEREAS, the Board deemed that this was a proper case to exercise its discretion under section 7, subdivision H of the building zone resolution and that hardship existed to warrant granting, under section 21, the use desired.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted,* under section 7-H, to permit the plot under appeal to be used *for a temporary period of two years from the date of this action for parking and storage* of more than five motor vehicles, *on condition* that only cars of the pleasure-car type shall be so parked or stored; that there shall be erected along the interior lot lines to the south and along the lines of 60th street and 59th street, substantial fences with an entrance to parking lot only from 60th street; that any opening to 59th street shall be permanently locked and openable only for emergency; that the portion of the plot toward the south that is not now filled to grade shall be fenced off and not used as part of this parking lot; that during the term of this variance, this lot shall not be used for any other use than herein permitted and that no building shall be erected thereon except a small, one-story building, near the 60th street entrance, for an office and as shelter for attendant; that no sign shall be displayed on the premises except a sign at the entrance, advertising the storage and parking use; that any lights for illumination shall be equipped with metal reflectors and so placed so as to reflect toward the railroad and away from adjoining occupancy; that the plot shall be generally graded to the level of 60th street and covered with steam cinders, properly bound and rolled to prevent dusting and provide proper drainage; that such portable fire fighting appliances shall be installed as the commissioner shall direct, and that all permits shall be obtained and all work shall be completed within three months from the date of this action.

Adjourned, 4:10 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, MARCH 29, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Asssistant Chief Walsh.

The minutes of the regular meeting of the board held on Tuesday morning, March 22, 1938 and the minutes of the regular meeting of the board held on Tuesday afternoon, March 22, 1938, were approved as printed in Bulletin No. 13, Vol. XXIII.

BUILDING ZONE CASES

575-37-BZ.

APPLICANT—Stanley Salcinski, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—60-89 to 60-97 Flushing avenue and 59-104 to 59-110 58th avenue (Charles street), junction of 61st street (Clermont avenue); (Block No. 2697, Lot No. 51), Maspeth, Borough of Queens.

APPEARANCES—

For Applicant: Marcus Siegel and Stanley Salcinski.

For Opposition: Mrs. Anthony Kryzwicki, Mrs. Mauro, Mrs. F. Jablonski, Leon Hurin, William Schwab, Francis E. Duspiva, James McKenna and Joseph Bilicki.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Absent 0

THE RESOLUTION—

(575-37-BZ)

WHEREAS, Stanley Salcinski, owner, filed December 7, 1937, an application under the building zone resolution to permit in a business use district the erection and maintenance of a gasoline service station; Premises: 60-89 to 60-97 Flushing avenue and 59-104 to 59-110 58th avenue (Charles street), junction of 61st street (Clermont avenue); (Block No. 2697, Lot No. 51), Maspeth, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular

meeting, March 29, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Flushing avenue is in a business use district; 58th avenue (Charles street) is in a business use and residence use district; 61st street is in a business use district and 58th road is in a business use and reidence use district; and

WHEREAS, the decision of the commissioner of buildings, rendered December 7, 1937, re App. No. 2635-37, reads:

"The erection of a gasoline station in a business district is contrary to article 2, section 4 of the zoning law."

and

WHEREAS, the premises consist of a plot of ground fronting 89.04 feet on 58th avenue, 34.83 ft. on 61st street and 92.54 ft. on Flushing avenue, upon which it is proposed to erect a one-story brick building 10 feet in height, approximately 58 ft. front and 24 ft. in depth, to be occupied as an accessory store, stockroom, automobile laundry and lubritorium and to install three 550 gallon gasoline tanks and four gasoline pumps for a gasoline station; and

WHEREAS, the site under appeal was inspected by a committee of the board prior to the hearing; and

WHEREAS, the board deemed that the applicant did not substantiate his basis of appeal under section 21 of the building zone resolution,—practical difficulties and unnecessary hardship, and that the property can be developed for conforming use.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed*, and that the application be and it hereby is *denied*.

495-37-BZ.

APPLICANT—Lama and Proskauer, for Luchas Garage Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7c of the building zone resolution, to permit partly in a business use district and partly in an unrestricted use district the alteration and conversion of occupancy of part of an existing garage for the storage of more than five (5) motor vehicles to a gasoline service station.

PREMISES AFFECTED—1410-1418 Newkirk avenue, south side, 70 ft. 3⅛ in. west of Marlborough road and 604 Marlborough road (Block No. 5235, Lot No. 5), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama and Louis Schiffman.

For Opposition: Bernard S. Schwartz, Alex. Kraut, Sidney Kraut, George Cohen, Emilie K. Hitzelberg and others.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(495-37-BZ)

WHEREAS, Lama and Proskauer, for Luchas Garage Corporation, owner, filed October 19, 1937, an application under the building zone resolution to permit partly in a business use district and partly in an unrestricted use district the alteration and conversion of occupancy of part of an existing garage for the storage of more than five (5) motor vehicles to a gasoline service station; Premises: 1410-1418 Newkirk avenue, southside, 70 ft. 3⅛ in. west of Marlborough road and 604 Marlborough road (Block No. 5235, Lot No. 5), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 29, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Newkirk avenue is in a business use and unrestricted use district; Marlborough road is in a business use, unrestricted use and residence use district; Rugby road is in a residence use and business use district and Fostor avenue is in a business use and residence use dictrict; and

WHEREAS, the decision of the commissioner of buildings, rendered October 16, 1937, re App. No. 13030-1937, reads:

"Proposed structural alterations of present public garage and conversion of part of garage to gasoline selling station on a lot partly in a business use district and partly in an unrestricted use district is contrary to Art. 11, Sec. 6 of the building zone resolution and is therefore denied."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 75 ft. on Newkirk avenue, 27 ft. 4 in. on Marlborough road and a distance of 120 ft. 11 in. along the west lot line. An irregular shaped area at the northwest corner of the plot and an area approximately 21 ft. by 91 ft. 5 in. at the south portion of the plot are located in a business use district. The remainder of the plot is located in an unrestricted use district. The plot is occupied by a one story garage for more than 5 motor vehicles; it is proposed to remove and relocate the Newkirk avenue wall of the building and to use the resulting space as a gasoline service station, having a depth of approximately 22 feet; and

WHEREAS, the site under appeal was inspected by a committee of the board prior to the hearing; and

WHEREAS, the board deemed that the provision of section 7 subdivision C of the buildng zone resolution, under which this application was made, empowered the board to exercise its discretion and to grant this application under such conditions that would safeguard the character of the more restricted district.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted*, under section 7-C, permitting the exterior of the garage on Newkirk avenue to be reconstructed substantially as shown by removing the present front wall and reconstructing same further back and re-locating the gasoline pumps, *on condition* that there shall be no greasing rack within the gasoline selling area; that there shall be no roof constructed over this alcove area and that the gasoline pumps shall be not nearer than 12 ft. to the building line of Newkirk avenue and shall not exceed two (2) and the gasoline tanks shall not exceed two (2) 550-gallon tanks; that all tanks and piping shall be of new material; that curb cuts shall not exceed those existing at present; that the exterior of the front shall be constructed of fireproof materials with face brick and cast-stone coping, as indicated on plans filed with this appeal; that there shall be no changes on the exterior portion of garage facing on Marlborough road; that complete working drawings shall be submitted and approved by the chairman in behalf of the board before submission to Borough Superintendent of Buildings; and that all permits shall be obtained and all work shall be completed within one year from the date of this resolution.

422-37-BZ.

APPLICANT—James J. C. Malone, for Spruce Estates Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a residence use district the erection and maintenance of a garage for more than five (5) motor vehicles.

MINUTES

PREMISES AFFECTED—413 West 26th street, north side, 162 ft. 6 in. west of Ninth avenue (Block No. 724, Lot No. 26), Borough of Manhattan.

APPEARANCES—

For Applicant: James J. C. Malone.

For Opposition: A. Taggard, Martin Wechsler, Louis A. Jackson, Milton H. Fox, Roger J. Heisler, and Herman Lewis.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(422-37-BZ)

WHEREAS, James J. C. Malone, for Spruce Estates Corporation, owner, filed August 27, 1937, an application under the building zone resolution to permit in a residence use district the erection and maintenance of a garage for more than five (5) motor vehicles; Premises: 413 West 26th street, north side, 162 ft. 6 in. west of Ninth avenue (Block No. 724, Lot No. 26) Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 29, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that West 26th street is in a residence use, retail use and B area district; West 27th street is in a residence use, retail use and B area district and Ninth avenue is in a retail use and B area district; and

WHEREAS, the decision of the commissioner of buildings, rendered July 30, 1937, re App. No. 1998-1937, reads:

"1. Garage is unlawful in a residence district zone resolution—section 3."

and

WHEREAS, the proposed building is to be of non-fireproof construction one story in height, with a frontage of 25 ft. and a depth of 98 ft. 9 in. to be occupied as garage for more than five (5) motor vehicles; and

WHEREAS, the board deemed that the applicant did not substantiate his basis of appeal under section 21 of the building zone resolution, practical difficulties and unnecessary hardship and that the property can be developed for conforming use.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed* and that the application be and it hereby is *denied.*

511-37-BZ.

APPLICANT—Joseph Lau, for Abraham B. Cox, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the conversion of occupancy of part of an existing building to manufacture and assembly of iron and steel products.

PREMISES AFFECTED—1237-1239 Second avenue and 246-250 East 65th street, southwest corner (Block No. 1419, Lot No. 28), Borough of Manhattan.

APPEARANCES—

For Applicant: Sidney L. Strauss.

For Opposition: Paul H. Folwell, Frank R. Crumbie, Edward Feeney, Edward Lieberman.

For Administration: Inspector Fred Dahlen, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(511-37-BZ)

WHEREAS, Joseph Lau, for Abraham B. Cox, owner, filed October 27, 1937, an application under the building zone resolution to permit in a business use district the conversion of occupancy of part of an existing building to manufacture and assembly of iron and steel products; Premises: 1237-1239 Second avenue and 246-250 East 65th street, southwest corner (Block No. 1419, Lot No. 28), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 29, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Second avenue is in a business use district; East 65th street is in a business use district; and East 64th street is in a business use and unrestricted use district; and

WHEREAS, the decision of the commissioner of buildings, rendered October 26, 1937, Alt. Applica. No. 2102-1937, reads:

"1. Proposed use is unlawful in a business district, Sec. 4, zone resolution.

Use of this building for manufacture and assembly of iron and steel products is unlawful in a business district Sec. 4, zone resolution."

and

WHEREAS, the building is of non-fireproof construction one and two stories in height, with a frontage of 48 ft. on Second avenue and 100 ft. on East 65th street, irregular, at present vacant, to be occupied for the manufacture of iron and steel products; and

WHEREAS, the board deemed that the applicant was entitled to relief under section 21 on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted,* under section 21, for a temporary period of three years from the date of this action, to permit the premises under appeal to be used as a shop for the manufacture of light ornamental iron, *on condition* that the building shall not be increased in height or area and that no machine used shall require a motor greater than one horse power.

43-38-BZ.

APPLICANT—Scacchetti and Siegel, for Samcha Realty Corporation, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under sections 7a and 21 of the building zone resolution, to permit in a residence use, "B" area district the extention in area of an existing building used in part for business (stores) and to occupy the required rear yard by such proposed extension.

PREMISES AFFECTED—313-315 West 50th street, north side, 175 ft. 1 in. west of Eighth avenue (Block No. 1041, Lot Nos. 24 and 25), Borough of Manhattan.

APPEARANCES—

For Applicant: Max Siegel, Albert Muller.

For Administration: Inspector Fred Dahlen, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(43-38-BZ)

WHEREAS, Scacchetti & Siegel, for Samcha Realty Cor-

poration, owner, filed January 22, 1938 an application under the building zone resolution to permit in a residence use "B" area district the extension in area of an existing building used in part for business (stores) and to occupy the required rear yard by such extension; Premises: 313-315 West 50th street, north side, 175 ft. 1 in. west of Eighth avenue (Block No. 1041, Lot Nos. 24 and 25), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 29, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that West 50th street is in a residence use, business use, retail use and "B" area district and Eighth avenue is in a retail use "B" area district; and

WHEREAS, the decision of the commissioner of buildings, rendered January 13, 1938, re App. No. 2461-1937, reads:

"1. No existing building in a residence district used for business may be extended Art. 2, Sec. 6 zoning resolution.

2. Rear yard should be provided as per Sec. 17, Art. 4 zoning resolution."

and

WHEREAS, the premises consist of a plot 38 ft. 4 in. by 100 ft. 6 in. in area, on which is erected two (2) Class "B" converted multiple dwellings and stores, 19 ft. 2 in. by 100 ft. 5 in. in area each, 3 stories and basement (40 ft.) in height. It is proposed to maintain a one-story extension at the rear of No. 313, which extends the entire width of lots 24 and 25 at the rear and extends to the rear lot line. The extension is 9 ft. in height above grade, the basement will be occupied as a restaurant; and

WHEREAS, the site under appeal was inspected by a committee of the board prior to the hearing; and

WHEREAS, the board deemed that the provisions of section 7, subdivision A of the building zone resolution, empowers the board to exercise its discretion and to grant this application under such conditions as would safeguard the character of the more restricted district.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use and area district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 7a, to permit the extension of the buildings on lots 24 and 25 as proposed and as indicated on plans filed with this appeal, a one story extension of the restaurant now operating in the basement of the building at 313 West 50th street, lot 25 and waiving the area requirements for rear yards under section 21 *on condition* that the height of the extension above curb shall not exceed 12 ft.; that the building shall not be increased further in height or area; that the use of the extension as a restaurant may continue for a period of ten years from the date of this action; that all permits shall be obtained and all work completed within one year from the date of this action.

Adjourned, 12:40 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, MARCH 29, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

9-38-BZ.

APPLICANT—A. C. Benson, for John DiBlasi, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7a and 21 of the building zone resolution, to permit in a business use district the extension of an existing gasoline service station.

PREMISES AFFECTED—98-02 to 98-08 Northern boulevard, southeast corner of 98th street (Block No. 1713, Lot No. 1), Corona, Borough of Queens.

APPEARANCES—

For Applicant: A. C. Benson, Frank DiBlasi and John DiBlasi.

For Opposition: None.

ACTION OF BOARD—Laid over to April 12, 1938 at 2 P. M. for applicant to file complete working drawings.

599-37-BZ.

APPLICANT—Lama and Proskauer, for DeWitt Holding Corporation, owner.

SUBJECT—Application (decision of the commissioner of buildings) under sections 7h and 21 of the building zone resolution, to permit for a temporary period of not more than two (2) years, partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—1663-1681 St. Nicholas avenue, west side, 14 ft. 5 in. north of Fairview avenue and 59-61 Hillside avenue, (Block No. 2170, Lot No. 129), Borough of Manhattan.

APPEARANCES—

For Applicant: Frederick W. Groehl.

For Opposition: Leon London and others.

ACTION OF BOARD—Laid over to April 12, 1938 at 2 P. M. Applicant to file revised plans.

493-37-BZ.

APPLICANT—Messrs. Nugent and Nugent, for Maude B. Mowry, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—71-20 to 71-32 Roosevelt avenue and 40-02 to 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12, and 14), Jackson Heights, Borough of Queens.

APPEARANCES—

For Applicant: Daniel F. Nugent.

For Opposition: Michael Meyerwitz, Joseph Smith, Emil Lefner and Fred Cohen.

ACTION OF BOARD—Laid over to April 19, 1938 at 2 P. M. Applicant to file revised plans.

17-29-BZ.

APPLICANT—Clara K. Eberhart, owner.

SUBJECT—Application reopened November 23, 1937, under new proposal (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit partly in a business use dis-

trict and partly in a residence use district the erection and maintenance of a gasoline service station and also the storage and parking of more than five (5) motor vehicles.

PREMISES AFFECTED—1886-1888 Boston road, southside, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

APPEARANCES—
For Applicant: None.
For Opposition: B. Wolper.

ACTION OF BOARD—Laid over to April 26, 1938 at 2 P. M. Applicant to submit plans.

491-37-BZ.

APPLICANT—Sidney H. Kitzler, for Asness Bros., owners.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the extension of an existing gasoline service station and, also, the inclusion of a brake testing station.

PREMISES AFFECTED—429-439 Crescent street and 1044-1048 Liberty avenue, southeast corner (Block No. 4198, Lot No. 7), Borough of Brooklyn.

APPEARANCES—
For Applicant: Sidney H. Kitzler.
For Opposition: H. H. Torborg.

ACTION OF BOARD—Application granted on condition.

THE VOTE—
Affirmative: Chairman Murdock, Commissioner Blum and Assistant Chief Walsh..... 3
Negative: Commissioner Savage 1
Absent 0

THE RESOLUTION—

(491-37-BZ)

WHEREAS, Sidney H. Kitzler, for Asness Bros., owner, filed October 13, 1937, an application under the building zone resolution to permit in a business use district the extension of an existing gasoline service station, and, also, the inclusion of a brake testing station; Premises: 429-439 Crescent street and 1044-1048 Liberty avenue, southeast corner (Block No. 4198, Lot No. 7), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, March 29, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Crescent street is in business and residence use districts; Liberty avenue is in a business use district; Hemlock street is in residence and business use districts; and Conduit boulevard is in business and residence use districts; and

WHEREAS, the decision of the commissioner of buildings, rendered January 28, 1938, Appl. No. 8546-1937, reads:

"1. Proposed increase in area of an existing gasoline station and proposed extension to an existing accessory building to enclose grease pits and to be used for brake testing contrary to Art. II Sec. 4a of the building zone resolution, as premises are located in a business use district."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 100 ft. on Crescent street and 50 ft. on Liberty avenue.. On the plot there is located a gasoline service station described in metes and bounds (in fire department records) as follows: East side of Crescent street 50 ft. south of the corner formed by the intersection of Liberty avenue and Crescent street, thence running east 64 ft., south 40 ft., west 64 ft. and north 40 ft. Upon the north portion of the plot—according to filed plans—there are five (5) grease pits and on the south (rear) part of the plot there is a one-story building 52 ft. by 26 ft. in area occupied as grease room, accessory shop and auto laundry. This building was erected under building department plan No. 1941 of 1928. It is proposed to erect upon the north part of the lot a one-story building 48 ft. by 26 ft. in area to be used as a two-car garage, grease pits and brake testing service and to extend the existing gasoline station so as to cover the remainder of the plot; and

WHEREAS, the board deemed that the applicant was entitled to relief under section 21 on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21 thereof, to permit the erection of an extension to the accessory building to Liberty avenue, as indicated on revised plan marked "Received March 21, 1938" and permitting the installation of one brake testing machine, *on condition* that the gasoline pumps shall be relocated so that no pump shall be nearer the street building line on Crescent street than 10 feet; that no gasoline pumps shall be erected nearer than forty feet (40) to Liberty avenue; that the existing curb cuts to Crescent street and Liberty avenue shall not be increased in width; that no automobile repairing shall be permitted on the premises other than brake testing; that the accessory building shall be constructed of fireproof materials, except that the roof beams and roof boarding, window frames and sash may be of wood, provided the ceiling throughout is fire-retarded in accordance with the rules of the Board of Standards and Appeals; that no windows or other openings shall be constructed to open upon the adjoining premises to the east; that no signs shall be erected on the premises other than those now existing on the accessory buildings and the illuminated globes of the pumps, but permitting a post standard within the property lines erected to support a sign advertising the brand of gasoline on sale, permitting such sign to extend beyond the building line not more than four feet; that an additional gasoline storage tank of 550 gallon capacity may be installed in addition to the two tanks now existing, provided that any such new tank shall be of new material and the piping thereof shall be of new material; that all permits required shall be obtained and all work completed within one year from the date of this action.

414-20-BZ.

APPLICANT—Ashley and Booth, for Rose Ash, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re application (decision of the superintendent of buildings) previously granted under section 7-f of the building zone resolution, permitting on a plot of ground in a residence use district the maintenance for a temporary period of eighty (80) individual garages to be rented to persons not residing on the premises.

PREMISES AFFECTED—Southwest corner of West 186th street and Laurel Hill terrace (Block No. 2149, Lot No. 84), Borough of Manhattan.

APPEARANCES—
For Applicant: James R. Ashley and E. L. Booth.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION TO EXTEND PERMIT—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0
Absent 0

THE RESOLUTION—

(414-20-BZ)

WHEREAS, this application, affecting premises southwest corner of West 186th street and Laurel Hill terrace (Block No. 2149, Lot No. 84), Borough of Manhattan, was granted by the board July 20, 1920, for a temporary period of two years, the period extended July 11, 1922, July 15, 1924, September 22, 1925, September 30, 1927, October 2, 1928, September 24, 1929, March 27, 1934 and April 21, 1936, and applicant requests a further extension; and

WHEREAS, the Board deemed that the temporary period should be extended there having been no substantial change in the surrounding area since the prior extensions.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of April 21, 1936 so far as it has reference to the period of time for which the variation was granted, so that, as amended the resolution shall read:

"*Granted* under Section 7, Subdivision F, for a temporary period of two years from the date of this amended resolution, *on condition* that the single car garages shall be limited to eighty; that there shall be no gasoline sold on the premises; that any existing gasoline equipment below grade shall be permanently sealed and that the entrance to this plot shall be exclusively from West 186th street."

695-29-BZ.

APPLICANT—Louis Curcio, lessee.

SUBJECT—Application for consideration—reopening and amendment—re Application (decision of the superintendent of buildings) under section 7-f of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station for a temporary period.

PREMISES AFFECTED—Southwest corner of Wilkinson avenue and Westchester avenue (Block No. 4235, Lot Nos. 36 and 38), Borough of The Bronx.

APPEARANCES—

For Applicant: Louis Curcio and John H. Curcio.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION——

(695-29-BZ)

WHEREAS, this application affecting premises southwest corner of Wilkinson avenue and Westchester avenue (Block No. 4235, Lot Nos. 36 and 38), Borough of The Bronx, was granted by the board October 7, 1930, on certain conditions, time extended October 22, 1931, April 8, 1932 and September 23, 1932, resolution amended March 27, 1934, time extended July 17, 1934, February 4, 1936, March 24, 1936, June 16, 1936 and February 8, 1938 and lessee now requests an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolutions adopted October 7, 1930, as amended September 23, 1932, July 17, 1934, February 4, 1936, March, 24, 1936, June 16, 1936 and February 8, 1938, and only so far as it relates to permission to construct metal garages on the premises, so that as amended it shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and is hereby is *granted,* for a temporary period of two years, from March 24, 1938, *on condition* that a concrete curbing not less than 12 in. in height shall be erected along the Westchester avenue and Wilkinson avenue building lines, with no opening to Wilkinson avenue and two openings only to Westchester avenue (with no portion of an opening within five feet of the corner) each opening not to exceed 25 ft. in width with curb cuts directly in front of the opening not more than 30 ft. in width; that all gasoline pumps shall be located 10 ft. back of the building line; that any office installed on the premises shall be constructed of masonry with Spanish tile or varigated slate roofing; that the office shall be irregular in shape approximately 34 ft. on one leg and 41 ft. on the opposite leg; that there may be constructed and maintained on the rear of this plot a one-story metal private garage in addition to the buildings shown on plans filed with this appeal solely for the storage of the owner's car; that there shall be erected on the north and south property lines a lattice fence not less than 8 ft. in height; that all advertising signs shall be confined to the illuminated globes of the pumps; prohibiting all temporary signs, but permitting the erection within the building line near the intersection of Westchester and Wilkinson avenues of a post upright to carry a sign which may be illuminated, advertising only the brand of gasoline on sale, provided such sign does not extend more than five feet (5) beyond the building line; that there shall be no sale of gas or oil outside of the building line; that any grease racks installed on the premises shall be house in masonry construction of practically the same design as the office and showroom with arched openings in the front for the entrance and exit of cars; *that there may be constructed and maintained on the rear of this plot two one-story metal garages in addition to the accessory buildings, shown on the plans filed with this appeal, one of such garages to be used for storage of owner's car and for storage of accessories and the other for car washing* and that all permits required shall be obtained and any work involved completed within ninety days."

APPEALS FROM ADMINISTRATIVE ORDERS

27-38-A.

APPLICANT—Croker Fire Prevention Corporation, for Maryland Baking Co., Inc., owner.

SUBJECT—Appeal from orders and a decision of the Acting Borough Superintendent of Buildings.

PREMISES AFFECTED—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sidney L. Strauss.
For Administration: Insp. Meagher, Dep't of Housing and Buildings.

ACTION OF BOARD—Laid over to April 26, 1938, 2 P. M. on request of appellant.

190-38-A.

APPLICANT—Minogue and Palmer, for Hearn Department Store, lessee.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—1-41 West 13th street, north side, 100 ft. west of 5th avenue, 4-12 and 16-42 West 14th street and 74-76 Fifth avenue (Block

No. 577, Lot Nos. 19-32, 33, 35, 37, 42-47, 49, 55, 57, 59, 61 and 65), Borough of Manhattan.
APPEARANCES—
For Applicant: William J. Minogue.
For Administration: Insp. Fred Dahlen, Dep't of Housing and Buildings.
ACTION OF BOARD—Laid over to April 12, 1938, at 2 P. M. Applicant to file new drawings; Board to make inspection.

358-37-A.
APPLICANT—John A. Schwartz, for John A. Schwartz, Inc., owner.
SUBJECT—Appeal from an order of the fire commissioner.
PREMISES AFFECTED—166-01 Jamaica avenue, northeast corner of 166th street (Block No. 867, Lot No. 19), Jamaica, Borough of Queens.
APPEARANCES—
For Applicant: Daniel K. Miller.
ACTION OF BOARD—Appeal withdrawn on request of applicant.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

118-38-A.
APPLICANT—Abraham Grossman, for Bertha More, Morris Leibrech and David Feldman, owners.
SUBJECT—Appeal from a decision of the commissioner of buildings and a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—113-17 Polk avenue and 113-18 Pell street, southwest corner of 114th street (Block No. 1757, Lot No. 90), Flushing, Borough of Queens.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Appeal withdrawn on written request.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

172-38-A.
APPLICANT—Harrison Schock, for The Kings County Savings Bank, owner.
SUBJECT—Appeal from decisions of the acting borough superintendent of buildings.
PREMISES AFFECTED—1209 Dean street, north side, 120 ft. east of Nostrand avenue (Block No. 1207, Lot No. 66), Borough of Brooklyn.
APPEARANCES—
For Applicant: None.
For Administration: Benjamin Saltzman, Dep't of Housing and Buildings.
ACTION OF BOARD—Appeal withdrawn on written request.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

183-38-A.
APPLICANT—I. L. Crausman, for Gelson Realty Corporation, owner.
SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—184 St. Georges Crescent and 185 East 206th street, northeast corner (Block No. 3313, Lot Nos. 1-17 inclusive), Borough of The Bronx.
APPEARANCES—
For Applicant: I. L. Crausman.
For Administration: Insp. M. Harris, Dep't of Housing and Buildings.
ACTION OF BOARD—Appeal withdrawn on request of applicant.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(183-38-A)

WHEREAS, I. L. Crausman, for Gelson Realty Corporation, owned, filed March 18, 1938, an appeal from a decision of the Acting Borough Superintendent of Buildings, affecting premises 184 St. Georges Crescent and 185 East 206th street, northeast corner (Block No. 3313, Lot Nos. 1-17 inclusive), Borough of the Bronx; and
WHEREAS, the decision of the Acting Borough Superintendent of Buildings, dated March 14, 1938, re N. B. Applic. No. 663-37, reads:

"7. Street court may not extend above the average curb level. Art. 4, Sec. 14-C, Zone Resolution.
18. Northerly public hall, upper stories, not lighted and ventilated pursuant to Sec. 149. Multiple Dwelling Law."

and
WHEREAS, the proposed building is to be six stories, 68 ft. 4¼ in. in height, 145 ft. by 112 ft. 9 in. in area, of non-fireproof construction, located in a residence use and "D" area district and to be occupied as a Class A multiple dwelling; and
WHEREAS, the applicant contends as to Item 7 that reconsideration is requested to permit court as indicated having three steps above sidewalk and to consider this court as part of the unoccupied area of the building as the drop of court to curb level will create a condition where water and paper would accumulate in the entrance court and create an unpleasant condition at all times; that as to Item 18, reconsideration is requested to permit lighting of public hall as indicated as window is within 60 ft. of extreme end of public hall and window will be seen from the end of this public hall, and complies with Sec. 149 M.D.L.; and
WHEREAS, the Board expressed the opinion that the request was for a zoning variance as to the Court (objection No. 7) and that to grant the application as to objection No. 18 would be a modification of the Multiple Dwelling Law, which the Board is without power to make; and
WHEREAS, the applicant requested permission to withdraw the appeal.
Resolved, that the appeal be and it hereby is *withdrawn.*

148-38-A.
APPLICANT—Terminal Tavern, Inc., lessee.
SUBJECT—Appeal from an order and a decision of the fire commissioner.
PREMISES AFFECTED—751 Fourth avenue, southeast corner of 25th street (Block No. 655, Lot No. 7), Borough of Brooklyn.
APPEARANCES—
For Applicant: G. Huppert.
For Administration: Insp. Meyer, Fire Dep't.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commission-

ers Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(148-38-A)

WHEREAS, Terminal Tavern, Inc., applicant and lessee filed March 8, 1938, and appeal from an order and a decision of the Fire Commissioner, affecting premises 751 4th avenue, southeast corner of 25th street (Block No. 655, Lot No. 7), Borough of Brooklyn; and

WHEREAS, the order of the Fire Commissioner, No. 73251-LC, dated December 1, 1937, reads:

"4. Provide a concrete floor under range and within 5 ft. in all directions. Rule 14e, Fuel Oil Rules.

7. Provide a boiler room enclosure, as per Plan No. 11666-37."

and

WHEREAS, the decision of the Fire Commissioner, dated February 18, 1938, reads:

"In answer to your request please be advised that this department does not rescind an order and reissue it so that it may be taken to the Board of Standards and Appeals when you have exceeded the time limit in which to file your appeal.

However, we have been advised that the Board of Standards and Appeals will accept a letter from this department as the basis for an appeal. For that purpose, this communication is forwarded and will certify that order No. 73251-LC was issued against Terminal Tavern, Inc., 751 4th avenue, Brooklyn, and reads as follows:

4. Provide a concrete floor under range and within 5 ft. in all directions. Rule 14e, Fuel Oil Rules.

7. Provide a boiler room enclosure as per Plan No. 11666-37."

and

WHEREAS, the building is two stories, 20 ft. in height, 37 ft. by 65 ft. in area, of non-fireproof construction; located in a business use district; erected in 1934 and occupied as follows: Cellar—storage—no persons; 1st floor—restaurant——40 persons in which restaurant the kitchen range is not fired; 2nd floor—meeting room; and

WHEREAS, the applicant contends that the burner installation in this building was made three years ago, no permit for the storage of fuel oil was secured and the installation has been in operation for three years; that it is impossible to contsruct a boiler room around the kitchen range, as it would prevent easy access to the range; that the installation is sufficiently safe to warrant the issuance of a permit.

Resolved, that the Order of the Fire Commissioner, No. 73251-LC, Items 4 and 7, be and it hereby is *modified*, and the appeal be and it hereby is *granted on condition* that there shall be constructed a concrete floor consisting of wire mesh, fastened to the present wood floor, and at least 2 in. of cement, complying with the Oil Burner Rules as to required dimensions, and provided the space in which the range is located shall be enclosed with fire-retarded walls, consisting of wire lath and ¾ in. cement or 4 in. terra cotta, with a fireproof, self-closing door therein; that any other opening in the partition shall be protected with a metal shutter controlled by fusible link; that the ceiling in the space in which this range is located shall be protected with plaster board and metal, all as shown on plans filed with the Department of Buildings under Plan No. 11666-37; and that in all other respects the Oil Burner Rules of the Board of Standards and Appeals shall be complied with.

194-38-A.

APPLICANT—Charles M. Hart, for Roche's Beach, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—241-249 and 241R-249R Beach 15th street and 1504-1506 Heyson road, northwest corner (Block No. 130, Lot No. 62), Far Rockaway, Borough of Queens.

APPEARANCES—

For Applicant: Charles M. Hart.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(194-38-A)

WHEREAS, Charles M. Hart, for Roche's Beach, Inc., owner, filed March 23, 1938, an appeal from a decision of the Borough Superintendent of Buildings, affecting premises 241-249 and 241R-249R Beach 15th street and 1504-1506 Heyson road, northwest corner (Block No. 130, Lot No. 62), Far Rockaway, Borough of Queens; and

WHEREAS, the decision of the Borough Superintendent, dated March 15, 1938, re. Applic. No. 1797-38, reads:

"The erection of frame building in the fire limits is contrary to 4.1.2 of code."

and

WHEREAS, it is proposed to erect a one story frame structure 12 ft. in height, 108.3 ft. by 47 ft. in area on a lot 215.57 ft. by 180 ft. in area, located in a business use and "D" area district and subdivided into 12 summer dwellings by fire walls; and

WHEREAS, the applicant contends that the surrounding buildings are of frame construction; that the proposed structure is new in origin, each portion occupied as a separate dwelling, will have a separate entrance and will be separated from the adjoining section by a continuous fire wall, exterior stud partitions and ceiling will be covered with ½ in. gypsum plaster board on the interior and cement stucco on metal lath on the exterior; that the proposed dwellings are for summer rental only; that no heating apparatus will be installed; that the kitchens will be lined with ½ in. gypsum plaster board.

Resolved, that the decision of the Borough Superintendent of Buildings as to App. No. 1797-38 be and it hereby is *modified*, and the appeal be and it hereby is *granted*, to permit the erection of proposed frame dwellings within the fire limit in a "D" area district, *on condition* that the units shall be designed as indicated on plans filed with the Department of Housing and Buildings, each unit separated with a continuous fire wall, and that the exterior stud partitions in ceiling shall be covered with ½ in. gypsum plaster board on the interior and cement stucco on metal lath on the exterior; that no heating shall be installed in building and that the roofs shall be surfaced with tar and felt; that all interior fire partitions shall run to the underneath side of the roof boarding and be properly slushed and that in all other respects the building shall comply with the laws, rules and regulations applicable thereto.

195-38-A.

APPLICANT—Minogue and Palmer, for 104 Lexington Avenue, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—452 East 138th street, south side, 320 ft. west of Brown place (Block No. 2282, Lot No. 26), Borough of The Bronx.

APPEARANCES—

For Applicant: William J. Minogue.

For Administration: M. Thiede, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commission-

ers Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(195-38-A)

WHEREAS, Minogue & Palmer, for 104 Lexington avenue, Inc., owner, filed March 23, 1938, an appeal from a decision of the Borough Superintendent of Buildings, affecting premises 452 East 138th street, south side, 320 ft. west of Brown place (Block No. 2282, Lot No. 26), Borough of The Bronx; and

WHEREAS, the decision of the Borough Superintendent of Buildings, dated March 18, 1938, re. Alt. Applic. No. 129-38, reads:

"1. Termination of stairway to comply with Section 6.4.1.11 of code.

2. Stairway to be constructed as per Section 6.4.1.8.1 of code."

and

WHEREAS, the building in question is 16.8 ft. front by 50 ft. in depth, three stories in height, of non-fireproof construction, erected in 1887, located in a business use and "B" area district and occupied as follows: Cellar—boiler room; 1st floor residence; 2nd floor residence; 3rd floor residence. It is proposed to alter the building to two stories in height and change the occupancy to: 1st floor—store; 2nd floor—office; and

WHEREAS, the applicant contends that this type of building should be covered by Section 6.1.2.2.4 of the Building Code, the building to be 800 sq. ft. on each floor which is less than the 2500 sq. ft. allowed by Section 6.1.2.2.4. The building will be occupied by one tenant; that it will be an extreme hardship to run the stairs direct to the street without an opening from the stairhall to the store on the first floor or if the opening is installed at the first floor, it will be a hardship to require a stair and bulkhead to the roof.

Resolved, that the decision of the Borough Superintendent as to App. No. 129-38, Items 1 and 2, be and it hereby is *modified,* and the appeal be and it hereby is *granted,* to permit the proposed interior stairway without direct exit to street, so long as entire building is occupied by one tenant, *on condition* that there shall be erected at the 2nd story rear a fire-escape balcony with a vertical counterbalanced drop ladder to yard; and that in all other respects all laws, rules and regulations applying to this building and occupancy shall be complied with and that the building shall not be increased in height or area.

197-38-A.

APPLICANT—Stohldreier and Zetsche, for Sheffield Farms Company, Inc., owner.

SUBJECT—Appeal from a decision of the fire commissioner.

PREMISES AFFECTED—517-545 West 56th street, 806-830 11th avenue, southeast corner and 530-546 West 57th street (Block No. 1085, Lot Nos. 1-9-17), Borough of Manhattan.

APPEARANCES—

For Applicant: W. C. Stohldreier, R. G. Zetsche and M. B. Weinberg.

For Administration: Insps. Michaels and Meyer, Fire Dep't.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(197-38-A)

WHEREAS, Stohldreier & Zetsche, for Sheffield Farms Company, Inc., owner, filed March 24, 1938, an appeal from a decision of the Fire Commissioner, affecting premises 517-545 West 56th street and 806-830 11th avenue, southeast corner, and 530-546 West 57th street (Block No. 1085, Lot Nos. 1-9-17). Borough of Manhattan; and

WHEREAS, the decision of the Fire Commissioner, dated March 22, 1938, reads:

"Replying to your letter of March 17, 1938, relative to the proposed omission of the water and ammonia mixer for the refrigerating system being installed at the Sheffield Farms Company, 57th street and 11th avenue, New York City, we regret that this department has not the jurisdiction to grant your request since the present Administrative Code requires said installation."

and

WHEREAS, the building is three stories 57 ft. 6½ in. in height, 550 ft. by 210 ft. in area, of fireproof construction and equipped with a standpipe system, located in an unrestricted use and "B" area district, in the course of erection and occupied as follows: Cellar—ice field, case storage, boiler and engine rooms——16 persons; 1st floor—route delivery, pasteurizing, garage—32 persons; 1st floor mezzanine—offices—34 persons; 2nd floor—garages, bottle filling room, reception room—105 persons; 3rd floor—garage, bottle filling and drivers' room—244 persons; and

WHEREAS, the applicant contends that there are automatic safety valves on all shell type apparatus; that the mixer woud have little effect in reducing the amount of gas in the system; that the system is spread out so much it is almost impossible to pick up all the parts; that the expense involved, $1,500.00 seems unnecessary in view of the fact the proposed refrigeration code, when adopted, will not require a mixer; that the possibility of leakage through valves not under the control of the company engineers might be a hazard in a milk plant.

Resolved, that the decision of the Fire Commissioner, dated March 22, 1938, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the refrigerating system shall comply in all respects with the requirements of the Administrative Code, except that the required water and ammonia mixer, together with the valves and Fire Department box on the exterior of the building, may be omitted.

629-37-A.

APPLICANT—Philip R. Beller, for Ace Metal Products Co., owner.

SUBJECT—Application for consideration—reopening and amendment—re Appeal from an order of the fire commissioner.

PREMISES AFFECTED—234 46th street, south side, 200 ft. east of Second avenue (Block No. 754, Lot No. 17), Borough of Brooklyn.

APPEARANCES—

For Applicant: Charles Massa.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(629-37-A)

WHEREAS, Philip R. Beller, for Ace Metal Products Co., applicant owner, filed on December 31, 1937, an appeal from an order of the Fire Commissioner, affecting premises

234 46th street, south side, 200 ft. east of Second avenue (Block No. 754, Lot No. 17), Borough of Brooklyn; and

WHEREAS, the order of the Fire Commissioner, No. 73272-LC, dated December 2, 1937, reads as follows:

"7. Provide sprinkler head in spray booth connected to house water supply. Rule 6."

and

WHEREAS, the building is two stories (35 ft.) in height, 30 ft. by 100 ft. in area, of fireproof construction, erected about 1912 and occupied as follows: 1st story, storage of steel, no persons; 2nd story, spraying; one person, for which certificate of occupancy has been issued: and

WHEREAS, the applicant contends that there is no source of supply for either water or heat in the building and therefore no sprinkler head could be installed; and

WHEREAS, this appeal was granted by the board January 11, 1938 as to Item No. 7 of order on certain conditions and applicant requested an amendment of the resolution to include a modification of Item No. 6 of order; and

WHEREAS, Item No. 6 of order No. 73272-LC reads:

"6. Separate open flame (gas heated bake oven) from remainder of first story where spraying is done by an enclosure of fire resisting or fire proof material."

and

WHEREAS, applicant contends there is no hazard involved.

Resolved, that the order of the Fire Commissioner, No. 73272-LC Item No. 7, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that there shall be installed in lieu of the sprinkler head required under Rule 6, an automatic fire extinguisher of the "firetox" or other similar approved automatic type, to be installed at the ceiling toward the center of the spray booth and *modified* as to Item 6, *on condition* that the oven shall be constructed on all sides with two sheets of ½ in. asbestos with 22 gauge sheet metal inside and outside mounted on a concrete floor; that the turner unit shall be entirely enclosed within the oven structure and that no spraying or dipping shall be done within 30 ft. of open flame of the oven.

VARIATIONS OF LABOR LAW

160-38-S.

APPLICANT—Joseph M. Lonergan, for Rio Caterers, Inc., lessee.

SUBJECT—Variation of the labor law as cited in a decision of the health commissioner.

PREMISES AFFECTED—3869 Broadway, west side, 75 ft. north of West 161st street (Block No. 2137, part of Lot No. 18), Borough of Manhattan.

APPEARANCES—

For Applicant: Joseph M. Lonergan.

For Administration: Jas. Harben, A. E. Abrahamson for Health Dep't.

ACTION OF BOARD—Laid over to April 19, 1938 at 2 P. M. Applicant to file plans.

126-32-S.

APLICANT—Empire Biscuit Company, owner.

SUBJECT—Application for consideration—reopening and amendment—re Variation of the labor law as cited in an order and a decision of the fire commissioner.

PREMISES AFFECTED—34-36 Waverly avenue, west side, 204.06 ft. north of Park avenue (Block No. 1873, Lot No. 49), Borough of Brooklyn.

APPEARANCES—

For Applicant: Fosdick Zobriskie.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(126-32-S)

WHEREAS, Empire Biscuit Co., owner, filed, March 11, 1932, a petition for a variation from the requirements of the labor law, as cited in an order and a decision of the Fire Commissioner, affecting premises 34-36 Waverly avenue, west side, 204.06 ft. north of Park avenue (Block No. 1873, Lot No. 49), Borough of Brooklyn; and

WHEREAS, the order of the Fire Commissioner, dated August 14, 1931 (re Order No. 88428-LD), reads:

"1. Discontinue the use of the above premises occupied for factory purposes in violation of Section 270 of the Labor Law."

and

WHEREAS, the decision of the Fire Commissioner, rendered March 4, 1932, reads:

"In reply to your letter of February 19, advising that you have been retained by the owners to appeal from the requirements of Order No. 88428-LD and that you are unable to do so due to the fact that the Board of Standards and Appeals will not accept an appeal for the reason that the time limit, twenty days, had elapsed, and request dismissal and reissuance of the above order.

"You are advised that the order cannot be dismissed or reissued. Therefore, your request is denied."

and

WHEREAS, the building, erected in 1921, is fireproof, four stories in height, 47 ft. 6 in. by 100 ft. in area; OCCUPIED: 1st story, office and shipping, 15 persons; 2nd story, packing, 18 persons; 3rd story, baking, 1 person; 4th story, storage, no occupancy; EQUIPPED with a fire alarm signal system; EXITS: an interior fireproof stairway, extending from the first story to roof, enclosed in fireproof partitions, with fireproof doors at openings; horizontal exits at first, second and third stories leading to building adjoining at north and one exit door from fourth story to roof adjoining building at north; ROOFS of adjoining buildings: 10 ft. lower at north; 20 ft. higher at south; and

WHEREAS, the petitioner claims the building was erected in 1921 under plans approved by all departments having jurisdiction, Certificate of Occupancy No. 10782 was issued November 20, 1921 (the original filed with this petition); the building adjoining at north is of mill construction and under the same ownership; the order affects only the fourth story which is used solely for storage purposes with no occupancy; all horizontal exits at each story leading to building adjoining at north are provided with approved fire doors on both sides of the wall; furthermore, the petitioner contends there is no factory occupancy on the top story; that the building is provided with adequate means of exit; and

WHEREAS, this application was granted by the Board June 1, 1932, on certain conditions and applicant requested an amendment of the resolution as to occupancy.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the labor law, and that the petition be and it hereby is *granted on condition* that the fourth story shall be *used only for storage and rest room for the employees of the building;* the occupancy of the remainder of the building *shall* be limited to the legal capacity of the interior stairs; that a second means of exit shall be provided from the fourth story by means of an opening to the roof of the adjoining building, No. 32 Waverly avenue, *such opening to be* equipped with a self-closing, fireproof door, *with access provided* across said roof to the bulkhead of the *interior* stairway of No.

MINUTES

32 Waverly avenue *and thence to* the street; that the building shall be not increased in height or area; that the use and occupancy shall remain substantially unchanged, and that the requirements of the labor law otherwise shall be complied with.

APPLIANCES SUBMITTED FOR APPROVAL

The following applications have been placed upon the Reserve Calendar and referred to the Engineer of the Board for report:

36-38-SA—York Air Conditioning Systems Oil Burner, Model M.V.141.

130-38-SA—Electro-Mechanical Interlock, Type PA. (Elevator Device).

142-38-SA—Red Comet Automatic Fire Extinguisher.

151-38-SA—Eclipse Spray Painting Equipment.

165-38-SA—Josam Plaster Interceptor. (Plumbing Device).

166-38-SA—Josam Grease Interceptor (Plumbing Device).

167-38-SA—Sloan Vacuum Breaker, Model V-60-A (Plumbing Device).

174-38-SA—Novac Flush Valve, Vacuum Breaker (Plumbing Device).

175-38-SA—Teasdale & Edwards Incinerator Dust Extractor.

180-38-SA—Vortex Oil Burner, Type "V," Model No. 7.

182-38-SA—Fisher Oil Burner, Model M.

184-38-SA—More and Kling Fill Pipe Terminal for Oil.

237-36-SA.

APPLICANT—Aldrich Company, owner.

SUBJECT—Application for consideration—reopening and amendment—re Heat-Pak Automatic Oil Burner.

APPEARANCES—

For Applicant: Carl Staley and William Schatz.

ACTION OF BOARD—Application reopened and referred to engineer of the Board.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

MATERIALS SUBMITTED FOR APPROVAL

The following applications have been placed upon the Reserve Calendar and referred to the Engineer of the Board for report:

122-38-SM—Monoplate Fireproof Construction.

124-38-SM—Blue Bond Mortar Cement.

125-38-SM—Truscon Ferrobord Steeldeck.

126-38-SM—Bar-Ox Paint No. RB-22 (Red).

136-38-SM—Perforated Gypsum Lath.

138-38-SM—Multi-Vent Hollow Building Block in Concrete.

144-38-SM—Geiger Prefabricated Steel and Reinforced Concrete Construction.

147-38-SM—Transite Flue Pipe.

163-38-SM—Asphalt Saturated Asbestos Roofing Felt.

169-38-SM—Insulux Glass Block.

188-38-SM—Anco Structural Rib Bolts and Anco Lock Nuts.

191-38-SM—Gypsteel Junior and Senior Planks for Floor and Roof Slabs.

Adjourned, 4:30 P.M.

EDWARD V. BARTON, Chief Clerk.

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*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, March 22, 1938, as they appeared in Bulletin No. 13, Vol. XXIII are hereby corrected to read as follows:

THE RESOLUTION—

(8-31-A)

WHEREAS, this appeal from a decision of the superintendent of buildings affecting premises 1526-1536 62d street, south side, 18 ft. east of 15th avenue, and 1523-1537 63rd street (Block No. 5530, part of Lot No. 1 and Lot No. 18), borough of Brooklyn, was granted by the Board July 14, 1931, on certain conditions and owner requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of July 14, 1931, so that as amended it shall read:

'*Resolved,* that the decision of the superintendent of buildings be and it hereby is *modified* and the appeal be and it hereby is *granted on condition,* that the building shall be equipped with a 100 per cent sprinkler system; that the building shall not be increased in height or area and that the subdivision of the building as shown on plans submitted in this appeal shall be maintained.

Resolved further, that in the event the buildings which are the subject of this appeal, are under different ownership and are entirely separated from each other by legal separating walls, the requirements of this resolution need not apply unless the buildings individually are subject to the requirements of the building code for a standpipe system, in which case such requirements for a standpipe system may be waived, providing a sprinkler system complying with the sprinkler rules of the Board of Standards and Appeals is installed and maintained; that the buildings in all other respects shall comply with all laws, rules and regulations applicable thereto.'

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* Correction—The word "standpipe" changed to "sprinkler" in lines 27 and 28 of resolution.

NOTICE

In order to permit a period of grace, during which time lumber dealers in New York City may have an opportunity to dispose of their stocks of ungrade-marked lumber, Commissioner Alfred Rheinstein of the Department of Housing and Buildings has decided to permit the use of ungrade-marked lumber on buildings filed under the new Building Code up to May 31, 1938, inclusive. This allowance, however, is on the definite condition that lumber dealers will not supply ungrade-marked lumber which was brought into New York City after January 27, 1938.

On and after June 1, 1938, the Department will require grade-marked lumber strictly in accordance with the provisions of the Building Code to be used on all buildings on which construction is not under way as of that date.

ALBION N. VAN VLECK,
First Deputy Commissioner
Department of Housing and Buildings.

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*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, March 8, 1938, as they appeared in Bulletin No. 11, Vol. XXIII are hereby corrected to read as follows:

THE RESOLUTION—

(129-38-A)

WHEREAS, Vincent M. Cajano, for Saverio Scerbo, owner, filed on February 28, 1938, an appeal from a decision of the Acting Borough Superintendent, Department of Housing and Buildings (Brooklyn), affecting premises 152 Avenue U, south side, 38 feet 6 inches west of West 7th street (Block No. 7119, Lot No. 8), Borough of Brooklyn; and

WHEREAS, the decision of the Acting Borough Superintendent, dated February 21, 1938, re App. No. 1201-38, reads as follows:

"1. Second floor to be good for 75 lbs. live load in business portion.

2. Business buildings must have 12 inch wall on 1st floor, 8.4.2.5 Bldg. Code.

3. As to stairs, comply with section 6.4.1.11 for ladder to scuttle.

4. Fire retard stair enclosure as per section 6.4.1.8.1 and provide proper fire door assemblies."

and

WHEREAS, the building in question is 2 stories (23 feet) in height, 19 feet by 70 feet in area at 1st story and 19 feet by 45 feet in area above; of non-fireproof construction; located in a business use district; erected in 1926; and occupied as follows: Cellar—storage and boiler room, no persons; 1st floor—store and one family; 2nd floor—one family and beauty parlor; for which no Certificate of Occupancy has been issued; and

WHEREAS, the applicant contends that the objections made by the building department are made in consideration of change of occupancy and consequently are not applicable under the New Building Code.

Resolved, that the decision of the Acting Borough Superintendent, on Applic. No. 1201-38, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* as to objections Nos. 1, 2, 3, and 4, and permitting the proposed occupancy of the second floor as a beauty shop in view of the statement by applicant that the stair hall *is enclosed on one side with a brick wall and on the other with a stud partition covered with ½ in. plaster boards and cement plaster, both sides* on the first floor and the absence of hazard of the proposed occupancy for the present approved floor load.

* Correction—Words 'the walls of' omitted in line 37 and words 'are wire lath and plaster', omitted in line 38 and words now in italics substituted therefor.

SMOKING IN FACTORIES

Adopted by the Board of Standards and Appeals, August 12, 1918.

RULE 1. PERMIT.

(a) **Prohibition.** No person shall smoke, or carry a lighted cigar or cigarette in any factory as defined in Article 1, Section 2, of the State Labor Law, nor in any portion of a factory, within the City of New York, except in such protected portions or special classes of occupancies as are specified in Rule 2 of these rules, and then only after the issuance of a permit by the administrative official.

It shall be the joint and several duty of the owner and of the lessee or lessees of the building containing such factory or factories to cause to be posted in each and every entrance hall, stair hall or room throughout the building, as well as in every elevator-car, in English, and also in such other language or languages as the administrative official shall direct, a notice of such prohibition, and the penalty for its violation.

(b) **Application.** Application for such permit shall be made only by the owner of the building on suitable blank forms to be furnished by the administrative official.

(c) **Time Limit.** Such permit shall be for a definite period, not exceeding one year, and shall not be renewed upon expiration until a reinspection of the premises for which it is issued has been made for the purpose of determining whether existing conditions warrant a renewal.

(d) **Conditions.** The permit shall state the conditions under which, the hours between which, and the place or places in such factory where smoking may be permitted, and this permit shall be framed and kept posted in a conspicuous place in the factory.

(e) **Revocation.** Violation of any of the conditions specified in the permit, in addition to incurring such penalties as are prescribed by law, shall be full and sufficient cause for the revocation of such permit by the administrative official, and he shall not again issue a permit for the same premises until at least one year has elapsed.

RULE 2. PERMISSIBLE CASES.

Smoking may be permitted in:—

(a) Factories engaged in the manufacture of cigars, cigarettes, or smoking tobacco, when necessary for the efficient conduct of the business, provided that:

(1) No smoking other than that for sampling, testing and experimental purposes is carried on.

(2) Such smoking is conducted in a room provided especially for that purpose, separated from the rest of the building by fireproof or fire-resisting partitions, with all openings therein protected by self-closing fire doors, and, further, unless the building is of fireproof construction or equipped with an approved automatic sprinkler system, the floor and ceiling of such room shall be covered with fire-retarding material.

(3) Such chemical fire extinguishers as the administrative official may direct are installed.

(4) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

(b) Factories devoted entirely to one of the following occupancies:

Blacksmithing or horseshoeing;
Boiler making;
Brick, terra cotta or artificial stone works;
Forge shops;
Foundries;
Iron, steel, brass or copper works;
Machine shops;
Smelting;
Stone or monumental works;

provided that in any case:

(1) The building is not of wooden construction;

(2) Such chemical fire extinguishers as the administrative official may direct are installed;

(3) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

RULES

RULES GOVERNING THE INSTALLATION OF INTERIOR FIRE ALARM SIGNAL SYSTEMS, ADOPTED BY THE BOARD OF STANDARDS AND APPEALS, SEPTEMBER 27, 1917, AMENDED DECEMBER 6, 1917 AND FEBRUARY 7, 1918 AND REVISED DECEMBER 11, 1936.

[108-16-SR]

Rules for Interior Fire Alarm Signal Systems

Authority: Sections 718A and 718B of the Charter of the City of New York to carry into effect the provisions of Chapter XII, Section 20 of the Code of Ordinances and the provisions of Section 279 of the Labor Law.

Scope of Rules

These rules apply to all hotels, as defined in the Code of Ordinances and the Multiple Dwelling Law; to all lodging houses having more than 15 sleeping rooms, or accommodating more than 15 lodgers above the first or ground story; to all public and private hospitals and asylums having more than 15 rooms, or accommodating more than 15 patients or inmates above the first or ground story; to all nurseries accommodating more than 30 children, or having a Board of Health permit for the accommodation of more than 30 children; to all Turkish or other special treatment bath houses where there are sleeping accommodation for more than fifteen persons on the premises; to all department stores having two or more departments where the public is admitted above the second floor; to all public schools, and to all single and tenant factory buildings, as defined in the Labor Law and specifically required by Section 279 of said Law.

Law

Section 279. Fire Alarm Signal Systems and Fire Drills:

1. Fire alarm signal systems. Every factory building over two stories in height in which more than twenty-five persons are employed above the ground floor shall be equipped by the owner thereof with a fire alarm signal system having a sufficient number of signals clearly audible to all occupants of the building, and so arranged as to permit the sounding of all the alarms within the building whenever the alarm is sounded in any portion thereof. Such system shall be maintained in good working order and no person shall tamper with same or render ineffective any portion thereof except to repair it. A person discovering a fire shall cause an alarm to be sounded immediately. The board of standards and appeals in the city of New York, may make rules and regulations prescribing the number, character and location of the signals and the method and character of the installation, including that of all appliances in connection therewith.

3. Exceptions. Subdivisions one and two of this section shall not apply to a building in which every square foot of the floor area on all stories is protected with an automatic sprinkler system, having two adequate sources of water supply and approved by the public authorities having jurisdiction thereof, and in which also the maximum number of occupants of any one floor does not exceed by more than fifty percentum the capacity of the exits, as determined by subdivisions one, two and three of section two hundred and seventy-eight, in addition to the prescribed occupancy under subdivisions five, six and seven of said section. If the commissioner after investigation determines that the spirit of this chapter is observed and public safety secured, he may permit in place of the automatic sprinkler system before specified, an automatic sprinkler system having one adequate source of water supply and approved by the public authorities having jurisdiction thereof.

Chapter 12, Article 21, Sub-division 2.

Interior Fire Alarms:—In every hotel, lodging-house, public or private hospital or asylum, department store, and public school, there shall be placed and provided, when required by the fire commissioner, an adequate and reliable electrical or other interior alarm system, to be approved by the said commissioner, by means of which alarms of fire or other danger may be instantly communicated to every portion of the building. The fire alarm apparatus and all other appliances placed or kept within any of said buildings for the purpose of preventing or extinguishing fires, or for affording means of escape therefrom in case of fire, shall be kept at all times in good working order and proper condition for immediate use, and any member of the uniformed force or authorized representative of the Fire Department may enter any of the said buildings at any time, for the purpose of inspecting such apparatus or appliances. (Amended by ords. effective Sept. 18, 1917, and Jan. 7, 1918.)

Rule 1. Definition of Terms

1.1 The term "non-coded closed circuit fire alarm signal systems" shall mean a fire alarm signal system consisting of sending stations and signaling devices operated on supervised closed electric alternating current circuits, so arranged that the operation of any station will automatically sound the signaling devices throughout all portions of the building.

1.2 The term "coded closed circuit fire alarm signal systems" shall mean a fire alarm signal system consisting of sending stations and signaling devices operated on supervised closed electric circuits which transmits rounds of coded signals to indicate the floor or portion of the same from which the alarm was sent.

1.3 The term "heretofore" shall mean before December 31, 1936.

1.4 The term "hereafter" shall mean after December 31, 1936.

1.5 The term "approved" shall mean approved by the Board of Standards and Appeals.

1.6 The term "commissioner" shall mean the commissioner of the department specifically charged with the enforcement of law relating to interior fire alarm systems in the City of New York.*

*NOTE: At present the Commissioner of the Department of Buildings in each of the five boroughs enforces the law through their respective divisions of Fire Prevention by virtue of Chapter 764, Sec. 407, subdiv. 2, Greater New York Charter, as amended by the Laws of 1933.

Rule 2. General

2.1 All fire alarm signal systems and devices shall be approved by the Board of Standards and Appeals.

2.2 All devices and equipment that have been approved by the Board, shall have securely fastened thereon, a manufacturer's plate bearing the words "Approved by the Board of Standards and Appeals—No.....", together with any other electrical data that the Commissioner may require.

Rule 3. Examination and Approval of Plans

3.1 Before the installation or extension of any fire alarm system, specifications and plans thereof, showing complete details of the proposed installation, shall be submitted by the owner or his agent to the Commissioner for examination and approval.

RULES

Rule 4. Classification

4.1 Fire alarm signal systems shall be classified as follows:

(a) Non-coded closed circuit fire alarm systems.

(b) Coded closed circuit fire alarm systems.

4.1.1 The code numbers that are used shall be submitted for approval to the Commissioner and shall be sounded at least four (4) times for each operation of the sending station.

4.2 A non-coded closed circuit system shall be so arranged that the operation of any station will automatically sound the signaling devices until hook is restored to its original position; and in the break-glass type until the glass has been replaced.

4.3 Coded closed circuit systems shall be divided into three (3) classes:

Class 1—General Systems.

Class 2—Pre-signal or dual operation systems.

Class 3—Unit and general systems—or Duplex systems.

Special systems.

4.4 Class 1 system shall be a general alarm system ot the coded closed circuit type so arranged that the operation of any station will cause the signaling devices to sound the code number of that station at least four (4) times throughout the entire building.

4.5 Class 2 system shall be a pre-signal or dual operation system of the coded closed circuit type so arranged that the operation of any station will cause the sounding of the signaling devices located in the engine room, elevator shafts, basement or other places in the building where the members of the fire brigade work or assemble.

4.5.1 Approved means shall be provided at each station, so arranged that a subsequent operation of any station shall cause the sounding of all signaling devices throughout the building.

4.5.2 This subsequent operation shall be performed with the aid of a key or plug designed so as to prevent unauthorized sounding of the general alarm.

4.5.3 The pre-signal or dual operation key or plug shall be so designed that it can be readily identified by the person whose duty it would be to use same.

4.6 Class 3 system shall be a unit and general alarm or Duplex system of the coded closed circuit type so arranged that the operation of a station within a unit will cause all of the signaling devices in that unit and all of the signaling devices on the general alarm circuit to sound the code numbers of the unit and zone at least four (4) times.

4.6.1 An approved register and time stamp may be used in connection with a Class 3 system when approved by the Commissioner.

4.6.2 The register, if of closed circuit type, shall be operated from a separate closed circuit control board or from separate panel isolated by barrier from main control panel in main control board cabinet.

4.6.3 Approved closed circuit trouble and unit annunciators shall be installed as part of all Class 3 systems when required by the Commissioner.

4.7 Special systems shall include a complete Class 1, 2 or 3 system supplemented by special circuits for the operation of other fire alarm devices in the systems; or electric control systems for stopping machinery, closing doors or ventilators as may be required by the Commissioner; or to call the central station of a private operating company or the fire department. Automatic fire detecting systems may be connected to operate an interior fire alarm system when connected thereto by an approved coded transmitter. In no case shall the transmitter be considered to replace the standard approved interior fire alarm station, except where a transmitter has been approved for both purposes. The special control circuits shall be separate and distinct from the fire alarm system but shall be brought into action whenever the fire alarm system is set in operation.

Rule 5. Systems Permitted in Factory and Other Buildings

5.1 Non-coded closed circuit fire alarm signal systems shall be permitted only in a factory building not exceeding five (5) stories in height having not more than twenty-five hundred (2500) square feet in area in any one story and having not more than one hundred (100) persons in a single factory; nor more than fifty (50) persons in a multiple tenant factory above the first or ground floor.

5.2 Coded closed circuit systems shall be required in a factory building exceeding the requirements of Rule 5.1.

5.3 Special fire alarm signal systems shall be permitted in factory buildings at the direction of the Commissioner.

5.4 Coded closed circuit systems shall be required in all other types of buildings requiring an interior alarm system.

Rule 6. Installation and Construction Requirements

6.1 All work in connection with the installation of a fire alarm signal system shall be performed in a neat and workmanlike manner to the satisfaction of the Commissioner.

6.2 In any fire alarm system there shall be not more than fourteen (14) direct nor more than ten (10) alternating current gongs or other approved sounding devices connected in one circuit.

6.3 There shall not be in any fire alarm system more than twenty (20) stations connected to one circuit or loop.

6.4 All gongs and signaling devices shall be located not less than eight (8) feet to the center above the floor.

6.5 All fire alarm stations shall be located five (5) feet three (3) inches from handle to floor.

6.6 An approved instruction card properly marked and framed under glass shall be installed at each fire alarm station.

6.7 All materials and devices used in fire alarm signal systems shall be securely fastened in position in a manner satisfactory to the Commissioner.

6.8 For fastening to masonry walls, through bolts, metal expansion shields or toggle bolts shall be used.

6.9 Wood screws shall be used for fastening equipment to wood surfaces.

6.10 The use of nails or wood or fibre plugs is prohibited.

6.11 When fire alarm apparatus is mounted upon a wooden back board, such back board shall be not less than seven-eighths (7/8) inch thick, impregnated with a non-absorptive compound. The back

board shall be so mounted as to provide an air space of at least one-quarter (¼) inch between the back board and the wall for free circulation of air.

6.12 All electrical conductors shall be installed in standard heavy wall, rigid iron or steel conduits protected with an approved rust preventive. Armored cable or flexible conduits will not be accepted.

6.13 All conduits shall be grounded to a water pipe by approved ground clamps with a conductor equal to the largest conductor used on the system and the smallest size ground conductors used shall not be less than No. 10 B. & S. gauge.

6.14 Splices in electrical conductors in vertical risers shall not be permitted. Splices when necessary in horizontal runs, shall be made in approved junction boxes and shall be properly soldered and taped. The cover of the junction box shall be painted fire department red to indicate that it contains splices. The use of wire nuts or other solderless splicing devices shall not be permitted.

6.15 Electrical conduits shall enter only at the side or the bottom of the control cabinet.

6.16 In coded fire alarm systems using break glass type stations, at least one (1) extra glass shall be provided for each station in the system.

6.17 All openings in walls, floors or ceilings where conduits pass through, shall be properly fire stopped.

6.18 Conduits shall contain only conductors used in connection with the fire alarm system.

6.19 When special care is taken to insure the wires against injury, four (4) wires may be placed in one-half (½) inch rigid iron conduits. Conductors shall consist of not less than No. 14 B. & S. gauge copper wire, having rubber insulation wall not less than three-sixty-fourths (3/64) inch thick.

6.20 Where necessary to assure reliable service, connections of conductors to terminals or binding posts shall be soldered. The use of a blow torch for soldering connections to terminals shall not be permitted.

6.21 Where wires pass underground from one building to another, they shall be enclosed in conduits and shall be lead encased. Wires between buildings, when not run in conduit, shall be at least equivalent in conductivity and tensile strength to No. 8 B. & S. gauge copper wire for box and signaling circuits and shall be supported at least every seventy-five (75) feet on approved glass insulators and brackets, and be protected by approved lightning arrestors when required by the Commissioner. As far as possible, they shall be run under, rather than over, electric light or power wires.

Rule 7. Sending Stations

7.1 There shall be at least one (1) fire alarm sending station in each story of any building requiring a manual fire alarm signal system, located in a natural path of escape from fire at a readily accessible location designated by the Commissioner, which always shall be kept unobstructed. Additional sending stations shall be installed so that no point on any floor in a non-fireproof building shall be more than one hundred (100) feet distant from the nearest sending station upon such floor. In fireproof or sprinklered buildings, the distance shall not be more than one hundred and fifty (150) feet.

Rule 8. Sounding Devices

8.1 Sounding devices shall be sufficient in number to be clearly audible to all the occupants of the building.

Rule 9. Sub-divided Buildings

9.1 Where a building is sub-divided by fire walls, each section shall be deemed a separate building for the purpose of fire alarm signal system installations. One control board may be used, if so arranged, as to operate the signaling devices in each section of the building independently; or may be operated as one unit when deemed necessary by the Commissioner.

Rule 10. Mixed Occupancy

10.1 In buildings requiring fire alarm signal systems, of which parts are occupied by other than factory tenants and in which the conditions of construction and occupancy warrant the establishment of a local fire brigade, the Commissioner may accept dual operation systems.

Rule 11. Existing Installations

11.1 Fire alarm signal systems heretofore installed in buildings in the City of New York and installed in accordance with the rules then in force, shall be accepted as long as they are maintained in proper working order.

Rule 12. Sources of Electrical Energy

12.1 Sources of electrical energy used in operating fire alarm signal systems shall be:

1. Generated electric power, not exceeding a potential of 250 volts, including:
   (a) Central Stations
   (b) Isolated Plants
2. Storage battery power

12.1.1 Either source of power shall be used under conditions and limitations as set forth by the Commissioner.

12.2 One source of energy shall be connected to the fire alarm system at all times. All auxiliary sources of energy when required shall be so arranged and controlled by an automatic switch that when the primary source of energy fails, the secondary source will be automatically connected to the fire alarm signal system. Intermediate devices are prohibited between the fire alarm control board and the source of current supply, except where specifically approved by the board for the purpose intended.

Central Stations

12.3 When the energy for a fire alarm signal system is supplied by a central station power system it shall be accepted as the sole source of supply; connections shall be made on the street side of the service switch except that in cases where the master meter is within thirty (30) feet of the main switch of the premises, permission may be given by the Commissioner to connect to the house side of the meter when a certificate of recent date from an authority of competent jurisdiction has certified that the electrical wiring throughout the premises is in a safe condition. When a house side connection is made, the fire alarm cutout shall be the first connection and as near as possible to the meter. Same shall be enclosed in a locked or sealed metal cabinet, painted fire department red and stenciled "Interior Fire Alarm." Fuses shall be of the enclosed cartridge type. Screw plug fuses will not be accepted. The cutout shall be a three pole cartridge fuse cutout with neutral fuse replaced by a solid copper bar. The smallest size fuse used on a fire alarm system shall be fifteen (15) amperes.

Isolated Plants

12.4 Energy from isolated electric light and power plants shall be used for fire alarm signal systems only when there is a more than one generating unit and the plant is always in operation when the building is occupied. When only one generator unit is employed, the source of energy shall be supplemented by storage battery or other auxiliary service. The fire alarm service connection shall be taken from the main bus of the house switchboard and installed in accordance with the service requirements under central stations. When a house side connection is made, the fire alarm cutout shall be the first connection and as near as possible to the meter. Same shall be enclosed in a locked or sealed metal cabinet, painted fire department red and stenciled "Interior Fire Alarm." Fuses shall be of the enclosed cartridge type. Screw plug fuses will not be accepted. The cutout shall be a three pole cartridge fuse cutout with neutral fuse replaced by a solid copper bar. The smallest size fuse used on a fire alarm system shall be fifteen (15) amperes.

Storage Battery

12.5 When a storage battery equipment is used as the sole source of current for a fire alarm signal system, the storage battery shall be provided in duplicate; or an approved type trickle charger may be substituted for the duplicate storage battery located in a room sufficiently ventilated. Such installations shall be equipped with a switchboard or panel of approved material on which are mounted volt meters, ammeters, circuit breakers, fuses, resistances, switches, starting devices for motors, field rheostats for generator and other apparatus required for charging and operating the battery.

12.6 Storage batteries shall be so located and ventilated as to avoid danger of sparking contacts igniting flammable gases or vapors.
In no case shall a storage battery be located in the same room with a gas meter.

ule 13. Acceptance Test

13.1 Upon completion of a fire alarm signal system and as a condition of acceptance, a test of the entire installation shall be made under the direction of the Commissioner.

13.2 All systems shall show an insulation resistance of not less than ten (10) megohms with signaling apparatus disconnected.

13.3 The owner or contractors shall furnish all the necessary tools, instruments and labor to conduct this test when required by the Commissioner. The contractor shall notify the Department having jurisdiction in writing at the start and upon completion of the installation.

ule 14. Daily and Monthly Test

14.1 Every fire alarm system shall be tested each morning immediately after the hours of starting work. No such system shall be used for any other purpose, except that the daily dismissal signals may be given if authorized by the Commissioner. The use of the system for fire drill purposes may be considered a test of those parts of the system actually used.

14.2 Each sending station shall be tested at least once a month.

14.3 All apparatus requiring winding shall be rewound after each operation and kept in normal condition.

14.4 A complete record of monthly tests, fire drills and other operations of fire alarm systems shall be kept subject to inspection by the Commissioner.

Rule 15. Maintenance

15.1 Interior fire alarm systems shall be maintained in operating condition at all times, unless the buildings are vacated for a period longer than one week. If the system becomes inoperative at any time, it shall be the duty of the owner or the person designated by him to be in charge of the system to notify all the occupants of the building and to take immediate steps to have the system restored to working order. He shall also place cards on the fire alarm boxes indicating that the system is out of order.

15.2 If, for any reason, it becomes necessary to disconnect the source of current of any system, the owner or other responsible person shall notify the Commissioner in advance of such disconnection, stating the reason therefor.

15.3 In systems using break glass ype stations, at least one (1) extra glass for each station in the system shall be kept on the premises.

Rule 16. Alarm Boxes

16.1 In fire alarm signal systems the metal case enclosing exposed or surface alarm boxes shall be of cast iron and drilled and tapped to receive the conduit. When exposed to moisture the box shall be enclosed in a suitable weather-proof outer shell. In new buildings, approved back boxes embedded in the wall may be used and the conduits shall be properly secured by lock nuts and bushings.

16.2 All current carrying parts shall be insulated from parts of opposite polarity with approved insulating material.

16.3 All coded pull lever type stations shall be fitted with a door to protect the pull lever against accidental injury. Such door shall have a handle rigidly secured thereon and be so constructed as to open readily. The wording "In Case of Fire Open Door and Pull Down Lever" in raised letters or equivalent instructions shall appear on the door.

16.4 All break-glass type fire alarm boxes shall be provided with suitable hammers on chains of approved type attached to or near the boxes with which the glass can readily be broken; or other methods may be used to break the glass when approved by the Commissioner.

16.5 All break-glass boxes shall have in raised letters on the fronts, the words "Fire Alarm—In Case of Fire Break Glass," and such additional instructions as may be necessary to send an alarm.

16.6 The box or station shall be so designed that once started, the proper transmission of a complete set of signals cannot be interfered with by manipulation of its starting device.

16.7 Each closed circuit coded box or station shall be arranged to send a definite code of signals to indicate the floor or portion of same on which it is located.

16.8 Not less than three (3) or more than twenty (20) taps or blasts shall be given at each revolution of the code wheel.

16.9 The code wheel shall revolve at least four (4) times for each operation of its starting device and be of metal properly insulated from ground.

16.10 Boxes or stations used in systems in which whistles, vibrating bells or horns are employed shall be so timed that the sounding devices will give the code signal clearly.

16.11 Contact points shall be in multiple.

16.12 Contact points and contacts of the testing devices

shall be of silver or other approved material and be of the scraping type, secured in a substantial manner to phosphor bronze or other approved material springs, and be so designed as to positively break a circuit carrying one-tenth (1/10) ampere at two hundred and fifty (250) volts under actual working conditions.

16.13 Lever boxes shall be so designed as to automatically wind when the lever is pulled for an alarm. Boxes requiring glass replacements shall be so arranged that replacement cannot be made without resetting mechanism for another alarm.

16.14 Where it becomes necessary to install more than one set of contacts operating from code wheel, permission in writing in advance must be obtained from the Commissioner. This shall not include pre-signal features.

16.15 The box shall have plainly marked thereon its code signal number.

Rule 17. Non-Coded Boxes

17.1 Non-coded closed circuit fire alarm stations may be operated by a break-glass or pull lever device so arranged that the alarm cannot be interfered with except by resetting or replacement of the glass by an authorized person.

17.2 The construction and materials shall be equal to that of the standard approved type coded closed circuit station except that the contacts shall be of ample capacity to safely carry the entire operating current of the gong circuit without excessive heating.

Rule 18. Station Testing Devices

18.1 Each fire alarm system shall be provided with an auxiliary device to test the signaling devices, located in one of the alarm boxes or mounted on the control board Such testing devices shall be arranged to make the test without operating the break wheel of the box or interfering with the dual operating feature.

18.2 Provision shall be made for a silent test of coded alarm box mechanisms without operating the signaling devices. Such device shall be designed to prevent any persons except those in authority from operating the same and to prevent the possibility of the box being left inoperative after the test.

Rule 19. Supervising Current

19.1 A small current flow to constantly supervise each circuit shall be maintained. A milliammeter, or other approved current indicator shall be provided and so connected as to indicate the supervising current.

19.2 The supervising circuit shall be provided with a trouble bell operating on open circuit arranged to ring continuously in case of failure of the system. The trouble bell shall be so located that it will be within audible range of some responsible person in the building and shall be connected to the electric light or power service in the building. Permission may be granted by the Commissioner to connect the trouble bell to a battery of approved type.

19.3 Trouble bells shall not be fitted with silencing switches except in such a manner that the act of silencing the bell by the operation of the switch, automatically and positively transfers the trouble signal to a red lamp on the control board fed by some auxiliary source of current supply. This auxiliary source of current shall be a house lighting circuit or any other approved source.

19.4 The trouble bell shall be of an approved design of the vibrating type and give a distinctive signal.

Rule 20. Protection of Sending and Sounding Devices

20.1 In fire alarm signal systems, all moving parts of sending stations and sounding devices shall be enclosed in metal casings, made dust-proof and damp-proof when necessary, and clearly marked with instructions for use.

20.2 Whenever necessary, hammer rods of gongs shall be suitably protected against mechanical injury or derangement by the use of a guard or other suitable means. If subject to mechanical injury, the entire device shall also be enclosed in a protecting case made of approved wire netting or perforated metal. All casings shall be insulated from current carrying parts, but shall be grounded to the conduit.

Rule 21. Standards of Electric Alarm Apparatus

21.1 All electrically actuated apparatus used in fire alarm systems shall be so designed and constructed that it will operate satisfactorily at a current flow of twenty-five (25) per cent above or below the normal operating current.

Insulation

21.2 Insulating materials used in electric fire alarm signal systems shall be varnished cambric, bakelite, mica or other approved insulating material.

21.2.1 The use of fibre or paper as an insulating material for fire alarm signal systems shall not be permitted.

21.3 The insulating material used on electric fire alarm signal systems shall be capable of withstanding an insulation break-down test of one thousand (1000) volts A. C. plus twice operating voltage applied for one (1) minute.

Electro-Magnets

21.4 Electro-magnet windings shall be impregnated with an insulating moisture repelling compound or shall be of silk enameled wire.

21.5 Electro-magnet coils to be used on alternating current when composed of enameled wire shall have an additional approved insulation on each wire. The coils may be of the form wound type.

21.6 A protective cover to prevent mechanical injury shall be provided over the entire coil.

21.7 Electro-magnet coils shall be securely fastened to prevent floating.

21.8 Electro-magnet cores shall be of the best grade of ferrous material so as to reduce to a minimum the possibility of failure due to residual magnetism.

21.9 Electro-magnet cores for use on alternating current shall be of laminated construction or other approved method to prevent heating and promote efficiency.

21.10 Electro-magnet cores of relays and gongs shall be treated to prevent corrosion.

21.10.1 Paint or varnish for this purpose shall not be used.

21.11 Non-magnetic freeze pins shall be used which will prevent two magnet surfaces coming in actual contact.

Gongs

21.12 Gong shells shall be pinned to prevent turning and then securely fastened to its support by a machine cap screw at least three-eighths (3/8) inch in diameter.

21.13 Gong shells shall be covered with an approved rust preventive.

21.14 The gong shell support and gong frames shall be cast in one piece.

Wiring

21.15 All connections shall be properly protected, securely made and where subject to motion shall be of approved flexible wire.

21.16 All wiring of control board, station and gong circuits shall be at least No. 14 B. & S. gauge.

21.17 Binding posts shall be of such a character that the wire is held between two flat surfaces.

21.18 Binding posts shall be mounted on an approved terminal block or insulating strip spaced not nearer than one-half (½) inch to each other, unless separated by approved barriers.

Relays

21.19 The armatures of all relays shall depend on gravity or magnetic attraction for their operation.

21.19.1 This action may be assisted by flat type springs when approved by the Commissioner.

21.19.2 The use of spiral springs is prohibited.

21.20 Adjustments shall be of such a character that they can be securely locked.

21.21 Contact points shall be ample in area not only to take care of current used in operation but to insure long life and shall be of pure silver, or other approved material, properly riveted to their support.

21.22 Contact arms shall be of phosphor bronze and be of the dead beat type.

21.23 Contact assemblies shall be of such a character that their operation will be of a scraping self-cleansing nature.

21.24 The use of condensers across contacts to absorb the arc or in any part of a fire alarm circuit is prohibited.

21.25 Relays shall be free from objectionable hum when used on alternating current.

Rule 22. Time Limit Delay Device

22.1 All gong circuits shall and special signal apparatus may when required by the Commissioner, be protected by a Time Limit Delay Device.

Note: This time limit delay device shall consist of a heating coil so designed that the normal operating current will have little or no effect upon a thermostatic bi-metal bar or strip contained therein. Any abnormal increase over operating current or the continued accumulative heating effect thereof after a period of not less than three (3) minutes nor more than twenty (20) minutes shall cause the thermostatic element to expand. The expansion of this element shall automatically open the source of current supply to the gongs or devices protected.

22.2 The operation of the time limit delay device shall cause the trouble bell to ring.

22.3 Time limit delay devices shall be so connected in the fire alarm circuit that their operation will not open the fire alarm box circuits.

22.4 Where due to the extent of the installation, it becomes necessary to install a number of time limit delay devices, the operation of a single time limit delay device shall not affect other sounding devices similarly protected.

22.5 A contactor relay to operate the sounding devices shall be provided on all direct current gong circuits exceeding three (3) and all alternating current gong circuits exceeding two (2) in number.

22.6 Gong circuits not requiring contactor relays shall be operated by contacts properly placed on the armature of the box circuit relay.

22.7 A separate time limit delay device, contactor relay, contactor supervisory relay and gong supervisory relay shall be provided for each four (4) gong circuit or fraction thereof.

Switches

22.8 Triple pole, double throw, broken back knife switches properly supervised and connected to emergency resistors shall be provided on all box and gong circuits when they exceed three (3) in number.

Instruments

22.9 A separate approved milliammeter or other approved current indicating device shall be provided for the box circuit and each four (4) gong circuit on the control board when the gong circuits exceed three (3) in number. A separate milliammeter shall be provided to indicate the supervisory current of contactor relays and emergency switch circuits. This meter shall be known as the Board Meter.

Resistors

22.10 Resistors shall be mounted on the front or face of control panels and shall be of vitreous enameled type.

Note: Wire wound resistors when protected by a suitable metal guard may be used in special cases when approved by the Commissioner.

22.11 Ferrule or knife contact type resistors shall not be used.

22.12 A protective resistor shall be placed in the negative or live lead of all box circuits to protect the contacts of the boxes in the event of a ground.

22.12.1 This resistor shall be not less than three-hundred (300) nor more than seven hundred and fifty (750) ohms resistance.

Rule 23. Control Boards

23.1 All relays, current indicators, resistances, time limit delay devices and other apparatus used in connection with the operation and supervision of closed circuit fire alarm signal systems shall be properly mounted on a panel of approved material, in a metal cabinet provided with lock and key. The control board shall be located in a place subject to the least vibration, free from moisture, inflammable gases, dust and mechanical injury and under frequent view of a responsible occupant of the building delegated by the owner to be in charge.

23.2 Control board panels shall be of insulating material such as ebony asbestos, bakelite or other approved materials at least one-half (½) inch in thickness.

23.3 Control boards mounted in each cabinet shall be securely fastened in each corner.

23.4 Provision shall be made for ample wire gutter space around the panel.

23.5 Conduit knockouts shall not be provided in top of control board cabinet.

23.6 An approved wiring diagram of the alarm system and card of instruction properly marked and securely fastened shall be provided within the control board cabinet. When it becomes necessary to mount the diagram outside of the cabinet, the diagram shall be properly framed under glass.

23.7 All control board cabinets shall be provided with sight hole and glass panel to make meters on the inside of the cabinets visible from the outside.

23.8 Wires in gutter spaces shall be properly laced in a neat and workmanlike manner on all control boards having a capacity for more than three (3) gong circuits.

Rule 24. Battery Cabinets

24.1 All electric batteries for fire alarm signal systems shall be placed in substantial protecting cabinets thoroughly ventilated, elevated not less than one (1) nor more than five (5) feet above the floor and located in clean, dry and cool places where the temperature will not be less than forty (40) nor more than one hundred and ten (110) degrees Fahrenheit. Main battery cabinets shall be so constructed that the condition of the elements may be observed without disturbing the cells.

24.2 Metal battery cabinets shall be constructed of sheet iron or steel, not less than No. 14 U. S. gauge in thickness, properly reinforced by angle irons, with self-closing doors provided with lock and key and wood shelves not less than seven-eighths (7/8) of an inch thick, unless the battery is of the spray-proof type, properly fastened and secured to prevent sagging. The interior and the exterior of the cabinet shall be protected with three (3) coats of asphaltum compound, each coat to be thoroughly dry before the next is applied, or with baked enamel.

24.3 Wood battery cabinets shall be constructed of the first grade of kiln dried wood not less than seven-eighths (7/8) of an inch thick and shall be provided with self-closing door and approved lock. The shelves shall be not less than seven-eighths (7/8) of an inch thick properly fastened and secured to prevent sagging. The cabinet shall be of substantial construction painted on the interior with three (3) coats of asphaltum compound and on the exterior with three (3) coats of lead paint or two (2) coats of varnish.

24.4 Storage batteries may be placed on enamaled metal battery racks, provided the batteries are installed in a place where they will not be subject to mechanical injury, and will be ventilated as required in Rule 12.6.

Rule 25. Painting of Equipment

25.1 All enclosing cases for fire alarm apparatus shall be finished in fire department red, except where special permission is given by the Commissioner to deviate from this requirement.

Rule 26. Closed Circuit Annunciators

26.1 Annunciators used in connection with Class 3 fire alarm systems shall be of an approved closed circuit type.

26.2 The annunciator shall have approved type of relays equipped with a suitable target, shutter or other indicating device.

26.2.1 The indicating device shall have marked thereon a suitable description of the purpose it serves.

26.3 The printed designation on unit or building annunciator's indicators shall be legible. The mechanism shall be so arranged that once operated the indicating device shall be reset manually.

26.4 A unit annunciator shall be so designed that the operation of any station in the unit shall cause a visible and audible signal.

26.5 The unit annunciator shall be actuated by contact on code wheel of the fire alarm station or by contact on a relay connected to the fire alarm box circuit. In no case shall the station fire alarm circuit be used for this purpose.

26.6 Trouble annunciators shall be so arranged that the indicating device will reset automatically when cause of trouble has been removed.

26.7 The trouble annunciator shall be so designed that it will indicate visible and audible trouble signals in the event of trouble occurring on any circuit, control board or unit annunciators.

26.8 The trouble annunciator shall be actuated by the operation of contacts on all supervisory relays.

26.8.1 Each relay of this annunciator shall be provided with two (2) sets of contacts so arranged that one will operate the one hundred and ten (110) volt trouble signal, the other set to actuate the register if a register is used.

26.9 A trouble buzzer switch and lamp shall be mounted on the inside of each unit annunciator cabinet on the panel.

26.10 A trouble bell, switch and lamp shall be mounted on the inside of each trouble annunciator cabinet on the panel. Trouble bell may be placed at a distance from the annunciator by special permission of the Commissioner.

26.11 Relay drops of annunciator shall be so designed that vibration from without or that caused by the trouble signal within will not operate the indicating devices.

26.12 All annunciators shall be installed in a separate red enameled steel cabinet provided with an approved lock and key.

26.13 Annunciators shall be properly marked in white letters at least one (1) inch high with the words: "Fire Alarm Annunciator" Zone — or "Fire Alarm Trouble Annunciator," whichever the case may be.

Rule 27. Licensed Contractors

27.1 No person shall install, alter or repair or cause to be installed, altered, or repaired electrical wiring or apparatus for fire alarm systems in any building, except a person holding a license, or a special license in accordance with Chapter 9 of the Code of Ordinances of the City of New York.

The enforcing authority shall not approve any installation, alteration or repair done in violation of this rule.

Rule 28. Used or Rebuilt Apparatus

28.1 Used apparatus shall not be re-used for any interior fire alarm system under these Rules and Regulations until the same has been reconditioned in the shop of a reliable manufacturer building interior fire alarm apparatus which has been approved by the Board of Standards and Appeals. Approval in writing shall be obtained from the enforcing authority prior to installation. The enforcing authority shall not approve for use, used or reconditioned apparatus that may not give satisfactory service.

RULES

Fire Drill Rules, Adopted By the Board of Standards and Appeals, October 5, 1923.

(593-23-SR)

NOTE—*In republishing these Rules, no corrections have been made as to departmental jurisdiction, as such may be affected by the McCall Bill known as Chapter 764 of the Laws of 1933.*

DEFINITION OF "FIRE DRILL."

The method and practice of the systematic and orderly vacating of a building by its occupants in case of emergency, panic or fire in the least possible time—by the nearest safe means of exit—and the use of fire appliances which shall be provided for the extinguishing or retarding of fire and the safeguarding of human life.

Rule 1

In all buildings as defined in Article 1, Section 10 of the Labor Law in which fire drills are required pursuant to Section 279 and in any other building in which the Fire Commissioner may be directed pursuant to the power conferred in section 775-B of the Greater New York Charter, it shall be the duty of the owners, lessees or tenants to conduct fire drills monthly and at such other times as the Fire Commissioner may direct.

For the purpose of conducting such fire drills the owner or tenant shall appoint from among their employees such responsible and dependable persons, male or female, who shall efficiently perform the duties of the various positions of the fire drill organization, as specified on the accompanying chart.

It shall be the duty of the owner or tenant to enter in the blank spaces provided for that purpose in said chart the names of persons so selected and post said chart and copies of the rules in a conspicuous place.

FIRE DRILL ORGANIZATION.

Premises .....
Name of concern.....
Building No.....**Story**.....

FOREMAN OR PERSON IN CHARGE

Regular	**Substitute**
.....	.....

WATCHMAN

.....	.....
.....	.....

MALE SEARCHER

.....	.....

FEMALE SEARCHER

.....	.....

STREET ALARM BOX RUNNER

.....	.....

FIRE BRIGADE

.....	.....
.....	.....
.....	.....

EXIT GUARDS

.....	**Exit**.....	.....
.....	"	.....
.....	"	.....
.....	"	.....
.....	"	.....
.....	"	.....

SQUAD MONITORS

.....**Squad**	**No.**	**1**.....
.....	"	"	**2**.....
.....	"	"	**3**.....
.....	"	"	**4**.....
.....	"	"	**5**.....
.....	"	"	**6**.....

Rule 2. Duties of Foreman.

The Foreman or Person in Charge shall direct, enforce and have full charge of the "Fire Drill" in every factory on each floor. Each day before work is begun he shall see that extinguishers, fire hose, fire buckets, etc., are in readiness for use, exit doors are unlocked, aisles are free from obstruction, that stairways, halls, etc., are properly lighted, and shall remedy any dangerous condition found to exist. Immediately after work is commenced he shall check up the Fire Drill Organization list and note if the regularly assigned persons are present; if any are found to be absent, he shall assign other employees (if practicable) to perform their duties.

He shall immediately notify new employees of the existence of the Fire Drill Organization an give them the necessary instructions as to the duties they are to perform, etc.

He shall be familiar with the operation and location of the interior alarm signal box on his floor.

He shall listen for the test signal each morning at the appointed hour and in the event of the test signal not being heard he shall communicate with the superintendent or other person in charge of the building and advise him of the fact. The (Floor Captains) Foreman's orders are final as to the carrying out of the fire drill on his particular floor.

Rule 3. Duties of Watchmen.

The WATCHMEN shall see that all doors and windows are closed so as to prevent the spread of fire. The WATCHMEN shall be the only persons permitted to remain on the floor during the progress of a fire drill and do so at their own risk. For ordinary purposes only one watchman and a substitute shall be designated. In special cases, however, extra watchmen may be assigned by consent in writing from Fire Commissioner.

Rule 4. Duties of Searchers.

The MALE AND FEMALE SEARCHERS shall search all toilets, dressing rooms and emergency rooms used and frequented by their sex and all other portions of the floor and order all persons, except those authorized to remain, to leave the premises. They are to take care of and assist all persons who may faint or be disabled.

SEARCHERS shall leave the floor immediately after the last squad leaves.

Rule 5. Duties of Street Alarm Box Runner.

The STREET ALARM BOX RUNNER shall be familiar with the location of the nearest city fire alarm box and know how it is operated.

In ordinary practice fire drills the STREET-ALARM-BOX-RUNNER shall report to the Foreman for orders, and if his services are not required he shall promptly file out of the premises with the other occupants.

Only when a fire actually occurs on his floor, or when ordered to do so by the Foreman, shall the STREET-ALARM-BOX-RUNNER proceed to the street alarm box and send in the fire alarm.

RULES

Rule 6. Duties of Fire Brigade.

The fire brigade shall have full charge of the operation of all auxiliary fire fighting apparatus and shall endeavor to extinguish, or at least hold in check until the arrival of the fire department, any fire that may occur. When it is necessary for the fire brigate to respond to different floors in the building they shall not use the stairways or fire escapes while the occupants are escaping from the premises.

Rule 7. Duties of Exit Guards.

The EXIT GUARDS shall station themselves at all exit doors leading to fire escapes, stairways and other means of escape immediately upon the sounding of the alarm. There shall be two guards for each exit, if practicable; one to stand in the hallway holding back the door and the other directly inside on the floor. They are to keep the exit doors open and direct the movements of the persons using these exits and prevent congestion.

EXIT GUARDS shall remain at their stations until all of the occupants of the building have passed their station. Then close their doors and pass out of the building. Upon signal for the occupants to return, EXIT GUARDS shall take their designated stations and remain there until all persons have returned to their respective floors.

Rule 8. Duties of Squad Monitors.

The SQUAD MONITORS, as soon as the alarm is sounded, shall see that the employees under their charge quickly form into line, two abreast, and numbering not more than thirty to each squad. They shall see that all aisles and passageways are cleared of obstructions.

Note: Chairs, stools, baskets, etc., should be pushed under or placed on top of work benches.

MONITORS shall proceed at the head of their respective squads to the exit assigned, and then march up or down the stairs or to other exits as directed by the EXIT GUARDS.

On reaching the sidewalk MONITORS shall keep their squads in order and lead them a reasonable distance from the building, so as not to cause congestion and interference with fire apparatus. When the proper signal is given they shall return to their respective floors at head of their squads.

MONITORS will at all times see that those under their charge conduct themselves in a respectable and orderly manner.

Rule 9. Holding of Drills.

FIRE DRILLS shall be held at least once each month at varied hours of the day, and all of the occupants shall participate therein simultaneously. Such drills shall conduct all occupants to a place of safety.

Where dual operation interior fire alarm systems are installed as permitted under Rule 11 of the interior fire alarm rules of the Board of Standards and Appeals, the fire drill conducted each month shall include all of the persons on the premises engaged at work for a factory, and drills shall be conducted at least twice each year in which all of the persons on the premises shall participate simultaneously.

Rule 10. Duties of Owner.

It shall be the duty of the OWNER, LESSEE OR TENANT OF THE BUILDING or his authorized agent or their representatives to personally observe that the "Fire Drill" is held simultaneously on every floor of the building and the participation therein of every occupant of such building. Any FIRE DRILL in which all of the occupants do not particpate shall not be considered as complying with the LAW, except as otherwise provided in these rules.

The person or persons representing the OWNER, LESSEE OR TENANT who supervises the FIRE DRILL at the building shall submit to an examination by the Bureau of Fire Prevention as to their experience and general fitness for such duties, and shall be so certified in writing by the FIRE COMMISSIONER.

Rule 11. Duties of Engineer.

It shall be the duty of the ENGINEER, SUPERINTENDENT or other PERSON IN CHARGE of a building having an interior fire alarm system to test such system daily immediately after the beginning of business, and to see that all apparatus operated by springs requiring winding are rewound after each alarm and kept in normal condition for operation.

Whenever it is necessary to test the fire alarm system at any other time of the day, owing to repairs, etc., being made, the PERSON IN CHARGE OF BUILDING will first notify all Foremen of the several floors of the intended test and likewise notify them when the repairs, etc., are completed. This precaution is taken to prevent confusion and excitement, also misunderstanding of the alarm signals.

It shall also be the duty of the PERSON IN CHARGE OF BUILDING to sound the interior alarm system at irregular intervals, but not less than once each calendar month, for the purpose of holding practice fire drills. He shall keep on the premises a record of such drills showing the date when held and the required time for all occupants to reach the street or a point of safety outside the building.

The PERSON IN CHARGE OF BUILDING must immediately acquaint new tenants of the existence of the "Fire Drill" Organization and its purport.

Rule 12. Registration.

The name and address of every person, corporation or co-partnership, that will, under professional service, carry on the trade, business or calling of establishing, maintaining or supervising the "Fire Drill" shall be registered in the Fire Department, which Department shall, upon evidence of fitness, grant a certificate to that effect.

NOTICE

MULTIPLE DWELLING LAW ON SALE

Copies of the Multiple Dwelling Law are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50c; by mail 54c.

Copies of the Supplemental Rules and Regulations of the Tenement House Department on Fire Retarding, Fire Escapes, Fire Stairs and Fire Towers are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 10c; by mail 12c.

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BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN J. MCELLIGOTT

EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.

TELEPHONE—WORTH 2-0184.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

DOCKET

New Cases Filed up to April 5, 1938

Cal. No. *Department* *Premises Affected*

213-38-SA.....H.B.....“Low” Wind-operated Stationary Single and Dual Suction Type Ventilator, Appliance.

214-38-A.....H.B.B.....124-138 Bay Ridge parkway (75th street), south side, 390 ft. west of Ridge boulevard (Block 5938, Lots 15 and 66), Borough of Brooklyn, Alt. 2078-38.

215-38-BZ.....H.B.Bx..... 100 Mosholu parkway south and 255 East 204th street, northwest corner (Block 3311, Lots 138-140 incl.), Borough of The Bronx, N.B. 537-37.

216-38-A.....H.B.M.....31 Madison avenue, east side, 49 ft. 4½ in. north of East 25th street (Block 855, Lot 4), Borough of Manhattan, Alt. 498-38.

217-38-A.....H.B.Q.....111-14 76th avenue, northeast corner of Austin street (Block 3340, Lot 1), Forest Hills, Borough of Queens, Applic. 1910-38.

218-38-S.....D.B.B. & H.B.B.....2961-2971 Atlantic avenue, northwest corner of Elton street (Block 3954, Lot 45), Borough of Brooklyn, 19684-L. D. & Decision.

219-38-A.....H.B.Bx.....594 St. Anns avenue, east side, 130 ft. 9⅝ in. north of East 149th street (Block 2616, Lot 6), Borough of The Bronx, Alt. 797-37.

220-38-S.....D.B.M. & H.B.M.....15-19 East 26th street, north side, 120 ft. west of Madison avenue and 10-14 East 27th street (Block 856, Lot 11), Borough of Manhattan, 37454-L. D. & B. N. 65-38.

221-38-A.....H.B.M.....South side of Welfare Island, 205 ft. south of Queensboro Bridge opposite 59th street (Block 1373, Lot 10), Borough of Manhattan, Dumbwaiter Applic. 99-37.

222-38-SM.....H.B.....Woodseal Insulating Lath, Material.

223-38-A.....F.D.....203-205 East 26th street, north side, 68 ft. east of Third avenue (Block 907, Lot 1), Borough of Manhattan, 10822-L. C. & Decision.

224-38-BZ.....H.B.Q.....32-11 to 32-19 Cross Island boulevard and 198-05 to 198-09 33rd avenue, northeast corner (Block 6025, Lot 36), Bayside, Borough of Queens, Applic. 1519-38.

225-38-S.....H.D.....538-540 Fifth avenue, west side, 50 ft. south of West 45th street (Block 1260, Lot 38), Borough of Manhattan, Viol. Order & Decision.

226-38-S.....H.D.....586 East 187th street, south side 51.24 ft. west of Arthur avenue (Block 3065, Lot 41), Borough of The Bronx, Applic. 4045.

227-38-A.....H.B.M.....1317-1329 Broadway, 149-167 West 34th street, 441-459 Seventh avenue and 148-164 West 35th street (Block 810, Lots 1, 12 and 50), Borough of Manhattan, Alt. 903-38.

Restored to Calendar

152-37-BZ.....D.B.B.....9508-9530 Church avenue, southeast corner of East 96th street (Block 4716, Lots 42-50 incl.), Borough of Brooklyn, Applic. 2867-37.

150-37-BZ.....D.B.B.....255-263 Ralph avenue, northeast corner of Marion street (Block 1513, Lots 1, 3 and 4), Borough of Brooklyn, Applic. 2868-37.

DESIGNATIONS: H.B.—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

CERTIORARI ORDERS SERVED ON THE BOARD OF STANDARDS AND APPEALS

On March 31, 1938, Cornelius G. DeLoca, attorney, served on the board, petition and order of certiorari for Marie V. Dobran, owner, in re decision of the board of February 23, 1938, granting signs appealed for but denying cabaret, Cal. No. 75-38-A-WF, premises 111-66 Corona avenue, Corona, Borough of Queens.

* * *

On March 31, 1938, Probst & Probst, attorneys, served on the board petition and order of certiorari, for Estate of A. J. Sweeney, owner, in re decision of board of February 23, 1938, denying extension of existing garage and inclusion of gas station, Cal. No. 383-37-BZ, Premises 2178-2188 Clarendon road, Borough of Brooklyn.

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Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
Concrete Rules (Hydrated Lime)	Aug. 3, 1937—Vol. 22, No. 31
Elevator Rules	Mar. 3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors)	June 15, 1937—Vol. 22, No. 24
Factory Exit Rules	Apr. 12, 1938—Vol. 23, No. 15
Fire Alarm Rules (Interior)	Apr. 5, 1938—Vol. 23, No. 14
Fire Drill Rules	Apr. 5, 1938—Vol. 23, No. 14
Fire Retarding Rules for Garages, etc.	Mar. 22, 1938—Vol. 23, No. 12
Fireproof Wood, Testing of	Apr. 13, 1937—Vol. 22, No. 15
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Gas Shut-Off Rules	Apr. 7, 1925—Vol. 10, No. 14
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Tank Trucks, Fuel Oil, etc.	Nov.	24, 1936—Vol.	21, No. 47
Tank Trucks, Gasoline, etc.	Nov.	24, 1936—Vol.	21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr.	10, 1923—Vol.	8, No. 15

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Fuel Oil Pumps	Mar.	8, 1938—Vol.	23, No. 10
Paint, Varnish and Lacquer Spraying Equipment	Mar.	22, 1938—Vol.	23, No. 12
Range Oil Burners and Space Heaters	Mar.	8, 1938—Vol.	23, No. 10

APRIL 12, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, April* 12, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 551-37-BZ—Application, Novmber 19, 1937, under section 21 of the building zone resolution, of Bryce Rea, applicant and owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 233-02 Northern boulevard and 45-01 233rd street, southeast corner (Block No. 8166, Lot No. 20), Douglaston, Borough of Queens.

CAL. NO. 4-38-BZ—Application, January 5, 1938, under section 7a of the building zone resolution, of Thomas Dunn, applicant, on behalf of Bolton Cleaners and Dyers, Inc., owner, to permit in a residence use district the extension of an existing dry cleaning establishment; premises 453 Bolton avenue, west side, 125 ft. south of Lacombe avenue (Block No. 3499, Lot No. 50), Borough of The Bronx.

CAL. NO. 616-37-BZ—Application, December 23, 1937, under section 7h of the building zone resolution, of Martyn N. Weinstein, applicant, on behalf of Lillian S. Kay and Caroline Candidus, owners, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 746-768 Livonia avenue, south side, from Van Siclen avenue to Miller avenue, 572-582 Van Siclen avenue and 617-627 Miller avenue (Block No. 4087, Lot Nos. 21 and 27), Borough of Brooklyn.

CAL. NO. 487-37-BZ—Application, August 23, 1937, under section 7h of the building zone resolution, of Francis T. Christy, applicant, on behalf of Rockefeller Center, Inc., lessee (The Trustees of Columbia University in the City of New York, owner), to permit in a retail use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises 25-53 West 48th street, north side and 26-52 West 49th street, south side, 237 ft. 7½ in. east of Sixth avenue (Block No. 1264, part of Lot No. 10), Borough of Manhattan.

CAL. NO. 140-38-BZ—Application, March 5, 1938, under section 21 of the building zone resolution, of Fred B. McDuffee, Director, Bureau of Achitecture, Department of Public Works, applicant, on behalf of City of New York, owner, to permit in a residence use district the erection and maintenance of a garage for more than three (3) motor vehicles; premises 81-99 Park avenue, east side, between East 39th street and East 40th street, 99-107 East 39th street and 102 East 40th street (Block No. 895, Lot Nos. 1-9 inclusive, 89, 90, 92 and 94), Borough of Manhattan.

CAL. NO. 53-38-BZ—Application, January 28, 1938, under sections 7b and 7c of the building zone resolution, of Halsey, McCormack & Helmer, Inc., applicant, on behalf of Ridgewood Savings Bank, owner, to permit partly in a business use district and partly in a residence use district the erection and maintenance of an extension to an existing business building (Bank); premises 1838-1842 George street and 1002-1004 Forest avenue, southeast corner (Block No. 3575, Lot Nos. 31 and 33), Ridgewood, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

APRIL 12, 1938, 2 P. M.

Appeals from Administrative Orders

190-38-A—1-41 West 13th street, north side, 100 ft. west of Fifth avenue, 4-12 and 16-42 West 14th street and 74-76 Fifth avenue (Block No. 577, Lot Nos. 19-32, 33, 35, 37, 42-47, 49, 55, 57, 59, 61 and 65), Borough of Manhattan.

202-38-A—13-24 to 13-26 Jackson avenue (124 Jackson avenue), southwest corner of 21st street (Van Alst avenue); (Block No. 58, Lot No. 9), Long Island City, Borough of Queens.

211-38-A—26 Gramercy Park South (138 East 20th street), south side, 231 ft. west of Third avenue and 133 East 19th street (Block No. 875, Lot No. 55), Borough of Manhattan.

217-38-A—111-14 76th avenue, northeast corner of Austin street (Block No. 3340, Lot No. 1), Forest Hills, Borough of Queens.

221-38-A—South side of Welfare Island, 205 ft. south of Queensboro Bridge, opposite East 59th street (Block No. 1373, Lot No. 10); (Hospital for Chronic Diseases), Borough of Manhattan.

CALENDAR

223-38-A—203-205 East 26th street, north side, 68 ft. east of Third avenue (Block No. 907, Lot No. 1), Borough of Manhattan.

Variations of Labor Law

220-38-S—15-19 East 26th street, north side, 120 ft. west of Madison avenue and 10-14 East 27th street (Block No. 856, Lot No. 11), Borough of Manhattan.

225-38-S—538-540 Fifth avenue, west side, 50 ft. south of West 45th street (Block No. 1260, Lot No. 38), Borough of Manhattan.

226-38-S—586 East 187th street, south side, 51.24 ft. west of Arthur avenue (Block No. 3065, Lot No. 41), Borough of The Bronx.

Material Submitted for Approval

222-38-SM—Woodseal Insulating Lath.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, April* 12, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 216-29-BZ—Application of Abram Shlefstein, applicant, on behalf of Helen Eckerman, owner, reopened March 22, 1938, for consideration as to extension of permit—re Application, previously granted on condition, under section 7f of the building zone resolution, permitting in a business use district the maintenance of a gasoline service station for a temporary period; premises southwest corner of Nassau boulevard and Little Neck road (Block No. 4108, Lot No. 100), Little Neck, Borough of Queens.

CAL. NO. 559-37-BZ—Application, November 29, 1937, under section 7h of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Fellman Realty Corporation, owner, to permit in a business use district for a temporary period of not more than two (2) years the parking and storage of more than five (5) motor vehicles; premises 5020-5036 Broadway, 3996-4010 Tenth avenue, 501-517 West 213th street and 500-518 West 214th street (Block No. 2231, Lot Nos. 1, 5, 13 and 17), Borough of Manhattan.

CAL. NO. 9-38-BZ—Application, January 5, 1938, under sections 7a and 21 of the building zone resolution, of A. C. Benson, applicant, on behalf of John DiBlasi, owner, to permit in a business use district the extension of an existing service station; premises 98-02 to 98-08 Northern boulevard, southeast corner of 98th street (Block No. 1713, Lot No. 1), Corona, Borough of Queens.

CAL. NO. 599-37-BZ—Application, December 17, 1937, under sections 7h and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of DeWitt Holding Corporation, owner, to permit for a temporary period of not more than two (2) years partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises 1663-1681 St. Nicholas avenue, west side, 14 ft. 5 in. north of Fairview avenue and 59-61 Hillside avenue (Block No. 2170, Lot No. 129), Borough of Manhattan.

CAL. NO. 170-37-BZ—Application, April 14, 1937, under section 21 of the building zone resolution, of William R. McVay, applicant, on behalf of Hermine Corlis, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 79-05 Little Neck road, southeast corner of Union turnpike (Block No. 12, Lot Nos. 4, 5 and 6), Floral Park, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

APRIL 19, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, April* 19, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 1059-17-BZ—Application of Jacob I. Goodstein, applicant, on behalf of Comprehensive Omnibus Corporation, owner, reopened September 22, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in an unrestricted use district the alteration of a garage for more than five (5) motor vehicles (previously granted by the Board on condition), so as to modify the conditions and to permit a vehicular entrance to Madison street; premises 46-48 Oliver street, south side, 100 ft. 2 in. east of Madison street and 68 Madison street (Block No. 278, Lot No. 48), Borough of Manhattan.

CAL. NO. 52-38-BZ—Application, January 27, 1938, under sections 7c and 21 of the building zone resolution, of J. Nelson Cooper, applicant, on behalf of Lincoln Warehouse Corporation, owner, to permit in a residence use district the erection and maintenance of a garage for more than three (3) motor vehicles; to be used in conjunction with the warehouse located on the westerly portion of the plot; premises 1187-1201 Third avenue, east side, from East 69th street to East 70th street, 203 East 69th street and 204 East 70th street (Block No. 1424, Lot No. 1), Borough of Manhattan.

CAL. NO. 196-38-BZ—Application, March 24, 1938, under section 7d of the building zone resolution,

CALENDAR

of H. E. Gibbs, applicant, on behalf of Joseph A. Palma, President, Borough of Richmond, for City of New York, owner, to permit the erection in a residence use district of an electrically operated sewage pumping station; premises 494 Mason avenue, east side, 50 ft. north of Seaver avenue (Block No. 3711, Lot No. 3), Dongan Hills, Borough of Richmond.

HARRIS H. MURDOCK, *Chairman.*

APRIL 19, 1938, 2 P. M.

Appeal from Administrative Order

198-38-A—Southwest corner of 47th street and First avenue (Bldgs. Nos. 51 and 52); (Block No. 725, part of Lot No. 1), Borough of Brooklyn.

Variation of Labor Law

160-38-S—3869 Broadway, west side, 75 ft. north of West 161st street (Block No. 2137, part of Lot No. 18), Borough of Manhattan.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, April* 19, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent, applicants, on behalf of Maude B. Mowry, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

CAL. NO. 497-37-BZ—Application, October 20, 1937, under section 7h of the building zone resolution, of Daniel Ginsberg, applicant, on behalf of William Losak, lessee, for Jacob Litvin and Anna Litvin, owners, to permit in a business use district the parking and storage of more than five (5) motor vehicles for a period of two (2) years in addition to the existing use of the premises for the sale of used cars; premises 1203-1235 East New York avenue, northeast corner of Ralph avenue and Union street (Block No. 1477, Lot No. 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

APRIL 26, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, April* 26, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 110-38-BZ—Application, February 21, 1938, under section 21 of the building zone resolution, of William Miltenberger, applicant, on behalf of Estate of Lucie M. Stearns, owner, to permit in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop; premises East side of Jerome avenue, 232-38 ft. south of East Tremont avenue (Block No. 2853, Lot No. 15), Borough of The Bronx.

CAL. NO. 522-37-BZ—Application, November 3, 1937, under sections 7c and 21, of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Meeker Oil Company, Inc., owner, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a gasoline service station; premises 2458-2470 Cropsey avenue, northwest corner of Bay 38th street (Block No. 6928, part of Lot No. 1), Borough of Brooklyn.

CAL. NO. 150-37-BZ—Application, April 3, 1937, under section 7h of the building zone resolution, of John F. Ellison, applicant and lessee, on behalf of Lourose Realty Corporation, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution, reopened aird restored to calendar April 5, 1938); premises 255-263 Ralph avenue, northeast corner of Marion street (Block No. 1513, Lot Nos. 1, 3 and 4), Borough of Brooklyn.

CAL. NO. 152-37-BZ—Application, April 3, 1937, under section 7h of the building zone resolution, of Michael Falzarano, applicant and lessee, on behalf of Bessie Greenwald, I. Rosenwasser and N. Glantz, owners, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution, reopened and restored to calendar April 5, 1938); premises 9508-9530 Church avenue, southeast corner of East 96th street (Block No. 4716, Lot Nos. 42 to 50 inclusive), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

APRIL 26, 1938, 2 P. M.

Appeal from Administrative Order

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

Variation of Labor Law.

40-38-S—284-300 Sheffield avenue, southwest corner of Belmont avenue (Block No. 3753, Lot No. 9), Borough of Brooklyn.

CALENDAR

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, April* 26, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 345-32-BZ—Application of Alphonsus Casey, applicant, on behalf of Patrick J. Reilly, owner, reopened February 23, 1938, for consideration as to extension of permit —re Application, previously granted on condition, under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station for a temporary period; premises north side of 47th avenue, 91 ft. east of Cross Island boulevard (Block No. 1299, part of Lot No. 105), Bayside, Borough of Queens.

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MAY 3, 1938, 10 A. M.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May* 3, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 324-37-BZ—Application, June 29, 1937, under section 21 of the building zone resolution, of Joseph M. Lonergan, applicant, on behalf of Mathilda Litchman and Bruno Bernabo, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4727-4729 Third avenue, west side and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, APRIL 5, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the regular meeting of the board held on Tuesday morning, March 29, 1938 and the minutes of the regular meeting of the board held on Tuesday afternoon, March 29, 1938, were approved as printed in Bulletin No. 14, Vol. XXIII.

BUILDING ZONE CASES

497-37-BZ.

APPLICANT—Daniel Ginsberg, for William Losak, lessee, for Jacob Litvin and Anna Litvin, owners.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district the parking and storage of more than five motor vehicles for a period of two (2) years in addition to the existing use of the premises for the sale of used cars.

PREMISES AFFECTED—1203-1235 East New York avenue, northeast corner of Ralph avenue and Union street (Block No. 1477, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Paul Friedman, Daniel Ginsberg, Sam Litvin and William Losak.

For Opposition: Jerome N. Wanshel, Jack Kagan, Tillie A. Sparrow, Mrs. Morris Bloom, S. Radow and others.

ACTION OF BOARD—Laid over to April 19, 1938, at 2 p.m., for report from Police Department, and also Department of Licenses.

200-37-BZ.

APPLICANT—Otto J. Sambach, for Howdah Securities Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—103-39 Springfield boulevard, northeast corner of 104th avenue (Block No. 2046, Lot No. 7), Queens Village, Borough of Queens.

APPEARANCES—

For Applicant: O. J. Sambach and J. M. Briggs.

For Opposition: Abram Shlefstein, Hamilton B. Contey, Jr., and Theodore Mischlen.

For Administration: Charles Tilgner, Board of Education.

ACTION OF BOARD—Application denied.

THE VOTE—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(200-37-BZ)

WHEREAS, Otto J. Sambach, for Howdah Securities Corporation, owner, filed, May 3, 1937, an application under the

building zone resolution to permit in a business use district the erection and maintenance of a gasoline service station; Premises: 103-39 Springfield boulevard, northeast corner of 104th avenue (Block No. 2046, Lot No. 7) Queens Village, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 5, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Springfield boulevard is in a business use district; 104th avenue is in a residence and business use district; 219th street is in a residence use district; Hollis avenue is in a residence use district and Hempstead avenue is in a business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered April 15, 1937, re Application No. 958-1937, reads:

"The erection of a gasoline service station in a business district is contrary to article 2, section 4 of the zone law."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 50 ft. on Springfield boulevard and 82 ft. 6 in. on 104th avenue; it is proposed to erect upon the plot a one story building, 50 ft. by 20 ft. in area, to be used as office, lubritorium and auto laundry, and to install the necessary tanks and pumps for a gasoline service station; and

WHEREAS, the site under appeal was inspected by a committee of the board, prior to the hearing; and

WHEREAS, the Board deemed that applicant had failed to substantiate his basis of appeal under section 21 of the building zone resolution and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

404-37-BZ.

APPLICANT—Harold Borgwald, for Marie Catherine Russell, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—4825 White Plains road, southwest corner of East 243rd street (Block No. 5109, Lot Nos. 1 and 3), Borough of The Bronx.

APPEARANCES—

For Applicant: Harold Borgwald.

For Opposition: Arthur M. Brown, Saul Wilchins and others.

ACTION OF BOARD—Application denied.

THE VOTE—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(404-37-BZ)

WHEREAS, Harold Borgwald, for Marie Catherine Russell, owner, filed August 12, 1937, an application under the building zone resolution to permit in a business use district the erection and maintenance of a gasoline service station; Premises: 4825 White Plains road, southwest corner of East 243rd street (Block No. 5109, Lot Nos. 1 and 3), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 5, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that White Plains road is in a business use district; East 243rd street is in a residence and business use district and Osgood street is in a residence use district; and

WHEREAS, the decision of the commissioner of buildings, rendered July 16, 1937, N. B. Applic. No. 357-1937, reads:

"1. Proposed gasoline service station in a business district is contrary to provisions of section 4 of article 2 of the amended building zone resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 70 ft. on White Plains road and 87 ft. on East 243rd street. It is proposed to erect upon the plot a one-story accessory building 44 ft. 4 in. by 24 ft. 4 in. in area and to install the necessary tanks and pumps for a gasoline service station; and

WHEREAS, the board deemed that applicant had failed to substantiate his basis of appeal under section 21 of the building zone resolution and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

560-37-BZ.

APPLICANT—The Mutual Life Insurance Company of New York, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7h and 21 of the building zone resolution, to permit for a temporary period of not more than two (2) years partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—279-289 East 170th street, north side, from Morris avenue to College avenue, 1400-1418 Morris avenue and 1401-1419 College avenue (Block No. 2786, Lot Nos. 2, 6 and 29), Borough of The Bronx.

APPEARANCES—

For Applicant: H. G. Borchert.

For Opposition: Emil F. Reich, Leo D. Adolph, Frank Steinberg, Morris B. Matzkin, Abraham J. Yasgour, Morris D. Dubin, Morris Kramer, Maria Frank, Julius L. Meyer and Irving Sturman.

For Administration: Charles Tilgner, Board of Education.

ACTION OF BOARD—Application denied.

THE VOTE—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(560-37-BZ)

WHEREAS, The Mutual Life Insurance Company of New York, owner, filed November 29, 1937, an application under the building zone resolution to permit for a temporary period of not more than two (2) years, partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; Premises: 279-289 East 170th street, north side, from Morris avenue to College avenue, 1400-1418 Morris avenue and 1401 to 1419 College avenue (Block No. 2786, Lot Nos. 2, 6 and 29), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 5, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the build-

ing zone resolution show that East 170th street is in a business use district; Morris avenue is in a residence and business use district and College avenue is in a residence and business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered November 4, 1937, reads:

"Your application for the use of the above mentioned premises for the parking and storage of more than five motor vehicles is hereby denied as the location is partly in a business and partly in a residence district, as established by the amended building zone resolution where such occupancy would be unlawful."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 190 ft. on East 170th street, 150 ft. on Morris avenue and 194 ft. on College avenue. The south part of the plot is located in a business use district and the north part is in a residence use district. It is proposed to occupy the plot, for a temporary period of not more than two years for the parking and storage of more than five motor vehicles; and

WHEREAS, the site under appeal was inspected by a committee of the board, prior to the hearing; and

WHEREAS, the board deemed that applicant had failed to substantiate his basis of appeal under section 21 of the building zone resolution and that this was not a proper case for the exercise of the board's discretion under section 7, subdivision H, and that the applicant was, therefore, not entitled to relief.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

479-37-BZ.

APPLICANT—Emery Herleth and Carol Herleth, for James F. Sullivan, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—89-58 163rd street (Hardenbrook avenue), west side, 247 ft. north of Jamaica avenue (Block No. 836, Lot No. 76), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Clifford B. Marshall.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(479-37-BZ)

WHEREAS, Emery Herleth and Carol Herleth, lessees, for James F. Sullivan, owner, filed October 8, 1937, an application under the building zone resolution to permit in a business use district for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; Premises: 89-58 163rd street (Hardenbrook avenue), west side, 247 ft. north of Jamaica avenue (Block No. 836, Lot No. 76), Jamaica, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 5, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 163rd street is in a business and residence use district; Jamaica avenue is in a business use district; 89th avenue is in a residence use district and 162nd street is in a business and residence use district; and

WHEREAS, the decisions of the commissioner of buildings, rendered September 10, 1937 and March 7, 1938, read:

September 10, 1937

"Please be advised that application made by you, as attorneys for Emery Herleth and Carol Herleth, for issuance of a certificate of occupancy for use of premises known as 89-58 163rd street, Jamaica, Borough of Queens, for parking space purposes for more than five (5) cars, is hereby *denied,* as this location is situated in a business district, and such use or occupancy would be contrary to subdivision 15, section 4 of the building zone resolution of the City of New York."

and

March 7, 1938

"Your letter of February 23, 1938, addressed to Deputy Commissioner Van Vleck, has been referred to this office for answer.

I reviewed our letter of September 10, 1937, and your original application and wish to advise you that this department does not approve the use of the above premises for storage or parking of more than five (5) motor vehicles."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 75 ft. and a depth of 92 ft.; it is proposed to occupy the plot, for a temporary period of not more than 2 years, for the parking and storage of more than 5 motor vehicles; and

WHEREAS, the site under appeal was inspected by a committee of the board, prior to the hearing; and

WHEREAS, the board deemed that this was a proper case for the board to exercise discretion to grant under section 7h of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 7h, permitting the plot under appeal to be used for a temporary period of two years from the date of this action for transient parking of more than five motor vehicles of the pleasure car type, *on condition* that the plot shall be leveled substantially to the grade of 163rd street and shall be surfaced with steam cinders or similar material, suitably rolled and bound to prevent dusting and graded to permit surface drainage; that there shall be erected on the interior lot lines where walls of accessory buildings do not occur, suitable fencing and a substantial woven wire fence not less than 6 ft. high on the street line with no opening except to 163rd street, which opening shall not exceed 15 ft. in width, and except that an opening, not over 10 ft. in width may be installed in the rear lot line so as to permit access for the owners of lots 14 and 15 to their rear yards, but the parking herein permitted shall not be extended to such lots; that the plot under appeal shall be used for no other purpose other than as herein permitted; that no building shall be erected thereon except a small building one-story in height, 150 sq. ft. in area, as office and shelter for the attendant; that such portable fire-fighting appliances shall be maintained as the commissioner shall direct; that any lights for general illumination shall be so installed with metallic reflectors, so as to reflect away from adjoining occupancies; that all permits shall be obtained and all work completed within three months from the date of this action.

11-38-BZ.

APPLICANT—Wingate and Cullen, for Fulton Savings Bank, Kings County, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the conversion of occupancy of part of an existing building to a motor vehicle repair shop.

PREMISES AFFECTED—1432 Pitkin avenue, south side, 82 ft. 3½ in. west of Howard avenue and 1261-1263 East New York avenue, north side, 85 ft. 7½ in. west of Howard avenue (Block No. 1477, Lot No. 38), Borough of Brooklyn.

APPEARANCES—

For Applicant: P. K. Wiggins and Wm. McCarthy.

For Opposition: Benjamin F. Langman and Tillie A. Sparrow.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(11-38-BZ)

WHEREAS, Wingate and Cullen, for Fulton Savings Bank, Kings County, owner, filed January 7, 1938, an application under the building zone resolution to permit in a business use district the conversion of occupancy of part of an existing building to a motor vehicle repair shop; Premises: 1432 Pitkin avenue, south side, 82 ft. 3½ in. west of Howard avenue and 1261-1263 East New York avenue (Block No. 1477, Lot No. 38), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 5, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Pitkin avenue is in a business use district; East New York avenue is in a business use district; Howard avenue is in a residence and business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered December 9, 1937, re Application No. 1825-1937, reads:

"Proposed use of basement (East New York avenue side) for the sale and installation of auto accessories and the minor adjustments to and installations of ignition, carburators, fuel pumps, starters, generators and batteries, constitute a repair shop for motor vehicles. As this building is located in a business use district, the proposed occupancy of basement is contrary to Art. II, Sec. 4, subd. 29 of the zone resolution."

and

WHEREAS, the building has a frontage of 26 ft. 3 in. on Pitkin avenue; 45 ft. 2 in. on East New York avenue and a distance of 58 ft. 10 in. along the east lot line, is 3 story and basement, in height of non-fireproof construction; the basement story being at grade level on East New York avenue. The first story (on Pitkin avenue) is to be used as an auto showroom and office—the upper stories to be used as dwellings. It is proposed to occupy the east section of the basement story on the East New York avenue front of the building as a motor vehicle repair shop; and

WHEREAS, the site under appeal was inspected by a committee of the board, prior to the hearing; and

WHEREAS, the board deemed that the applicant was entitled to relief under section 21 on the ground of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted*, under section 21 to permit the cellar space opening on East New York avenue to be used as a limited automobile repair shop, restricted to ignition and light automobile repairing, *on condition* that not more than two cars shall be on the premises at any time; that the ceiling of repair shop shall be fire-retarded in accordance with the rules of the Board of Standards and Appeals; that all work shall be done by manual tools and machine-driven tools not requiring more than ¼ h.p. each; that no signs shall be erected on Pitkin avenue, advertising this use, and no entrance shall be constructed or maintained from this cellar space to Pitkin avenue except for fire exit purposes only; that in all other respects the building and occupancy shall comply with all laws, rules and regulations applicable thereto; and that all permits shall be obtained and all work completed within three months from the date of this action.

247-37-BZ.

APPLICANT—Morton Pannaman, for Theodore Murray and Margaret Murray, lessees, for George R. Jenkins, owner.

SUBJECT—Application reopened March 15, 1938 for reconsideration (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district the storage and parking of more than five (5) motor vehicles for a temporary period of two (2) years (previously denied).

PREMISES AFFECTED—40-23 69th street, east side, 278 ft. south of Roosevelt avenue (Block No. 1301, Lot No. 10 and part of Lot Nos. 12 and 14), Woodside, Borough of Queens.

APPEARANCES—

For Applicant: Morton Pannaman.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(247-37-BZ)

WHEREAS, Theodore Murray and Margaret Murray, for George R. Jenkins, owner, filed May 28, 1937, an application under the building zone resolution to permit in a business use district the storage and parking of more than five (5) motor vehicles for a temporary period of two (2) years; Premises: 40-23 69th street, east side, 278 ft. south of Roosevelt avenue (Block No. 1301, Lot No. 10 and part of Lot Nos. 12 and 14), Woodside, Borough of Queens; and

WHEREAS, this application was denied by the board December 21, 1937, and reopened by vote of the board under new facts, March 15, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 5, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 69th street is in a business use district; 70th street is in a residence and business use district and 41st avenue is in a business and residence use district and Roosevelt avenue is in a business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered October 22, 1937, reads:

"Responding to your communication of the 21st inst., you as Attorney for Margaret and Theo. Murray of 40-23 69th street, Woodside, are hereby advised that application made by your clients to this department for issuance of a certificate of occupancy to cover use of premises known as 40-23 69th street, 278 ft. south of Roosevelt avenue, Borough of Queens, for parking and storage space purposes for more than five cars, is hereby DENIED, as this location is situated in a business district, and such use would be contrary to subdivision 15, section 4 of the building zone resolution of the City of New York."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 120 ft. and a depth of 85 ft. Upon the north part of the plot there is located a 2½ story frame dwelling and upon the rear of the plot there is located a two (2) car frame garage. It is proposed to use the remainder of the plot as a parking and storage space for more than five (5) motor vehicles for a temporary period of not more than two (2) years; and

WHEREAS, the board deemed that this was a proper case to exercise its discretion under section 7, subdivision H, of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted*, under section 7-H, for a temporary period of two years from the date of this action, to permit the plots under appeal, consisting of lots 10 and 12, to be used for parking and storage of more than five motor vehicles, *on condition* that the cars shall be restricted to those of pleasure-car type; that the plot shall be leveled substantially to the grade of 69th street and properly surfaced with cinders or other suitable material and rolled to prevent dusting and graded so as to provide surface drainage; that there shall be erected suitable fence and hedge around the parking area on the street building lines and interior lot lines, except on the lot line adjoining lot 14; that the entrance of the plot shall be restricted to one on 69th street not exceeding 15 ft. in width; that during the term of this variance, this plot shall be used for no other purpose than herein permitted; and that all permits shall be obtained and all work shall be completed within three months from the date of this action.

330-22-BZ.

APPLICANT—George J. Lobenstein, for Kings Highway Community Corp., owner.

SUBJECT—Application reopened March 15, 1938 for consideration re amendment of resolution (decision of the acting borough superintendent of buildings) under section 7c of the building zone resolution, to permit in a residence use district the extension of a business use (previously granted by the board).

PREMISES AFFECTED—1663-1669 East 17th street, east side, 57 ft. 2½ in. south of Kings highway (Block No. 6780, Lot No. 55), Borough of Brooklyn.

APPEARANCES—

For Applicant: George J. Lobenstein.

For Opposition: None.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(330-22-BZ)

WHEREAS, the Kings Highway Community Corp., owner, filed, March 6, 1922, an application, under the building zone resolution, to permit partly in a business district and partly in a residence district the erection of a building partly used for business purposes; premises 1663-1669 East 17th street, east side, 57 ft. 2½ in. south of Kings highway (Block No. 6780, Lot No. 55), Borough of Brooklyn; and

WHEREAS, this application was granted by the board, May 2, 1922 and owner requested an amendment of the resolution which was granted November 27, 1923 and owner now requests a further amendment; and

WHEREAS, this application was reopened by vote of the board March 15, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 5, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Kings highway is a business district and East 17th street is a residence district; and

WHEREAS, the decision of the superintendent of buildings, rendered February 18, 1938, in acting on 1525-1938, reads:

> "Extension of business use in a residential zone is contrary to article II, section 3 of the zone resolution. *Denied.*"

and

WHEREAS, it is proposed to add an extension to the present business use for a toilet compartment and pressing room for the tailor now occupying store.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted on May 2, 1922, as amended by resolution adopted on November 27, 1923, so that as amended it shall read:

> *"Resolved*, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted on condition* that any openings for commercial delivery necessary for the operation of the building or its use be confined to the northerly side of the structure; that the front of the building be laid up in face brick and stone trimmings, and that the front elevation be erected substantially in accordance with the designs filed with this board; that the maintenance and operation of a service entrance on the southerly side of the building may be permitted provided that this entrance be restricted from use as a vehicular driveway.
>
> *Resolved further*, that a one-story addition may be constructed to the store toward the southerly side of the premises, as indicated on plans marked 'Received March 4, 1938' for the purpose of adding toilet room and room for pressing machine, *on condition* that this shall not reduce the width of the required court for more than one foot; that the existing fence on the lot line from East 17th street to the line of the court of adjoining apartment house shall be removed."

389-37-BZ.

APPLICANT—Goldenthal Brothers, for William Allan, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—31-08 to 31-12 45th street, 44-09 Newtown road and 44-16 31st avenue, south side, 5.4 ft. west of 45th street (Block No. 710, Lot Nos. 5, 20, 21 and 22), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Nathan A. Goldenthal and Gavin Allan.

For Opposition: Harry Mabel, Charles Strebel and Charles Tishman.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(389-37-BZ)

WHEREAS, Goldenthal Brothers, for William Allan, owner, filed August 3, 1937, an application under the building zone resolution to permit partly in a business use district and partly in a residence use district the parking and

storage of more than five (5) motor vehicles; Premises: 31-08 to 31-12 45th street, 44-09 Newtown road and 44-16 31st avenue, south side, 5.4 ft. west of 45th street, (Block No. 710, Lot Nos. 5, 20, 21 and 22), Long Island City, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 5, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 31st avenue is in a business district; Newtown road is in a residence use district; 45th street is in a residence and business district and 44th street is in a residence and business district; and

WHEREAS, the decision of the commissioner of buildings, rendered November 15, 1937, re 2745-1937, reads:

> "Be advised that application which you made to this department for issuance of a certificate of occupancy to cover use of premises for parking and storage of more than five motor vehicles, is hereby DENIED, as this location is situated in a district which is zoned 'Business and Residence,' and such occupancy would be contrary to subdivision 15, section 4 and section 3 of the building zone resolution of the City of New York."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 64.08 ft. on 31st avenue, 134.34 ft. on 46th street and 30.58 ft. on Newtown road, irregular in area, which it is proposed to use for the parking and storage of more than five motor vehicles; and

WHEREAS, the site under appeal was inspected by a committee of the board, prior to the hearing; and

WHEREAS, the board deemed that this was a proper case to exercise its discretion under section 7, subdivision H, of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted*, under section 7-H, for a temporary period of two years from the date of this action, to permit the portion of the premises within the business use area to be used for parking and storage of more than five motor vehicles, *on condition* that the entrance to the premises shall be restricted to 31st avenue; that a substantial fence as indicated on plans filed with this application, shall be erected on interior lot lines and necessary bumpers to prevent the automobiles from destroying the lot line fences; that no automobile entrance shall be constructed to Newtown road except that a gateway for passenger entrance and that no cars shall be parked or stored within 60 ft. of Newtown road; that the premises shall be leveled substantially to the grade of surrounding streets and surfaced with steam cinders or other suitable material, properly rolled and bound to prevent dusting, and drained so as to provide surface drainage; that during the term of this variance, the premises shall be used for no other use than as herein permitted, excluding all repairing of cars and all signs except a neat sign at the entrance on 31st avenue, advertising the parking and storage use; that no building shall be erected on the premises except there may be erected a small one-story building not exceeding 150 sq. ft. in area for the shelter of attendant and as an office; that such fire-fighting appliances shall be installed as the commissioner directs; that the type of cars parked and stored shall be restricted to those of the pleasure-car type; and that all permits shall be obtained and all work shall be completed within three months from the date of this action.

Adjourned, 3:00 P.M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, APRIL 5, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

170-37-BZ.

APPLICANT—William R. McVay, for Hermine Corlis, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—79-05 Little Neck road, southeast corner of Union turnpike (Block No. 12, Lot Nos. 4, 5 and 6), Floral Park, Borough of Queens.

APPEARANCES—

For Applicant: Hermine Corlis, Wm. O. Stabes and Albert Taufman.

For Opposition: William A. Benett.

ACTION OF BOARD—Laid over to April 12, 1938, at 2 p.m., for consideration by the board.

150-37-BZ.

APPLICANT—John F. Ellison, lessee for Lourose Realty Corp., owner.

SUBJECT—Application for consideration—reopening and restoration to calendar—re Application (decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district the parking and storage of more than five (5) motor vehicles (previously dismissed).

PREMISES AFFECTED—255-263 Ralph avenue, north east corner Marion street (Block No. 1513, Lot Nos. 1, 3 and 4), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sidney Levine.

ACTION OF BOARD—Reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

152-37-BZ.

APPLICANT—Michael Falzarano (lessee), for Bessie Greenwald, I. Rosenwasser and N. Glantz, owners.

SUBJECT—Application for consideration—reopening and restoration to calendar—re Application (decision of the acting borough superintendent of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the park-

ing and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—9508-9530 Church avenue, south east corner of East 96th street (Block No. 4716, Lot Nos. 42, 43, 44, 46, 48 and 50), Borough of Brooklyn.

APPEARANCES—
For Applicant: Sidney Levine.

ACTION OF BOARD—Reopened, subject to usual procedure.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

472-37-BZ.

APPLICANT—Lama and Proskauer, for John Castagna and Salvatore Castagna, owners.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—2761-2773 Cropsey avenue, north side, 6 ft. 9⅞ in. west of 28th avenue and 196 28th avenue (Block No. 6915, Lot No. 51), Borough of Brooklyn.

APPEARANCES—
For Applicant: Alfred A. Lama.
For Opposition: None.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—
Affirmative 0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Absent 0

THE RESOLUTION—

(472-37-BZ)

WHEREAS, Lama and Proskauer, for John Castagna and Salvatore Castagna, owners, filed September 30, 1937, an application under the building zone resolution to permit in a business use district the erection and maintenance of a gasoline service station; Premises: 2761-2773 Cropsey avenue, north side, 6 ft. 9⅞ in. west of 28th avenue (Block No. 6915, Lot No. 51), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 5, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Cropsey avenue is in a business use district; 28th avenue is in a residence and business use district; and Bay 47th street is in a residence and business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered September 28, 1937, Application No. 15447-1937, reads:

"Proposed gasoline station within a business use zone is contrary to article II, section A46 of zone resolution. Above application is therefore denied."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 117 ft. 2 in. on Cropsey avenue, 118 ft. 6 in. along Mill road and a distance of 33 ft. 5 in. along the south lot line. Upon the north part of the lot there is located a 2 story frame dwelling which is to remain. The south portion of the plot is occupied for the manufacture of cement blocks—a certificate of occupancy has been filed for this use. It is proposed to erect upon the rest of the plot a one story building 52 ft. by 25 ft.; irregular in area, to be used as office, auto laundry and lubritorium and also the necessary tanks and pumps for a gasoline service station; and

WHEREAS, the site under appeal was inspected by a committee of the board, report of which inspection was read at this hearing and which report follows:

REPORT OF COMMITTEE

Cal. No. 472-37-BZ,
Premises: 2761-2773 Cropsey avenue, north side, 6 ft. 9⅞ in. west of 28th avenue (Block No. 6915, Lot No. 51), Borough of Brooklyn.

April 4, 1938.

This application for a zoning variance to permit the plot to be used as a gasoline station is apparently based on the fact that there is an existing certificate of occupancy permitting the plot to be used as a plant for the manufacture of cement blocks, also a non-conforming use in a business district, and that the substitution of a gasoline station would be a desirable change inasmuch as the cement block business is at a standstill. Upon inspection it was found that the cement block work is carried on mainly on Lot No. 42, north of Mill road, which is an ungraded street. The lot, No. 51, under appeal, is vacant but may have been used at times for cement block storage. No hardship is shown to indicate that this lot cannot be used conformingly. The committee recommends that the application be denied.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
PATRICK WALSH,
Committee.

and

WHEREAS, this report recommended the denial of the application and the board deemed that the applicant did not substantiate his basis of appeal under section 21 of the building zone resolution, practical difficulties and unnecessary hardship.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed* and that the application be and it hereby is *denied*.

429-37-BZ.

APPLICANT—Samuels and Samuels, for Morris Roth, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—47-11 108th street and 108-09 48th avenue, northeast corner (Block No. 2003, Lot No. 84), Corona, Borough of Queens.

APPEARANCES—
For Applicant: Max Siegel and Archie H. Samuels.
For Opposition: Samuel Gellman and Ellwyn Hayslip.

ACTION OF BOARD—Application granted on condition.

THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(429-37-BZ)

WHEREAS, Samuels and Samuels, for Morris Roth, owner, filed September 2, 1937, an application under the building zone resolution to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station; Premises: 47-11 108th street and 108-09 48th avenue, northeast corner

(Block No. 2003, Lot No. 84), Corona, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 5, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 108th street is in a business use district; 48th avenue is in a residence and business use district; and 47th avenue is in a residence, business and unrestricted use district; and

WHEREAS, the decision of the commissioner of buildings, rendered August 13, 1937, N.B. Application No. 3414—1937, reads:

> "The creation of a gasoline station within a business district extending into a residence district is contrary to sections 4 and 3 of the building zone resolution not further considered."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 100 ft. on 108th street and 150 ft. on 48th avenue—the east portion of the plot extends for a distance of 50 ft. into the residence use district,—the remainder of the plot is located in a business use district; it is proposed to remove the structure now located upon the plot excepting the two story frame dwelling, located on the east portion of the plot. The proposed gasoline station 100 ft. by 100 ft. in area will be confined to the business use portion of the plot; said station to consist of a one story accessory building 55 ft. by 25 ft. in area and necessary tanks and pumps; and

WHEREAS, the board deemed that the applicant was entitled to relief under section 21 on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21 thereof, to permit the premises within the business use district to be occupied as a gasoline service station for a width along 108th street of 100 feet and a depth along 48th avenue for 100 feet, *on condition* that all buildings and present uses on the entire plot shall be completely removed, except the existing two-story frame dwelling facing 48th avenue; that the plot shall be leveled to the adjoining street grades; that the accessory building arranged for office and lubritorium shall be erected along the northerly lot line and shall be constructed of fireproof materials, except that the roof beams, roof boarding, window frames and sash, door frames and doors may be of wood, provided the ceilings throughout are fire-retarded in accordance with the rules of the Board of Standards and Appeals and the flat roofs are weather surfaced with nonflammable material and the pitched roofs are surfaced with heavy variegated natural slate; that no windows or other openings shall be constructed opening upon adjoining premises; that the heater room shall be enclosed in fireproof construction; that the rear wall of the accessory building shall be continued to 108th street; to a height of 7 feet, except that it may be ramped down to a height of 4 feet at the street line, starting at not over 8 feet therefrom; that the accessory building and wall shall be of architectural design in accordance with approved plans; that along the easterly line, continuously to 48th avenue and 100 feet from and parallel to 108th street, there shall be erected and maintained a substantial picket fence not less than 4 feet in height; that a masonry wall similar to the wall required on the north lot line shall be substituted for such fence in the event that the portion to be occupied by the gasoline selling station is under different ownership or control from the balance of the plot upon which the frame dwelling is erected; that planting areas along the lot lines shall be protected with concrete curbing and such areas shall be maintained with suitable planting and shrubbery; that the plot where not covered by the accessory building walls and planted areas, shall be paved with cement or Colprovia or similar surfacing; that gasoline pumps shall be of the type approved for parkways with masonry pedestals, approximately 4 feet high, and computing pump mechanism; that no gasoline pump shall be nearer than fifteen (15) feet to any street line; that all equipment, piping and tanks for gasoline storage installation shall be new approved material; that entrances to the premises shall be restricted to two (2) to each street, each not exceeding twenty-five (25) feet in width, with curb cuts opposite not exceeding thirty (30) feet in width each; that no part of any opening shall be nearer than ten (10) feet to either side lot line nor nine (9) feet to the street line intersection; that the curbed planted areas between such openings shall be not less than thirty-one (31) feet each; that new sidewalks and curbs shall be constructed where required by the Borough President and all present cut curbs not herein permitted shall be restored; that no signs shall be erected except as may be permitted by the board upon a separate application, under the requirements of the World's Fair area resolution of the Board of Estimate and Apportionment; that lights for general illumination shall be on permanent post standards with metallic reflectors to direct the light toward the premises; that no other use shall be permitted on the gasoline station plot other than herein permitted, excluding any repairing or parking of motor vehicles; that no portable gasoline tanks shall be used on or from the premises; that the working plans marked "Received March 30, 1938" are hereby *approved* as conforming as to design and general requirements to the terms of this resolution; that all laws, rules and regulations other than as herein varied as to zoning shall be complied with; that all permits shall be obtained and all work completed within one year from the date of this action.

732-29-BZ.

APPLICANT—John H. Scheier, for Esther Nathanson, owner.

SUBJECT—Application reopened March 8, 1938 for consideration as to extension of time to obtain permits and complete work—time having expired by limitation—re Application (decision of the superintendent of buildings) granted on condition, under section 21 of the building zone resolution, permitting the extension, from a business use district into a residence use district, of a business use (stores and restaurant).

PREMISES AFFECTED—1670-1678 East 17th street, west side, 76 ft. 9¼ in. south of Kings highway (Block No. 6779, Lot No. 33), Borough of Brooklyn.

APPEARANCES—

For Applicant: John H. Scheier.
For Opposition: None.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(732-29-BZ)

WHEREAS, McCooey & Conroy, for Sokolov Brothers, Inc., owner, filed, December 16, 1929, an application, under the building zone resolution, to permit the extension, from a business district into a residence district, of a business use (stores and restaurant); premises 1670-1678 East 17th street, west side, 76 ft. 9¼ in. south of Kings highway (Block No. 6779, Lot No. 33), Borough of Brooklyn; and

WHEREAS, this application was granted by the board April 1, 1930, on certain conditions and owner requested an extension of time to obtain permits and complete work; and

WHEREAS, this application was reopened by vote of the board March 8, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 5, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of April 1, 1930, so that as amended it shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted,* as to the extension of the business use throughout the entire plot, *on condition* that there shall be no structural change of the front wall of the second story; that the store use of the first story shall be restricted from laundries, meat markets, fish markets or delicatessen store use; that no merchandise shall be exposed or displayed beyond the building line; that any advertising shall be restricted to fixed letters on the plate glass show windows of the store front; that there shall be no projecting signs installed or exposed on the exterior of the building; that any permits required shall be obtained and any work involved thereby completed within one year from the date of this action."

528-37-BZ.

APPLICANT—Jacob Morgenthaler, for Jacob Morgenthaler's Sons, owners.

SUBJECT—Application (decision of the superintendent of buildings) under sections 7c and 21 of the building zone resolution, to permit in a business use district the alteration of a garage for more than five (5) motor vehicles (granted by the board) by the removal of a portion thereof and the extension over the plot of an existing gasoline service station with the conversion of a portion of the premises to a brake testing station.

PREMISES AFFECTED—164-176 Fourth avenue and 334-344 Douglass street, southwest corner (Block No. 420, Lot Nos. 34 and part of 37), Borough of Brooklyn.

APPEARANCES—

For Applicant: Joseph Lynch.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(528-37-BZ)

WHEREAS, Jacob Morgenthaler, for Jacob Morgenthaler's Sons, owner, filed November 5, 1937, an application under the building zone resolution to permit in a business use district the alteration of a garage for more than five (5) motor vehicles (granted by the Board) by the removal of a portion thereof and the extension over the plot of an existing gasoline service station with the conversion of a portion of the premises to a brake-testing station; Premises: 164-176 Fourth avenue and 334-344 Douglass street, southwest corner (Block No. 420, Lot No. 34 and part of Lot No. 37), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 5, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 4th avenue is in a business use district; Douglass street is in an unrestricted and business use district, and Degraw street is in an unrestricted and business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered January 28, 1938, re App. No. 17650-1937, reads:

"1. Extending gasoline station in a business zone is contrary to article II, section 6, zone resolution and contrary to Cal. 795-23-BZ.

2. Brake testing in a business zone contrary to Board of Standards and Appeals decision."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 90 ft. on 4th avenue, 100 feet on Douglass street and a distance of 60 ft. along the west lot line, upon the north portion of the premises there is located a one story building having a frontage of 60 ft. on 4th avenue and 100 ft. on Douglass street occupied as a garage for more than 5 motor vehicles; motor vehicle repair shop and auto showrooms (on the 4th avenue front) granted under Cal. No. 795-23-BZ. There is also located on the plot a gasoline service station—plans for same approved on May 23, 1934; premises described as beginning at a point on the west side of 4th avenue, 60 ft. south from the intersection of Douglass street; running thence south 75 ft., thence west 15 ft., thence north 75 ft., thence east 15 ft. to point of beginning. It is proposed to construct a masonry wall at a point 42 ft. east of the west wall of the existing garage and to use this part of the building as a garage for more than five motor vehicles; to erect another wall at a point of 25 ft. 6 in. south of above noted proposed wall and to use this part of the existing building as lubritorium and brake testing space; to erect a boiler room to south of this area; to discontinue the south portion (40 ft.) of the existing gasoline station; to remove the east (32 ft.) section of the existing building and to increase the area (to the west) of the existing gasoline station so that the area of the station will be 32 ft. on Douglass street, 90 ft. on 4th avenue and a distance of 40 ft. along the south lot line; and

WHEREAS, the board deemed after inspection and consideration, that in view of the action under Cal. No. 795-33-BZ, under which the portion of the premises at the southwest corner of Douglass street and Fourth avenue, then occupied in part as a gasoline station, was permitted to be used as a garage, motor repair shop and showroom, and in view of the proposal to combine a part of the area to the south now used as a gasoline station and to discontinue a part for a distance of 40 ft. along Fourth avenue, now so used, and to devote that part to a conforming use in no way connected with the proposed rearranged station, that the present proposal under suitable conditions will be an improvement and is justified under the provisions of section 21 of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* as to Alt. App. 17650-37, permitting the premises for a distance of 90 ft. southerly along Fourth avenue from the corner formed by the intersection with Douglass street, and westerly for a distance of 40 ft. along the interior lot line, thence northerly parallel to Fourth avenue for a distance of 30 ft., thence westerly 18 ft., thence northerly for a distance of 60 ft. to Douglass street and along Douglass street for a distance of 59 ft. to the intersection with Fourth avenue, to be occupied as a gasoline service station, *on condition* that there shall be constructed an unpierced masonry wall to separate the gasoline station from the garage portion to the west to be continued as such and for motor vehicle repairing, as permitted under Cal. No. 795-23-BZ; that all buildings and structures shall be removed from the proposed gasoline station area, except that a portion of the existing garage building easterly from the above required masonry wall may be reconstructed as the accessory building for car washing and greasing, office, toilets and storeroom; that such reconstruction shall be of fireproof materials, except that the roof beams and roof boarding, door frames and doors may be of wood, provided there are no exterior windows or other openings to adjoining premises not included within the gasoline service station, and pro-

vided the ceilings throughout are fire-retarded in compliance with the rules of the Board of Standards and Appeals; that any skylights shall be of metal frames; that any mezzanine space may be used for light storage of non-combustible materials only; that all greasing equipment shall be of the hydraulic type; that the heater room shall be constructed of fireproof materials, separated from the accessory building and enterable from the exterior only; that the floor of the accessory building and the entire gasoline selling area shall be cement paved; that all greasing pits shall be discontinued and filled to grade; that there shall be erected on interior lot lines where walls of accessory buildings and heater room do not occur, masonry walls continuously to Fourth avenue; that such walls shall be not less than six feet in height, except that at the Fourth avenue building line, the height may be four feet and ramped or stepped up to the six-foot height within a distance of 8 feet; that no gasoline pumps shall be erected nearer than fifteen (15) feet from either street building line; that pumps shall have masonry pedestals, as approved for parkway use to a height of approximately four (4) feet; that gasoline storage tank and piping installation shall be of new materials; that curb cuts shall not exceed two (2) from Fourth avenue, each not exceeding thirty (30) feet in width and one from Douglass street not exceeding twenty-five (25) feet in width; that no part of any curb cut shall be nearer than five (5) feet to any lot line as extended nor to the street intersection; that there shall be constructed and maintained a concrete curb not less than twelve (12) inches in height at the intersection of the street lines and extending five (5) feet along each street line; that all existing curb cuts not herein permitted, except for existing entrance to garage, shall be restored; that new concrete sidewalks shall be constructed; that signs shall be restricted to a permanent flat sign erected upon the front of the accessory building and to the illuminated globes of the gasoline pumps and to one post standard erected within the building lines near the street intersection for support of a sign which may be illuminated, advertising only the brand of gasoline for sale and provided such sign does not extend over the building line for a distance of more than seven (7) feet; that there shall be no roof signs or temporary signs; that no portable gasoline tanks shall be used; that there shall be no repairing carried on or parking of cars other than those being serviced; that working plans marked "Received March 13, 1938" when corrected to comply with the requirements of this resolution may be approved for general arrangement and design; that all permits shall be obtained and all work completed within one year from the adoption of this resolution.

32-38-BZ.

APPLICANT—Samuel Rosenblum, for Borden's Farm Products Division of The Borden Company, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7c of the building zone resolution, to permit in a residence use district the extension in area of an existing milk bottling and pasteurizing plant.

PREMISES AFFECTED—80-92 Third avenue, 286-304 Dean street, southwest corner, and 271-283 Bergen street (Block No. 197, Lot Nos. 25, 26, 27 and 28), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel Rosenblum.

For Opposition: Patrick I. Flannelly, Margaret A. Rennig and Bertha Johnsen.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(32-38-BZ)

WHEREAS, Samuel Rosenblum, for Borden's Farm Products Division of The Borden Company, owner, filed January 18, 1938, an application under the building zone resolution to permit in a residence use district the extension in area of an existing milk bottling and pasteurizing plant; Premises: 80-92 Third avenue, 286-304 Dean street, southwest corner and 271-283 Bergen street (Block No. 197, Lot Nos. 25, 26, 27 and 28), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 5, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Third avenue is in an unrestricted use district; Bergen street is in an unrestricted and business use district; Dean street is in a residence, business and unrestricted use district and Nevins street is in a business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered December 21, 1937, re Application No. 18828-1937, reads:

> "Proposed one story brick extension in a residence use district to present milk bottling and pasteurizing plant, located partly in an unrestricted use district and partly in a residence use district is contrary to Art. II, Sec. 3 of the zone resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 175 ft. on Third avenue, 180 ft. on Dean street and 175 ft. on Bergen street, upon which there exist a fireproof milk bottling and distributing plant, two and four stories in height, extending westerly 140 ft. from Third avenue on Dean street and three 3-story and basement brick dwellings extending an additional 60 ft. westerly on Dean street. It is proposed to demolish the three 3½ story dwellings at the westerly end of the Dean street front of the plot and erect a one-story fireproof extension to the milk bottling and distributing plant, 60 ft. by 100 ft. in area; and

WHEREAS, the site under appeal was inspected by a committee of the board, which recommended that the application be granted under such conditions as will in their opinion, protect the area along Dean street; and

WHEREAS, the board deemed that applicant was entitled to relief and that the board was justified in exercising its discretion under section 7 subdivision C of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted,* under section 7-C thereof, to permit the plot under appeal to be used as an addition to the existing milk bottling and pasteurizing plant, *on condition* that there shall be erected a building, substantially as indicated on plans filed with this appeal, of fireproof construction and not exceeding one story above grade in height; that any windows erected facing on Dean street shall be fireproof and fixed; and no other openings shall be constructed; that no skylights shall be erected in the roof of this extension; that the machinery proposed to be installed as an addition to the pasteurizing plant, shall be mounted on cushioned material so as to reduce vibration; that the existing cathead on the existing building on Dean street at the second story level shall be removed; that as a condition of this grant Dean street is not to be used for trucks going to and from this plant; that all permits required shall be obtained and all work involved completed within one year from the date of this action.

33-28-BZ.

APPLICANT—Macombs Estates, Inc., owner.

SUBJECT—Application for consideration—reopening and

rescindment—re Application (decision of the superintendent of buildings) under section 21 of the building zone resolution, permitting in a business use district the alteration and change of occupancy from a garage for the storage of five (5) motor vehicles to a motor vehicle repair shop.

PREMISES AFFECTED—1637 Macombs road, west side, 170 ft. south of West 170th street (Block No. 2856, part of Lot No. 20), Borough of The Bronx.

APPEARANCES—

For Applicant: Max Siegal.

ACTION OF BOARD—Application reopened and resolution rescinded.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO RESCIND RESOLUTION OF APRIL 3, 1928—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(33-28-BZ)

WHEREAS, this application, to permit in a business use district the alteration and change of occupancy from a garage for the storage of five motor vehicles to a motor vehicle repair shop, affecting premises 1367 Macombs road, west side, 170 ft. south of West 170th street (Block No. 2856, part of Lot No. 20), Borough of The Bronx, was granted by the Board April 3, 1928, on certain conditions; and

WHEREAS, it appears from information received in connection with Cal. No. 209-38-S that this building is no longer being used for automobile repairing and is now being used for a use conforming in a business use district.

Resolved, that the action of the board on April 3, 1928, be and it hereby is *rescinded*.

293-31-BZ.

APPLICANT—J. & V. Beach Holding Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the superintendent of buildings) under section 7f of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station for a temporary period.

PREMISES AFFECTED—Southeast corner of Layton avenue and Shore drive (Block No. 5467, Lot No. 1), Borough of The Bronx.

APPEARANCES—

For Applicant: Fred Judge.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(293-31-BZ)

WHEREAS, this application affecting premises southeast corner of Shore drive and Layton avenue (Block No. 5467, Lot No. 1), Borough of The Bronx, was granted by the board, April 15, 1932, under section 7f, for a temporary period of two years on certain conditions, permit extended for an additional period of two years from April 15, 1934 and May 5, 1936, and owner requests a further extension.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of April 15, 1932, only so far as it has reference to the duration of the variance granted under section 7, subdivision F of the building zone resolution, extending the permit for a period of two years from the date of this amended resolution, *on condition* that other than as amended herein, the resolution adopted by the board on April 15, 1932, shall be complied with in all respects.

184-29-BZ.

APPLICANT—Ben C. Bloch, for Arenal Realty Co., owner, and 23 West 65th Street Corp., lessee.

SUBJECT—Application for consideration—reopening and extension of time—re Application (decision of the superintendent of buildings) under sections 7e and 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a garage for more than five (5) motor vehicles.

PREMISES AFFECTED—42-46 West 66th street, south side, 375 ft. west of Central Park West (Block No. 1118, Lot Nos. 48, 49 and 50), Borough of Manhattan.

APPEARANCES—

For Applicant: Ben C. Bloch.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(184-29-BZ)

WHEREAS, this application affecting premises 42-46 West 66th street, south side, 375 ft. west of Central Park West (Block No. 1118, Lot Nos. 48, 49 and 50), Borough of Manhattan, was granted by the board July 16, 1929, on certain conditions, time extended March 8, 1932, July 18, 1933, October 30, 1934, March 10, 1936, and March 30, 1937, and owner requests a further extension.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on July 16, 1929, only so far as it has reference to completing work, so that as amended this portion of the resolution shall read:

". . . that in view of the statement by applicant that all permits have been obtained, all work shall be completed within one year from the date of this amended resolution, other than as amended herein the resolution adopted by the board on July 16, 1929, as thereafter amended by approval of plans, shall be complied with in all respects."

514-24-BZ.

APPLICANT—William Shary, for Denman Realty Corporation, owner, and Allendale Garage Corporation, lessee.

SUBJECT—Application for consideration—reopening and amendment—re Application (decision of the superintendent of buildings) under sections 7a and 7e of

the building zone resolution, permitting in a business use district the alteration, extension and maintenance of a garage for the storage of more than five (5) motor vehicles.

PREMISES AFFECTED—303-315 West 96th street, north side, 100 ft. west of West End avenue (Block No. 1887, Lot No. 10), Borough of Manhattan.

APPEARANCES—

For Applicant: William Shary and Mr. Teruel.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(514-24-BZ)

WHEREAS, J. C. Holman, for Denman Realty Co., owner, filed, April 10, 1924, an application, under the building zone resolution, to permit in a business district the alteration, extension and maintenance of a garage for the storage of more than five (5) motor vehicles; premises 303-315 West 96th street, north side, 100 ft. west of West End avenue (Block No. 1887, Lot No. 10), Borough of Manhattan; and

WHEREAS, this application was granted by the board June 10, 1924, on certain conditions and owner requested an amendment of the resolution.

Resolved, that the resolution adopted by the board on June 10, 1924 be and it hereby is *amended,* so that as amended it shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted on condition* that the extension shall not exceed in height that of the existing one-story garage; that the rear and side walls of the proposed extension shall be unpierced throughout their entire height and length; that the front elevations shall be finished as to material and design in accordance with the present structure; that there shall be no skylight installed within thirty feet of the rear wall, and any skylight installed shall be glazed with plain glass, protected above and below with wire guards.

Resolved further, that in the event the owner desires to construct two new doorways at the building line and a new curb cut 28 ft. in width, as indicated on plans marked 'Received April 6, 1938,' such openings may be constructed and additional gasoline pumps and tanks may be installed within the building, provided that no portable gasoline tanks shall be used on or from the premises."

1304-25-BZ.

APPLICANT—Samuel Berman, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district, the change of occupancy of an existing building to a motor vehicle repair shop and, also, garage for five (5) motor vehicles for a temporary period.

PREMISES AFFECTED—2447 Coney Island avenue, east side, 301 ft. north of Avenue V (Block No 7343, Lot No. 61), Borough of Brooklyn.

APPEARANCES—

For Applicant: Irving Berman.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(1304-25-BZ)

WHEREAS, this application affecting premises 2447 Coney Island avenue, east side, 301 ft. north of Avenue V (Block No. 7343, Lot No. 61), Borough of Brooklyn, was granted by the board for a temporary period of two years, June 12, 1928, and the period extended from time to time, an extension being granted May 15, 1934, on certain conditions, and another extension granted on same conditions May 12, 1936, and owner requests a further extension.

Resolved, that the resolution adopted by the board on May 15, 1934, be and it hereby is *amended* only so far as it has reference to the term of the permit, so that as amended this portion of the resolution will read:

"*Granted* under section 21 for a temporary period of two years from the date of this amended action and that other than as to term as herein permitted the resolution adopted on May 15, 1934, shall be complied with."

43-37-BZ.

APPLICANT—Lama and Proskauer, for Circle Gas Stations, Inc., owner.

SUBJECT—Application for consideration—reopening and extension of time—re Application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a residence use district the extension in area of an existing accessory building located on an existing gasoline service station.

PREMISES AFFECTED—1091-1113 Lorraine avenue, north side, between Linden boulevard and Holly street and 2492-2504 Linden boulevard (Block No. 4482, Lot No. 38), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(43-37-BZ)

WHEREAS, Lama and Proskauer, for Circle Gas Stations, owner, filed February 4, 1937, an application under the building zone resolution to permit in a residence use district the extension in area of an existing non-conforming building accessory to an existing gasoline service station; premises: 1091-1113 Lorraine avenue, north side, between Linden boulevard and Holly street and 2492-2504 Linden

boulevard (Block No. 4482, Lot No. 38), Borough of Brooklyn; and

WHEREAS, this application was granted by the board April 27, 1937 on certain conditions and applicant requested an extension of time to obtain permits and complete work.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of April 27, 1937, only so far as it refers to obtaining permits and completion of the work, so that as amended the resolution shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 21, to permit the erection of proposed one-story accessory building for greasing and car laundry, *on condition* that this building shall not exceed one story in height and shall be constructed of fireproof materials, except the roof beams and roof boarding may be of wood provided the ceiling is fire-retarded in accordance with the rules of the Board of Standards and Appeals; that there shall be no excavation under building except the pits for the greasing racks; that no doors shall be constructed on the greasing section unless hydraulic lifts are constructed; that the balance of the plot shall be leveled substantially to the grade of Linden boulevard; that no gasoline pumps shall be erected nearer than 10 ft. to either building line; that the signs shall be limited to the illuminated globes of pumps and to permanent flat signs attached to the facades of the accessory building, excluding all roof signs and signs of a temporary nature but permitting the erection within the building line, near the intersection of Linden boulevard and Lorraine avenue, of a post standard supporting a sign, which may extend beyond the building line not over 4 ft., such sign may be illuminated, advertising only the brand of gasoline on sale; that no automobile repairing shall be carried on and no parking of cars other than those being serviced; that no portable gasoline tanks shall be used on or from the premises; and *that all permits shall be obtained and all work completed within one year from the date of this action.*"

1236-27-BZ.

APPLICANT—Archie H. Samuels, for Dorothy Rehder, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the commissioner of buildings) under section 7f of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station for a temporary period.

PREMISES AFFECTED—Southeast corner of Woodhaven boulevard and 163rd avenue (Block No. 4046, Lot No. 63), Aqueduct, Borough of Queens.

APPEARANCES—
For Applicant: Archie H. Samuels.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO EXTEND PERMIT—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(1236-27-BZ)

WHEREAS, this application, affecting premises southeast corner of Woodhaven boulevard and 163rd avenue (Block No. 4046, Lot No. 63), Aqueduct, Borough of Queens, was granted by the board May 29, 1928, on certain conditions, time to complete work expired and the case was reopened January 9, 1934, and application granted May 1, 1934, under the provisions of section 7, subdivision F, for a temporary period of two years; a writ of certiorari was obtained but was withdrawn and the case was again reopened March 31, 1936, and the temporary period extended for two years from April 21, 1936, and owner now requests a further extension of the temporary period.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of May 29, 1928, as amended by resolution adopted May 1, 1934, only so far as it has reference to the term of the permit, so that as amended that portion of the resolution shall read:

"*Granted* under section 7f for a temporary period of two years from the date of this amended resolution and that in all other respects the requirements of the resolution of May 29, 1928, shall be complied with."

APPEALS FROM ADMINISTRATIVE ORDERS

198-38-A.

APPLICANT—William Higginson & Son, for Bush Terminal Company, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—Southwest corner of 47th street and 1st avenue (Bldgs. Nos. 51 and 52); (Block No. 725, part of Lot No. 1), Borough of Brooklyn.

APPEARANCES—
For Applicant: C. H. Higginson and F. A. Rogers.
For Administration: Asst. Engineer Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to April 19, 1938, at 2 p.m., for report of committee.

202-38-A.

APPLICANT—Lama and Proskauer, for Jackson Service Station, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—13-24 to 13-26 Jackson avenue (124 Jackson avenue), southwest corner of 21st street (Van Alst avenue); (Block No. 58, Lot No. 9), Long Island City, Borough of Queens.

APPEARANCES—
For Applicant: Alfred A. Lama.
For Administration: Inspector Stone, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to April 12, 1938, at 2 p.m., inspection to be made by Building Department inspector.

211-38-A.

APPLICANT—Robert J. Blake Building and Realty Company, owner.

SUBJECT—Appeal from an order of the commissioner of buildings and a decision of the borough superintendent of buildings.

PREMISES AFFECTED—26 Gramercy Park South (138 East 20th street), south side, 231 ft. west of Third avenue and 133 East 19th street (Block No. 875, Lot No. 55), Borough of Manhattan.

APPEARANCES—
For Applicant: None.

ACTION OF BOARD—Laid over to April 12, 1938, at 2 p.m., on telephonic request of applicant.

217-38-A.

APPLICANT—Kavy and Kavovitt, Inc., for Watt Realty Corporation, owner.

MINUTES

SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—111-14 76th avenue, northeast corner Austin street (Block No. 3340, Lot No. 1), Forest Hills, Borough of Queens.
APPEARANCES—
For Applicant: Morris Kavy, Max Hirsch and D. Tritola.
ACTION OF BOARD—Laid over to April 12, 1938, at 2 p.m., for further consideration by the board.

171-38-A.
APPLICANT—Gaspare Ponte and Angelina Maltese, owners.
SUBJECT—Appeal from an order and a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—827 Hart street, north side, 100 ft. east of Knickerbocker avenue (Block No. 3220, Lot No. 54), Borough of Brooklyn.
APPEARANCES—
For Applicant: Harry B. Richard.
For Administration: Inspector Meagher, Department of Housings and Buildings.
ACTION OF BOARD—Granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—
(171-38-A)

WHEREAS, Gaspare Ponte and Angelina Maltese, owners, filed on March 12, 1938 an appeal from an order of the acting borough superintendent and a decision from the chief of the Division of Fire Prevention, Department of Housing and Buildings, Brooklyn, affecting premises 827 Hart street, north side, 100 ft. east of Knickerbocker avenue (Block No. 3220, Lot No. 54), Borough of Brooklyn; and

WHEREAS, the Order No. 19043-LF, issued by the Division of Fire Prevention, signed by John J. Moran, acting borough superintendent, dated November 24, 1937, reads as follows:

"1. Provide fireproof windows or iron shutters at all openings in the exterior wall above 1st story which are distant in a direct line less than 30 ft. from any opening in any other building and not in the same plane with said openings and which are not more than 50 ft. above a neighboring roof at east and west sides of building, as per chapter 26, section 649, Code of the City of New York."

and

WHEREAS, the decision of the chief of the Division of Fire Prevention, dated February 14, 1938, reads as follows:

"Re: Premises 827 Hart street, Brooklyn.

In reply to yours of December 22, 1937, regarding Order No. 19043-LF pending with this department, and in which you question the height of the building and request a cancellation of said order, please be advised that I have caused a reinspection to be made and it was found that the building is 40 ft. 6 in. at one end and 41 ft. at the other end.

These measurements were made with a steel tape and taken from roof level to curb level. The variation is due to the pitch of the street.

In view of the fact that the measurements show the building over 40 ft. in height, this department has no jurisdiction to cancel or waive this order; however, as the variation is of a slight degree over the required height, it is suggested that you file an appeal with the Board of Standards and Appeals who have jurisdiction either to waive or modify the requirements of this order."

and

WHEREAS, the building is 3 stories, approximately 41 ft. 6 in. in height, 22 ft. 11¾ in. by 94 ft. 10¾ in. in area; of non-fireproof construction; erected in 1910; located in a residence use district and occupied as follows: 1st floor—manufacturing pants, 24 persons; 2nd floor—manufacturing pants, 18 persons; 3rd floor—manufacturing dresses, 30 persons; for which no certificate of occupancy has been issued; and

WHEREAS, the applicant contends that the building is but slightly in excess of the 40 ft. in height; that the present owners have owned the building for twenty years; there has never been a fire in the building or the building to the west, which is owned by the same owner (No. 829 Hart street); that the cost to comply with this order would be $600; the income from the building is nil; that the order in question is a technical application of the law and applies only to the building because of the pitch of the street; that the exposures in question are not hazardous.

Resolved, that the order of the acting borough superintendent, No. 19043-LF, and the decision of the chief of the Division of Fire Prevention, Department of Housing and Buildings, be and they hereby are *modified,* and that the appeal be and it hereby is *granted on condition* that the windows opening on the primary means of exit shall be fireproof self-closing and that in all other respects the building shall comply with all laws, rules and regulations applying to the occupancy.

185-38-A.
APPLICANT—G. W. Swiller, for Hebrew Home for Chronic Invalids, owner.
SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—1805 Anthony avenue, west side, 70 ft. south of East 175th street (Block No. 2891, Lot No. 49), Borough of The Bronx.
APPEARANCES—
For Applicant: G. W. Swiller.
For Administration: Inspector Harris, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—
(185-38-A)

WHEREAS, G. W. Swiller, for Hebrew Home for Chronic Invalids, owner, filed on March 21, 1938, an appeal from a decision of the Acting Borough Superintendent, Department of Housing and Buildings, The Bronx, affecting Premises: 1805 Anthony avenue, west side, 70 ft. south of East 175th street (Block No. 2891, Lot No. 49), Borough of The Bronx; and

WHEREAS, the decision of the Acting Borough Superintendent on Alt. App. No. 68-38, dated February 28, 1938, reads as follows:

"1. No frame building not now used as a multiple dwelling shall hereafter be converted to such use. Sec. 56 Multiple Dwelling Law. Also see Sec. 2.1.3.5. building code."

and

WHEREAS, the building is 2½ stories (30 ft.) in height, 19 ft. by 53 ft. in area; of frame construction; located in a residence use B area district; erected in 1922 and occupied at present as one family dwelling throughout; it is proposed to convert the building to the following occupancy: Cellar—boiler and storage, no persons; 1st floor—office, 1 person; 2nd floor—sleeping rooms, 3 persons; attic—sleeping rooms, 3 persons; and

WHEREAS, the applicant contends that the building will be occupied by nurses, who will not pay for lodgings and there will be no rents charged for any of the occupancy

in the building; there will be no cooking, dining or social affairs held on the premises; that the institution is a charitable one; and

WHEREAS, in the opinion of the board occupancy of this proposed building can be considered as a part of the public institution, and, therefore, excluded as a multiple dwelling under the provisions of section 4, of the multiple dwelling law, and that the appeal should be granted as to the use of the frame building, provided it is made to comply with the requirements as to safe exits.

Resolved, that the decision of the Acting Borough Superintendent on Alt. Applic. No. 68-38, be and it hereby is *modified*, and that the appeal be and it hereby is *granted on condition* that an exterior fire-escape shall be constructed on the building to provide a second means of exit from the upper stories, to be occupied as sleeping quarters for nurses employed by the hospital; that no cooking shall be carried on in the building and that the building shall at no time be used for any other purposes except such as are connected with the administration of the Hebrew Home for Chronic Invalids.

189-38-A.

APPLICANT—Boak & Paris, Inc., for Harry Cohen, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—82 Eldridge street, east side, 175 ft. south of Grand street (Block No. 307, Lot No. 10), Borough of Manhattan.

APPEARANCES—

For Applicant: R. Rubin and Mr. Paris.

For Administration: Inspector Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(189-38-A)

WHEREAS, Boak & Paris, Inc., for Harry Cohen, owner, filed on March 22, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, Manhattan, affecting premises 82 Eldridge street, east side, 175 ft. south of Grand street (Block No. 307, Lot No. 10), Borough of Manhattan; and

WHEREAS, the decision of the Manhattan borough superintendent, dated March 10, 1938, on Alt. App. No. 304-38, reads as follows:

"1. Conversion from a tenement to a business building is unlawful unless the building is reduced in height not to exceed 4 stories with a maximum of 50 ft. or unless the building is made to conform with the provisions of a Class II structure. 4.2.1 Bldg. Code. Reconsideration is denied."

and

WHEREAS, the building is 6 stories (53 ft.) in height, 25 ft. 6 in. by 82 ft. 6 in. in area at the 1st floor and 25 ft. 6 in. by 70 ft. in area above; of non-fireproof construction, located in an unrestricted use district; erected in 1889; occupied on 1st and 2nd floors as stores, and as apartments above; it is proposed to devote the four lower stories to business use—store and showrooms and retain the apartment use on the two upper stories; and

WHEREAS, the applicant contends that the present occupancy as a six-story occupancy with stores on 1st and 2nd floors does not bring in enough revenue to cover the carrying charges; that the proposed alterations would secure a tenant for the 1st to 4th floors for showrooms and the two remaining floors would be rented to one family each at a reasonable rent, just to keep the upper part of the building occupied; and

WHEREAS, the board deemed that the proposed alteration and change of use should not be permitted as to the two upper floors for residential purposes.

Resolved, that the decision of the borough superintendent be and it hereby is *affirmed*, and that the appeal be and it hereby is *denied*.

204-38-A.

APPLICANT—Harry Serper, for Seplowitz, Bros., lessees.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—49-55 Throop avenue, east side, 50 ft. south of Wallabout street and 418 Wallabout street (Block No. 2267, Lot No. 7 and part of Lot No. 6), Borough of Brooklyn.

APPEARANCES—

For Applicant: Harry Serper.

For Administration: Inspector Meyer, Fire Department.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(204-38-A)

WHEREAS, Harry Serper for Seplowitz Bros., lessee, filed on March 28, 1938, an appeal from an order of the fire commissioner, affecting premises: 49-55 Throop avenue, east side, 50 ft. south of Wallabout street, and 418 Wallabout street (Block No. 2267, Lot No. 7 and part of Lot No. 6), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, No. 74642-LC, dated March 15, 1938, reads as follows:

"With reference to your application dated Feb. 21, 1938, for a permit to store and use alcohol and bone dry shellac in the manufacture of shellac at 55 Throop avenue, Brooklyn, please be advised that this department is without power to grant such a permit for the reason that the manufacture of shellac varnish within 50 ft. of a place of public Assembly (synagogue) is a violation of Chapter 19, Title C, Part 1, Art. 16, which reads as follows:

'No permit for the manufacture, mixing or compounding of paints, varnish or lacquers shall be issued for any premises, which are situated within 50 ft. of the nearest wall of a building occupied as a school, theatre or other place of public amusement or assembly.'

1. You are, therefore, ordered to remove alcohol and bone dry shellac from the premises and discontinue the manufacture of shellac varnish from said premises."

and

WHEREAS, the order applies to that portion of the building known as No. 53 Throop avenue, which is one story (15 ft.) in height, 25 ft. by 75 ft. in area; of concrete construction with non-fireproof roof and fire-retarded ceiling; located in an unrestricted district; erected in 1927 and occupied for storage of kalsomine, white lead and manufacturing of shellac, 5 persons. The northerly portion of the building, which is 3 stories in height, of frame construction, is occupied throughout for the storage of paint and wallpaper; and

WHEREAS, the applicant contends that at no time will more than 200 gallons of shellac be manufactured at once; that in the manufacturing process, 125 gallons of alcohol and 750 lbs. of bone dry shellac will be used; that the mixing tank is erected on a platform 6 ft. 8 in. above the floor; there is a concrete wall directly in the rear of the tank; that the mixing machine motor is driven by a 3 h.p. G.E. Inducting Motor, fully enclosed and fan-cooled;

the motor switch is vapor-proof; that all electric lights have the regulation vapor-proof fixtures; mixing will be carried on only during the hours of 10 A. M. to 3 P. M. on week-days; no raw materials to be kept on the premises other than the bone dry shellac which is non-inflammable; not more than 250 gallons of alcohol will be on the premises at any one time; the alcohol will be in drums and will be pumped from the drums to the mixing tank by a pump with a vapor-proof switch; that the alcohol and shellac will always be kept at a distance of 50 ft. from the nearest wall of Synagogue, which fronts on Wallabout street.

Resolved, that the order of the fire commissioner, No. 74642-LC, be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that not over two drums of alcohol shall be used at any time in the process of shellac cutting; that the section of the building where the shellac cutting tank is installed, shall be separated from the balance of the building by means of a fire-retarded partition extending from the floor to the ceiling and for the width of the mezzanine partition; that the underwriters self-closing fire doors throughout the premises shall be kept in operating condition at all times; that the vent lines from the pump tanks in the rear shall be so arranged as to vent over the parapet and away from the windows of the adjoining premises; that no shellac shall be stored in the mixing tank except during the process of cutting; that such portable fire-fighting appliances shall be installed in the premises as the commissioner shall direct; that the motor used in connection with the shellac tank shall be of the enclosed spark-proof type and that all electric lamps and switches within a distance of 15 ft. of the mixing tank shall be of the vaporproof type and that in all other respects the occupancy of the building shall comply with all laws, rules and regulations applicable thereto.

212-38-A.

APPLICANT—Raphael J. Smyth, acting chief engineer, President of The Borough of The Bronx, for City of New York, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—400-420 East 181st street, south side, 66 ft. west of Park avenue (Block No. 3030, Lot No. 7), Borough of The Bronx.

APPEARANCES—

For Applicant: Raymond C. Sullivan.

For Administration: Plan Examiner M. Thiede, Department of Housing and Buildings.

ACTION OF BOARD—Granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(212-38-A)

WHEREAS, the President of the Borough of The Bronx of the City of New York, by Raphael J. Smyth, acting chief engineer, filed on March 29, 1938, an appeal from a decision of the acting borough superintendent of the Department of Housing and Buildings (Bronx), affecting premises 400-420 East 181st street, south side, 66 ft. west of Park avenue (Block No. 3030, Lot No. 7), Borough of The Bronx; and

WHEREAS, the decision of the acting borough superintendent on F. P. Slip Application No. 10-38, dated March 4, 1938, reads as follows:

"1. No tank for the storage of volatile inflammable oil shall be located under the sidewalk or beyond the building line. (Sec. C19-59-0, chapter 19 of the Administrative Code."

and

WHEREAS, the building in conjunction with which the tank is to be used is one story (23 ft.) in height, 94 ft. by 177 ft. in area; of non-fireproof construction; located in an unrestricted use district; erected in 1908 and occupied as follows: Cellar—storage of materials, 2 persons; 1st floor—garage, 3 persons; and

WHEREAS, the applicant contends that it is proposed to install a 550-gallon gasoline tank, buried 3 ft. below the surface of the south sidewalk of East 181st street, 66 ft. west of Park avenue; the proposed tank is to be supplemental to the two existing tanks now buried under the sidewalk at the same location; it is necessary to place the tank under the sidewalk as the lift would be too great for the pumping of gasoline if the tank were buried under the cellar floor, as required; that the north and south sides of East 181st street, between Park and Webster avenues, is owned by the City of New York and is occupied exclusively by brick buildings mainly used for the storage of trucks and automobiles.

Resolved, that the decision of the acting borough superintendent, on F. P. Slip Applic. No. 10-38, be and it hereby is *modified,* and that the appeal be and it hereby is *granted* so as to permit the installation of one additional 550 gallon gasoline tank below the surface of the southerly sidewalk, provided such tank is otherwise installed in accordance with all the requirements of the laws, rules and regulations applicable thereto and so long as this tank and existing tanks are used solely for the Department of Borough Works of the Borough of The Bronx.

207-38-A.

APPLICANT—John J. Gilmartin, for M. H. Harris, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—489-491 Fulton street, north side, 43 ft. 4½ in. west of Bridge street (Block No. 152, Lot Nos. 3 and 4), Borough of Brooklyn.

APPEARANCES—

For Applicant: John J. Gilmartin.

For Administration: Asst. Engineer Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(207-38-A)

WHEREAS, John J. Gilmartin, for M. H. Harris, owner, filed March 28, 1938, an appeal from a decision of the acting borough superintendent of buildings, affecting premises 489-491 Fulton street, north side, 43 ft. 4½ in. west of Bridge street (Block No. 152, Lot Nos. 3 and 4), Borough of Brooklyn; and

WHEREAS, the decision of the acting borough superintendent, dated March 21, 1938, in acting on Applic. No. 955-38, reads:

"3. New stairs to second floor should be 3 ft. 8 in. min. width, enclosed in fire retarded partitions and lead directly to the street."

and

WHEREAS, the building is 4 stories, 45 ft. in height, 39 ft. 10 in. by 60 ft. in area at first floor and 39 ft. 10 in. by 53 ft. in area above, located in a business use district and occupied as follows: Cellar—storage, 0 persons; 1st floor—stores, 5 persons; 2nd floor—office and showroom, 5 persons; 3rd and 4th floors—showroom, 5 persons per floor. It is proposed to discontinue the use of a portion of the second floor and the entire third and fourth floors and maintain same vacant. First floor will be used for stores

and a portion of the second floor for offices and showroom for optical business. It is proposed to provide a 3 ft. wide iron stairway leading from the store at first floor to the second floor office and showroom. This proposed stairway will replace the original stairway from the first to second floor which was formerly used to accommodate the occupants on the upper floors. The portion of the first floor to be used as store will be enclosed in fire-retarded partitions and will actually serve as an entrance hall for the stairs leading to the second story. In addition, it is proposed to provide a fire escape balcony with drop ladder in guides at the front of the building as an additional means of egress from the second floor; and

WHEREAS, the applicant contends that the business will be of a non-hazardous nature, consisting of optical goods and it is, therefore, requested that the proposed conditions be accepted.

Resolved, that the decision of the acting borough superintendent, on Applic. No. 955-38, be and it hereby is *modified,* and that the appeal be and it hereby is *granted* so as to permit the proposed stairway, 3 ft. in width, from the first floor to the second floor, so long as portion of the ground floor with the stairways leading to the second floor are occupied by M. H. Harris for the optical business and provided the third and fourth floors shall remain vacant; that the stairway from the second floor to the third floor shall be removed and a permanently affixed ladder and scuttle substituted, *on condition* that an exterior fire-escape with a balcony at the second floor and drop ladder in guides to the street is installed; that in all other respects the building and occupancy shall apply with all laws, rules and regulations applicable thereto.

210-38-A.

APPLICANT—O. Edwin Kurth, for Tivoli Construction Corporation, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—831-837 Eighth avenue and 301 West 50th street, northwest corner (Block No. 1041, Lot No. 29), Borough of Manhattan.

APPEARANCES—

For Applicant: O. Edwin Kurth.

For Administration: Inspector Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(210-38-A)

WHEREAS, O. Edwin Kurth for Tivoli Construction Corporation, owner, filed on March 28, 1938, an appeal from a decision of the Borough Superintendent, Department of Housing and Buildings, affecting Premises: 831-837 Eighth avenue, northwest corner of West 50th street (Block No. 1041, Lot No. 29), Borough of Manhattan; and

WHEREAS, the decision of the Borough Superintendent, dated March 9, 1938, reads as follows:

"Alt. App. No. 3713-1937
Premises 831-833-835-837 Eighth avenue, Manhattan
N.W. Cor. 50th St.,
Tivoli Construction Corp.,
1560 Broadway, New York.
Mr. Max Richter, President.

Sir:

The above stated alteration application has been approved in error, inasmuch as in changing these buildings back to the original classification as old law tenements, the former rear yards have been used for the side court for the theatre building in the rear.

Therefore, I am sorry to inform you it will be necessary to revoke this approval and the permits to build, No. 5006/1937 for masonry work and No. 164/1938, for iron work, in connection therewith, and the same are hereby *revoked.*"

and

WHEREAS, the premises consist of 2 buildings, are 4 stories (40 ft.) in height, with a total area of 137 ft. 6 in. by 135 ft. 5 in.; of nonfireproof construction; located in a retail use district; erected about 1870 and occupied since March, 1922, as follows: Cellar—lavatory; 1st story—stores, 20 persons; 2nd story—offices, 18 persons; 3rd story—4 apartments; each building; 4th story—4 apartments; each building; and

WHEREAS, the applicant contends four (4) four-story buildings were combined into two buildings at the time a theatre was built at the rear of the property under N.B. App. No. 351-1919; certificates of occupancy Nos. 4492 and 4493 were issued in 1922 for combined buildings; the occupancy given in these certificates of occupancy has been maintained; on June 28, 1937, Violation Orders Nos. 2532/37 and 2533/37 were issued against these premises; on receipt of said violations the applicant conferred with the Department of Buildings and showed the plans as approved in 1919; plans were then filed, classifying the buildings as tenements; on September 30, 1937, contracts for work required by said alteration plans were awarded and Permit No. 5006 for masonry work and Permit No. 164 for iron work were issued; work was started and fire-escapes approved by letter from the Department of Housing and Buildings on January 19, 1938, with the exception of second floor balcony; the fire-retarding of halls was done and inspected by the Department of Housing and Buildings on January 14, 1938; the finished plastering was completed, the one-hour test fireproof doors installed, iron railings installed for stairs and work substantially completed on January 28, 1938; that the conditions of the building and the rear yard have not been altered since certificates of occupancy were issued in 1922 and on all these facts requests reinstatement of Permits Nos. 5006-37 and 164-38; and

WHEREAS, it appears that these buildings became multiple dwellings on the adoption of the Multiple Dwelling Law in 1929.

Resolved, that the decision of the borough superintendent, on Alt. Applic. No. 3713-37, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* reinstating the permits revoked, *on condition* that the rear yard as permitted by certificates of occupancy No. 4494-22 and No. 4493-22, as issued upon completion under new building Applic. No. 351-19, shall be continued.

214-38-A.

APPLICANT—Emil Koeppel, for Boyd H. Wood Company, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—124-138 Bay Ridge parkway (75th street), south side, 390 ft. west of Ridge boulevard (Block No. 5938, Lot Nos. 15 and 66), Borough of Brooklyn.

APPEARANCES—

For Applicant: Matthew W. Wood.

For Administration: Asst. Engineer Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

MINUTES

(214-38-A)

WHEREAS, Emil Koeppel, for Boyd H. Wood Company, owner, filed March 31, 1938, an appeal from a decision of the acting borough superintendent of buildings affecting premises 124-138 Bay Ridge parkway (75th street), east side, 390 ft. west of Ridge boulevard (Block No. 5938, Lot Nos. 15 and 66), Borough of Brooklyn; and

WHEREAS, the decision of the acting borough superintendent, dated March 31, 1938, on alteration application No. 2078-38, reads as follows:

"1. Proposed pent house on a non-fireproof multiple dwelling class A is in violation of section 4, subdivision 15. Not further considered."

and

WHEREAS, the building is 6 stories, 65 feet in height, 130 by 89 feet in area, of non-fireproof construction, erected in 1936 and located in a residence "C" area district, occupied throughout as Class "A" multiple dwelling, for which Certificate of Occupancy No. 83329 was issued, July 23, 1937; and

WHEREAS, applicant contends the rear portion of the building is four stories in height and that the proposed structure is to be placed on this four story portion; that all roof beams, girders and cross members are of steel; the roof is reinforced concrete; the walls of the proposed structure will be of brick; the roof of steel and reinforced concrete; the partitions of wire lath and angle iron; the windows will be steel casements; there will be four independent means of egress from the proposed structure, one by the public stairhall in the existing building, two by outside fire-escapes leading to the rear yard at the four story elevation, and a fourth by the public stairhall in the easterly half of the said building to which there is direct access. The yard at rear of the four story portion of building connects with 76th street by an unimpeded passage over a strip of land ten feet in width; and

WHEREAS, in the opinion of the board, the pent house as proposed is not permitted to be erected upon the roof of a six story non-fireproof multiple dwelling under section 4, subdivision 15, and that to grant this application would be to make a variation of the law, which this board and no other administration department is empowered to do.

Resolved, that the decision of the acting borough superintendent be and it hereby is *affirmed*, and that the appeal be and it hereby is *denied*.

216-38-A.

APPLICANT—Louis E. Ordwein, for The Bank for Savings in City of New York, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—31 Madison avenue, east side, 49 ft. 4½ in. north of East 25th street (Block No. 855, Lot No. 4), Borough of Manhattan.

APPEARANCES—

For Applicant: David Weinberg.

For Administration: Inspector Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(216-38-A)

WHEREAS, Louis E. Ordwein, for The Bank for Savings in City of New York, owner, filed on March 31, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, Manhattan, affecting premises 31 Madison avenue, east side, 49 ft. 4½ in. north of East 25th street (Block No. 855, Lot No. 4), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated March 14, 1938, on Alt. App. 498-38, reads as follows:

"A1—Classification of building must be established. Note this building is now used as a business building and all rooms and non-fireproof stair partitions shown on plans of upper floors are new."

and

WHEREAS, the building is five stories (56 ft.) in height; 24 ft. 8 in. by 96 ft. in area at 1st story and 24 ft. 8 in. by 70 ft. in area above, of non-fireproof construction, erected prior to 1882, located in a retail use district and occupied as follows: Cellar—storage and boiler room; 1st floor—store and office; 2nd, 3rd, 4th and 5th floors—offices and showrooms; and

WHEREAS, it is proposed to occupy the building as follows: Cellar—storage and boiler room; 1st floor—store and office; 2nd to 5th floors, inclusive, two 4-room apartments per floor; and

WHEREAS, the applicant contends that it is proposed to convert the building into a hereafter converted Class A multiple dwelling; that the building was originally erected as a one-family private dwelling. The records of the Department of Housing and Buildings indicate that the building was used as a dwellling up to 1910, at which time the building was altered as a store on the first floor, office and showrooms above. The inspector's report in 1910 indicates that the building was being used as a rooming house. This report would classify the building as a Class B multiple dwelling; that the definition of a converted dwelling under section 4, subdivision 8 of the Multiple Dwelling Law states:

"A 'converted dwelling' is a dwelling heretofore erected to be used or occupied by one family or by two families living independently of each other and heretofore or hereafter used or occupied as a multiple dwelling. A converted dwelling occupied as a Class A multiple dwelling is a Class A converted dwelling; every other converted dwelling is a Class B converted dwelling."

that in view of the fact that this building was a dwelling, the applicant requests permission to classify the building as a hereafter converted dwelling; and

WHEREAS, it appears that the building in question still retains the general appearance and structural condition of the building as formerly occupied as a private dwelling and has not been increased in height or area except as to an extension to 1st story in the rear; and

WHEREAS, the provisions of article 2, section 8, permit a building formerly used as a tenement house, if used for other uses, to be restored to such use if made to comply with article 7 of the Multiple Dwelling Law; and

WHEREAS, in the opinion of the board this provision should be deemed to apply to *converted* dwellings provided same are made to comply with article 6, and provided the main structural elements and exterior design of the building have not been materially changed.

Resolved, that the decision of the borough superintendent, on Alt. App. 498-38, be and it hereby is *modified* and the appeal be and it hereby is *granted on condition* that the building as altered shall comply with all requirements of Article 6 of the Multiple Dwelling Law and to all other laws, rules and regulations applicable to the use and occupancy thereof.

219-38-A.

APPLICANT—Henry Nordheim, for Gaza Realty Corporation, owner.

SUBJECT—Appeal from a decision of the Borough superintendent of buildings.

PREMISES AFFECTED—594 St. Anns avenue, east side, 130 ft. 9⅝ in. north of East 149th street (Block No. 2616, Lot No. 6), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry Nordheim.

For Administration: M. Harris, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(219-38-A)

WHEREAS, Henry Nordheim, for Gaza Realty Corporation, owner, filed on April 1, 1938, an appeal from a decision of the Borough Superintendent, Department of Housing and Buildings, Bronx, affecting premises 594 St. Anns avenue, east side, 130 ft. 9⅝ in. north of East 149th street (Block No. 2616, Lot No. 6), Borough of The Bronx; and

WHEREAS, the decision of the Borough Superintendent, on Alt. App. 797-37, dated March 22, 1938, reads as follows:

"1. Objection 1 not removed.

As this is a three story, basement and cellar building and the entrance is through the basement, the cellar ceiling shall be fire-retarded as originally approved, Sec. 240, subdiv. 2 Multiple Dwelling Law."

and

WHEREAS, the building is three stories, 25 ft. 3 in. by 100 ft. in area, of nonfireproof construction, erected in 1884, located in a business use district and occupied as follows: Cellar—storage, no persons; basement to 3rd floors, inclusive, multiple dwelling; and

WHEREAS, the applicant contends that General Order No. C. 1436, issued June 19, 1936, relating to section 238-4 "Heights of Old Law Tenements" provides that three story and basement buildings need not have the cellar ceiling fire-retarded. This general order was in effect at the time the amendment to this application was made; and

WHEREAS, in the opinion of the board, section 240, subdivision 2 does not require a building three stories and basement in height to have the cellar ceiling fire-retarded; that this requirement applies only to buildings that are four stories or more above grade.

Resolved, that the decision of the borough superintendent on Alt. App. 797-37, be and it hereby is *reversed* and that the application be and it hereby is *granted.*

VARIATIONS OF LABOR LAW

101-38-S.

APPLICANT—F. W. Wurster, for F. W. Wurster Realty Co., Inc., owner.

SUBJECT—Variation of the labor law as cited in orders of the commissioner of buildings and a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—375-387 Kent avenue and 22-36 South 6th street, southeast corner (Block No. 2468, Lot Nos. 6 and 9), Borough of Brooklyn.

APPEARANCES—

For Applicant: F. W. Wurster.

For Administration: Inspector Meaher, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(101-38-S)

WHEREAS, F. W. Wurster, for F. W. Wurster Realty Co., Inc., owner, filed on February 17, 1938, an application for a variation of the Labor Law, as cited in orders of the commissioner of buildings and a decision of the Chief of Fire Prevention, Department of Housing and Buildings (Brooklyn), affecting premises 375-387 Kent avenue and 22-36 South Sixth street, southeast corner (Block No. 2468, Lot Nos. 6 and 9), Borough of Brooklyn; and

WHEREAS, Order No. 18281-LD, issued by the commissioner of buildings on October 13, 1937, reads as follows:

"An inspection of premises 22-36 South 6th street, 375-87 Kent avenue, Borough of Brooklyn, shows that the following must be done to comply with section 271 of the Labor Law:

1. Extend the interior stairway from 5th story to roof in buildings known as 383-7 Kent avenue and 375-81 Kent avenue, Brooklyn."

and

WHEREAS, Order No. 18282-LD, issued by the commissioner of buildings on October 13, 1937, reads as follows:

"1. Provide a secondary means of egress from building known as 383-387 Kent avenue."

and

WHEREAS, Order No. 18283-LD, issued by the commissioner of buildings on October 13, 1937, reads as follows:

"1. Provide a secondary means of exit from building known as 375-81 Kent avenue and 32-36 6th street, or arrange present sub-standard fire-escape to comply with requirements of the Labor Law."

and

WHEREAS, the decision of the chief, Division of Fire Prevention, Department of Housing and Buildings (Brooklyn), dated February 16, 1938, reads as follows:

"Re Premises 23-36 So. 6th street and 375-387 Kent avenue, Brooklyn—

In reply to your letter of February 15th, 1938, wherein you request the rescindment of Orders 18281-LD, 18282-LD and 18283-LD and re-issue of same for the purpose of filing an appeal for the reason that the thirty (30) day limit has expired, you are advised that your request is hereby denied.

However, I am informed that the Board of Standards and Appeals will accept this letter as a basis for an appeal."

and

WHEREAS, the building is 5 stories (58 ft.) in height, 172.6 ft. by 100 ft. on Kent avenue and 165 ft. on South 6th street; of non-fireproof mill construction; erected in 1903 and occupied as follows: Cellar—boiler room, 2 persons; 1st floor—metal stamping and plating, 30 persons; 2nd floor—manufacturing of cork and pearl handles, 15 persons; 3rd floor—manufacturing of felt washers, pearl buttons and machine shop, 20 persons; 4th floor—manufacturing candy and pearl buttons and machine shop, 35 persons; 5th floor—manufacturing pipe stems, lighting fixtures and candy, 25 persons; the building is equipped with an interior fire alarm, 3 interior fireproof stairs and one fire-escape located on South 6th street front, which extends to street by means of a ladder and does not extend to the roof; interior stairs are extended to the roof by means of iron ladders to scuttles; windows on course of fire-escapes are not protected; and

WHEREAS, the applicant contends that Order No. 18281-LD should not apply as premises would be technically one building if a single horizontal fire-door was removed; that Orders Nos. 18282-LD and 18283-LD apply only because in some cases adjoining lofts are not occupied by same tenant; all lofts have two means of egress protected by fire doors; that building known as 375-381 Kent avenue has 3 means of egress in addition to a sub-standard fire-escape; that all fire doors are kept clear and accessible during working hours.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law, as cited in orders of the commissioner of buildings, 18281-LD, 18282-LD and 18283-LD and a decision of the acting borough superintendent, dated February 16, 1938, and that the application be and it hereby is *granted* as to Order No. 18281-LD *on condition* that there shall be installed and maintained in each of the three (3) enclosed

stairways an approved steel ladder with easily opened scuttle to roof; and *granted* as to Order No. 18282-LD *on condition* that the existing secondary means of egress in building located at 383-387 Kent avenue, consisting of a horizontal exit in the brick fire-wall, protected by fireproof, self-closing doors, shall be maintained in openable condition at all times during working hours; and *granted* as to Order No. 18283-LD *on condition* that the substandard fire-escape shall comply with the rules of the board applicable thereto; and *granted only so long* as the building is occupied substantially as at present and is not increased in height or area.

209-38-S.

APPLICANT—Scacchetti and Siegel, for Macombs Estates, Inc., owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—1366-1372 Inwood avenue, east side, 170 ft. south of West 170th street (Block No. 2856, Lot No. 20), Borough of The Bronx.

APPEARANCES—

For Applicant: Max Siegal.

For Administration: Michael C. E. Thiede, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(209-38-S)

WHEREAS, Scacchetti and Siegel, for Macombs Estates, Inc., owner, filed on March 15, 1938, an application for a variation of the labor law, as cited in an order and decision of the acting borough superintendent, Department of Housing and Buildings, The Bronx, affecting premises 1366-1372 Inwood avenue, east side, 170 ft. south of West 170th street (Block No. 2856, Lot No. 20), Borough of The Bronx; and

WHEREAS, the order of the acting borough superintendent, No. 6-38, dated January 20, 1938, reads as follows:

"1. Discontinue the occupancy of the above premises for factory purposes in violation of Section 270 of the Labor Law. *The defects noted are as follows:*

A. Provide two legal means of exit, as required under Subdiv. 3, Section 270 of the Labor Law by constructing the interior stairways and their enclosures as required under Subdiv. 4, Section 260 of the Labor Law."

and

WHEREAS, the decision of the acting borough superintendent on B.N. 1208-37, dated March 2, 1938, reads as follows:

"A certificate of occupancy for a garage for more than five (5) cars and factory at above mentioned location is hereby denied as the building is not occupied as stated in original Certificate of Occupancy. Plans and applications will have to be filed with this Department showing changes having been made since building was erected and proposed use for factory purposes on second floor.

"Fire Prevention Orders 3 and 6 have not been complied with as you have been so notified and the premises are still being used in violation of Section 270 of the Labor Law."

and

WHEREAS, the building is two stories (28 ft.) in height, 75 ft. by 112 ft. 6 in. in area; erected in 1922 and occupied as follows: Cellar—boiler room; 1st floor—storage garage for more than 5 motor vehicles, 5 persons; 2nd floor—manufacturing automobile brake parts, 10 persons; the building is equipped with 2 interior, 44 in. stairs, enclosed in fire-retarding partitions, equipped with self-closing, fireproof doors at the openings; these stairs do not extend to the roof; a scuttle and ladder is provided to the roof from the stairs in the southwest corner of the building; egress can be had from the top of the stairs in the southeast corner of the building to the building adjoining to the east, which fronts on Jerome avenue and which was the subject of a variation by this board under Cal. No. 33-28-BZ; and

WHEREAS, the applicant contends there is an opening 5 ft. 6 in. by 7 ft. in area, protected by fire doors, connecting this building to the building located on Jerome avenue; that the Jerome avenue building is used for factory and machine shop by the same tenant, occupying the building in question; it is requested that existing conditions be accepted in lieu of strict compliance with the labor law as existing exits are more than sufficient for light occupancy in the building; that compliance with the labor law would cause an unnecessary hardship on the owner.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the labor law as cited in order No. 6-38 and decision B.N. 1208-37, of the acting borough superintendent, and that the application be and it hereby is *granted on condition*, that the 2nd floor of the building facing Inwood avenue shall have two means of exit consisting of enclosed stairway on the southwest corner, exiting directly to Inwood avenue, and as a secondary exit the opening in the fire-wall leading to the portion of the building facing Jerome avenue, with direct exit thereto, *provided* that this opening in the fire-wall shall be protected with approved, self-closing, Underwriters' fire doors; and *granted only so long* as the 2nd floor of the Inwood avenue building and the main floor of the portion facing Jerome avenue are occupied by the same tenant as a machine shop; that in all other respects all the laws, rules and regulations applying to the construction and occupancy of this building shall be complied with, except the primary means of exit leading to Inwood avenue may be enclosed in fire-retarded partitions with metal lath and plaster on both sides with door leading therefrom not less than 3 ft. in width and fireproof, self-closing, and not requiring said stairway to be continued through and above the roof.

206-38-S.

APPLICANT—Arthur Eisemann, for P. Nathan Sons, Inc., lessee.

SUBJECT—Variation of the labor law as cited in a decision of the borough superintendent of buildings.

PREMISES AFFECTED—451-453 Fourth avenue, east side, 70 ft. ¾ in. north of East 30th street (Block No. 886, Lot No. 5), Borough of Manhattan.

APPEARANCES—

For Applicant: Arthur Eisemann.

For Administration: Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(206-38-S)

WHEREAS, Arthur Eisemann, for P. Nathan Sons, Inc., lessee, filed March 28, 1938, an application for a variation of the requirements of the Labor Law, as cited in a decision of the Borough Superintendent of Buildings, affecting premises 451-453 Fourth avenue, east side, 70 ft. ¾ in. north of East 30th street (Block No. 886, Lot No. 5), Borough of Manhattan; and

WHEREAS, the decision of the Borough Superintendent, dated March 18, 1938, re Alt. Applic. No. 291-37, reads:

"1. Building should comply with Sec. 270 Labor Law for exits. Building was erected after Oct. 1913. Building was never approved for factory occupancy."

Reconsideration denied. Two stairs 3 ft. 8 in. wide with 3 ft. 8 in. fireproof self-closing doors required opening outwardly leading continuously to the street or to a fireproof independent passageway opening on a street. Stairway treads 10 inches wide required exclusive of nosing and rise not over 7¾ inches.

and

WHEREAS, the building is three stories and cellar, 56 ft. in height, 49 ft. 4½ in. by 100 ft. in area, of fireproof construction, erected in 1914 and occupied as follows: Cellar—boiler room and showroom, 1 person; 1st floor—showroom, 1 person; mezzanine—office, 3 persons; 2nd floor—showroom, 3 persons; 3rd floor—factory, 10 persons. The building is equipped with a sprinkler system, two interior fireproof stairs 3 ft. 8 in. wide; and

WHEREAS, the applicant contends that the front stairs will be enclosed as required by the Labor Law and the rear means of egress will be extended by outside stair leading to adjacent property at 104 East 31st street and through said building by means of a fireproof passageway direct to East 31st street. This means of egress was accepted in 1924 by the commissioner of buildings, at which time the occupancy was given as storage.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in the decision of the Borough Superintendent on Alt. App. No. 291-37, and that the application be and it hereby is *granted,* permitting the building to be used for factory purposes, *on condition* that the building shall be of fireproof construction and that the sprinkler system shall be maintained to the satisfaction of the commissioner; that the stairways shall be enclosed to their full height in accordance with the requirements of the Labor Law for factory buildings hereafter erected; that the egress from the second means of exit at the rear shall be by means of iron stair to an opening, through which safe and unimpeded access can be obtained through building at No. 104 East 31st street to the street; that all windows on the rear and side lot lines shall be fireproof and self-closing; and that in all other respects all requirements of the Labor Law shall be complied with, except that the fireproofing on girders, beams and columns need not exceed 1½ inches in thickness.

218-38-S.

APPLICANT—Ansonia Fire Prevention Engineering Co., Inc., for Cavau, Inc., owner.

SUBJECT—Variation of the labor law as cited in an order of the commissioner of buildings and a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—2961-2971 Atlantic avenue, Northwest corner of Elton street (Block No. 3954, Lot No. 45), Borough of Brooklyn.

APPEARANCES—

For Applicant: George E. Green.

For Administration: Inspector Meagher, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(218-38-S)

WHEREAS, Ansonia Fire Prevention Engineering Co., Inc., for Cavau, Inc., owner, filed on April 1, 1938, an application for a variation of the Labor Law as cited in an order of the Commissioner of Buildings and a decision of the Chief, Division of Fire Prevention, Department of Housing and Buildings, Brooklyn, affecting Premises 2961-2971 Atlantic avenue, north west corner of Elton street (Block No. 3954, Lot No. 45), Borough of Brooklyn; and

WHEREAS, the order of the Commissioner of Buildings, dated December 9, 1937, No. 19684-LD, reads as follows:

"1. Provide an additional means of exit from each story of the west section of the above premises."

and

WHEREAS, the decision of the Chief of Division of Fire Prevention, dated March 3, 1938, reads as follows:

"In reply to your letter of March 2nd, 1938, advising that you have been retained by the owners to appeal from requirements of Order No. 19684-LD, and that you are unable to do so due to the fact that the Board of Standards and Appeals will not accept an appeal for the reason that the time limit, thirty days, had elapsed, and request dismissal and re-issuance of the above order. You are advised that the order cannot be dismissed or re-issued; therefore, your request is denied."

and

WHEREAS, the building is 4 stories and basement (50 ft. 9 in.) in height, 177 ft. 5½ in. by 83 ft. 6 in. in area; of non-fireproof construction; erected in 1915; occupied as follows: Basement—yarn winding and manufacturing of stockings, 22 persons; 1st floor—manufacturing pocketbooks, 43 persons; 2nd floor—manufacturing caps and blouses, 77 persons; 3rd floor—manufacturing underwear and sweaters, 60 persons; 4th floor—manufacturing overcoats, underwear and blouses, 150 persons; the building is equipped with a sprinkler system, interior fire alarm system and two interior stairs; stairs are of fireproof construction, equipped with fireproof, self-closing doors and openings; and

WHEREAS, applicant contends that egress was provided in accordance with approved plans under New Building Application No. 2849-1915 and Certificate of Occupancy issued; in view of the fact the building is equipped with a sprinkler system, it is requested that additional requirements for exit in the west section be waived.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the labor law, and that the application be and it hereby is *granted,* as to Order No. 19684-LD, *on condition* that the existing exits including the two horizontal exits in the dividing fire wall shall be maintained and that such horizontal exits shall be protected with fireproof, self-closing Underwriters' approved fire doors, maintained at all times in operating condition so that they will readily close in the event of fire; that the sprinkler system shall be maintained to the satisfaction of the fire commissioner; that in all other respects the building shall comply with the labor law and all other laws, rules and regulations applicable to the building and occupancy.

APPLIANCES SUBMITTED FOR APPROVAL

The following applications have been referred to the engineer of the board for report:

201-38-SA—General Electric Oil Burner, Type DB-2.

205-38-SA—PDM Low Pressure Oil Burner.

213-38-SA—"Low" Wind-operated Stationary Single and Dual Suction Type Ventilator.

78-38-SA.

APPLICANT—Whitehall Equipment Co., Inc., owner.

SUBJECT—Weco Flush Fill Pipe Terminal for Fuel Oil, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0
Absent 0

THE RESOLUTION—

(78-38-SA)

WHEREAS, the Whitehall Equipment Co., Inc., filed February 9, 1938, an application with the Board of Standards and Appeals for approval of their device known as the Weco Flush Fill Pipe Terminal for Fuel Oil; and

WHEREAS, this device was submitted to the engineer of the board for test and report; and

WHEREAS, the report of the engineer of the board was as substantially as follows:

This device is a semi-steel casting containing 30% semi-steel mixture, 1½% of molydinum, ½ of 1% nickel and the balance grey iron. The device is plated with cadimum.

It is recommended that this device be approved for use with fuel oil when installed in accordance with the oil burner rules and when complying with the certain requirements."

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Weco Flush Fill Pipe Terminal, when installed in accordance with the Oil Burner Rules of the Board of Standards and Appeals and the following requirements:

The fill pipe terminal body shall be of semi-steel, containing 30% semi-steel mixture 1½% of molydinum, ½ of 1% of nickel and the remainder grey iron heavily plated with cadmium. All threading shall be done before plating.

The fill pipe terminal shall be provided with at least three (3) lugs on the outside, so that the fill pipe terminal can be imbedded in concrete or masonry to prevent the terminal from being loosened from the fill line or in lieu thereof the fill pipe terminal shall be fastened to the fill line by means of an Allen or similar set screw.

The outer flange of fill pipe terminal shall be provided with letters not less than ½ in. in height and raised 1/16 in. reading "Fuel Oil" and with the calendar number under which the fill pipe terminal was submitted for approval in smaller letters.

The fill pipe terminal shall have not less than ten machine-cut threads on the nipple end and not less than seven on the seal-cap.

An oil-proof gasket shall be provided, inserted in a groove in the nipple end of the fill pipe terminal, so that it cannot readily be removed, in order to render the fill pipe terminal vapor proof at all times when not in use.

That the seal cap shall be of cast brass or cast bronze.

MATERIALS SUBMITTED FOR APPROVAL

The following application has been referred to the engineer of the board for report:
208-38-SM—Pumite Brand Volcanic Pozzolana.

4-38-SM.
PPLICANT—The Barrett Co., owner.
UBJECT—Barrett Rock Wool, approval of.
PPEARANCES—
For Applicant: A. T. Miller.
CTION OF BOARD—Material approved in accordance with report of engineer of the board.
HE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(34-38-SM)

WHEREAS, the Barrett Co., owner, filed January 19, 1938, an application with the Board of Standards and Appeals for approval of their material known as the "Barrett Rock Wool"; and

WHEREAS, this material was submitted to the engineer of the board for test and report; and

WHEREAS, the report of the committee of the board, of which the engineer was a member, was as follows:

Re: Cal. No. 34-38-SM.
Subject: Approval of Barrett Rock Wool Insulation.

REPORT OF COMMITTEE

April 4, 1938.

This material was tested at the laboratory of the Barrett Company at Edgewater, N. J., on March 18, 1938. Complete details of testing equipment with the procedure and results of tests as compiled in the report of the Barrett Company are made part of this record.

In setting up the testing apparatus precautions were taken to concentrate the heat over a relatively small area and photographs on pages 6 and 7 of the Barrett Company's report indicate that the material tested withstood the rigorous character of the test. It is significant that the transite cover used in this test acted as a good insulator in that it allowed the increase in temperature for the last twenty minutes of the test from 273 degrees C. to 491 degrees C. with only slight charring effect on the rock wool.

It is accordingly recommended that this material be approved for use as a fire-retarding material in accordance with section 1-2.4 (mineral wool) of the rules and regulations of the Tenement House Department, and as a fire-stopping material under section 1-5 (fire-stopping) of said rules, as revised June, 1937, and as an incombustible material under section C-26-535.0 of the Administrative Code, subdivision A, 8.7.1.8.1 (B. C.) fire-stopping of stud-bearing partitions, and subdivision B, 8.7.1.8.2 (B. C.) fire-stopping of furred spaces. When the batt form of this material is used for fire-retarding and fire-stopping, this material shall be fastened in place by metal bands or wires across its surface; such wires or bands shall be attached to the building frame and made taut. This material in whichever form used shall be firmly packed so as to fill all spaces which are required to be protected. The composition of the material shall be maintained as follows:

Silica	44.1%
Lime	28.0%
Magnesia	11.9%
Alumina	14.3%
Iron Oxide	1.7%
	100.0%

and manufactured in the form of loose granulated or batt types, waterproofed.

COMMITTEE ON TESTS:
(Sgd.) BERNARD A. SAVAGE,
Commissioner.
CHARLES M. BLUM,
Commissioner.
LESLIE V. HUBER,
Engineer.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as the "Barrett Rock Wool" when manufactured and installed in accordance with the above report.

Adjourned 6:05 P.M. to April 6, 1938, at 10:30 A.M.
Reconvened April 6, 1938 and adjourned 11:25 A.M.

EDWARD V. BARTON, Chief Clerk.

FIRST QUARTERLY REPORT

CITY OF NEW YORK

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, CHAIRMAN

MUNICIPAL BUILDING

April 12, 1938.

Hon. Fiorello H. La Guardia,
Mayor of The City of New York,
City Hall, New York City.

DEAR SIR:

I have the honor to submit to you the First Quarterly Report of the Board of Standards and Appeals for the year 1938. This report is being submitted to you in accordance with the provisions of the Charter, Section 892, and will also be printed in the Bulletin of the Board.

CASES FILED AND PENDING 1938

Filed 1938	A	BZ	S	SA	SM	SR	M'L	T'L	GR.T'L
JANUARY	16	24	7	4	3	1	50	105	..
Restored	0	10	0	1	0	0	0	11	116
FEBRUARY	37	17	4	6	4	0	61	129	..
Restored	1	4	0	0	0	0	0	5	134
MARCH	38	21	6	15	13	0	56	149	..
Restored	0	9	0	3	0	0	0	12	161
TOTAL	92	85	17	29	20	1	167	411	411
PENDING									
Dec. 31, 1937...	59	183	12	68	2	2	0	326	326
GRAND TOTAL .	151	268	29	97	22	3	167	737	737
DISPOSITION									
1938									
JANUARY	47	23	11	5	0	0	50	136	..
FEBRUARY	29	28	6	7	0	1	61	132	..
MARCH	43	46	5	5	1	0	56	156	424
TOTAL	119	97	22	17	1	1	167	424	424
PENDING									
March 31, 1938.	32	171	7	80	21	2	0	313	313

Code: A—Appeals from Administrative Orders. BZ—Applications under Building Zone Resolution. S—Applications for Variations of Labor Law. SA—Applications for Approval of Appliances. SM—Applications for Approval of Materials. SR—Applications for Adoption of Rules. M'L—Miscellaneous Docket.

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication in this BULLETIN of the calendars of the board, each case being set down by Calendar Number and premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the offices of the board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the board is to dispose of all cases promptly, for the reason that the pendency of an appeal or application ties the hands of the administrative official in enforcing his order; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

FIRST QUARTERLY REPORT

SUMMARY

DOCKET

Cases pending December 31, 1937	326
Cases filed up to March 31, 1938	216
Restored to Calendar	28

Miscellaneous Applications

Requests to reopen	98
Requests to amend	45
Requests to rescind	1
Requests for extension of time	12
Requests for extension of permit	8
Requests for approval of plans	3
Administrative requests	0
Requests for interpretation	0
Total	737
Disposed of	424
Cases pending March 31, 1938	313

DISPOSITION OF CASES

Withdrawn	38
Dismissed	5
Denied	39
Granted	6
Granted on condition	150
Appliances approved	15
Appliances dismissed, disapproved or withdrawn	0
Materials approved	1
Rules approved	1
Rules disapproved, rescinded or withdrawn	0

Miscellaneous Actions

Requests to reopen granted	94
Requests to reopen denied	2
Requests to amend granted	45
Requests to amend denied	0
Requests to rescind granted	1
Requests to rescind denied	0
Requests for extension of time granted	12
Requests for extension of time denied	0
Requests for extension of permit granted	8
Requests for extension of permit denied	0
Plans approved	3
Plans disapproved	0
Administrative requests granted	0
Administrative requests denied or withdrawn	0
Interpretations	0
Requests withdrawn or dismissed	2
Total	424

MONEYS RECEIVED

SUBSCRIPTIONS	JANUARY	FEBRUARY	MARCH	TOTAL
To Bulletin	$102.50	$52.50	$67.50	$222.50
Cash Sales	45.25	27.35	38.70	111.30
Paid to City Treasurer	$147.75	$79.85	$106.20	$333.80

EDWARD V. BARTON, *Chief Clerk.*

HARRIS H. MURDOCK, *Chairman.*

APPROVED APPLIANCES

APPROVED FIRELINE HOSE VALVES

TYPE A—150 LBS. WATER WORKING PRESSURE

May be installed on all 4-inch and 6-inch systems and on uppermost stories on 8-inch systems

Name	*Calendar No.*
Fairbanks Company	81-20-SA
Walworth Company	899-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Croker National Fire Prev. Eng. Co.	304-28-SA
Jenkins Brothers	779-28-SA
W. D. Allen Mfg. Co.	890-28-SA
John Simmons Co.	209-29-SA
Grinnell	651-30-SA
Elkhart	14-31-SA

TYPE B—250 LBS. WATER WORKING PRESSURE

May be installed on all standpipe systems

Name	*Calendar No.*
New York Brass Foundry Co. (Stillbech)	53-21-SA
Walworth Company	900-27-SA
W. D. Allen Mfg. Company	1151-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Jenkins Brothers	780-28-SA
Croker National Fire Prev. Eng. Co.	970-28-SA
Fairbanks Company	268-29-SA
Pratt & Cady	231-30-SA
Elkhart	15-31-SA

RULES

FACTORY EXIT RULES ADOPTED BY THE BOARD OF STANDARDS AND APPEALS FEBRUARY 23, 1927, AND AMENDED JANUARY 15, 1932.

(64-27-SR)

STANDARD FACTORY EXITS

Section 1—Fire Escapes.

Rule 1. In any building erected prior to October 1, 1913, now occupied or to be occupied as a factory, more than five stories in height and not exceeding nine stories in height, nor in any case more than 90 ft. from curb level to top floor level, one of the required means of exit or escape under Section 271-1 of the Labor Law may consist of an outside fire escape, provided that:

(a) Any such fire escape hereafter erected shall comply with all the provisions of Section 273, labor law, and in addition thereto:

(1) The balconies and stairs shall be protected on the outside by substantial railings to a height of at least 4 ft. 6 in., measured from floor of balcony or center of stair tread, constructed of bars at least one-half (½) inch in diameter, spaced not more than six (6) inches on centers, or of substantial grille work, or of screening not less than No. 10 U. S. gauge wire with not more than one and one-half (1½) inch mesh, all rigidly braced;

(2) When there is safe egress from the roof of the building to any adjoining structure, the fire escape stairway shall continue to the roof, and if there be no safe means of egress, a gooseneck ladder shall be provided from the top story balcony to the roof.

(b) Any such fire escape erected prior to October 1, 1913, shall conform in every respect with the requirements of paragraph (a) of this rule, except that balconies may be not less than 3 feet in width; the connecting stairs not less than 20 inches in width, and placed at an angle not exceeding 60 degrees if the building is not over six stories in height, otherwise at an angle of 45 degrees.

Rule 2. In any building erected prior to October 1, 1913, now occupied or to be occupied as a factory, five stories or less in height, one of the required means of exit under Section 271 of the Labor Law may consist of an outside iron fire escape, provided that:

(a) Any such fire escape hereafter erected shall comply with all the provisions of Section 273, Labor Law.

(b) Existing fire escapes shall comply with all the provisions of Section 274, Labor Law and in addition thereto

(1) The balconies shall be not less than 3 feet in width.

(2) The rails around balconies and well holes and on stairways shall be not less than 3 feet in height.

(3) Passageways on the balconies shall be not less than 14 inches in the clear.

(4) At least one opening to each balcony shall be a single fireproof casement door at least 2 feet wide and at least 6 feet in height, except that where the distance between the sill and lintel will not permit of an opening 6 feet in height, a casement door not less than 4 ft. 6 in. in height will be permitted.

Rule 3. The single fireproof casement doors leading to all fire escape balconies shall open out and shall be self-closing. An easily operated door lock with knobs on both sides of the door shall be provided.

Such fire doors may be at window sill level if fixed iron step at least two feet wide, with risers not exceeding eight (8) inches, and treads not less than eight (8) inches are provided on the inside from floor level to sills properly secured.

Rule 4 (a). Any such fire escape erected subsequent to October 1, 1913, and prior to these rules taking effect, unless previously accepted as one of the required means of exit or escape by the administrative official having jurisdiction, shall conform in every respect to the provisions of these rules.

(b) A fire escape shall not hereafter be accepted as constituting one of the required means of exit or escape under Section 271-1 of the Labor Law, in any building erected prior to October 1, 1913, now occupied or to be occupied as a factory, exceeding nine stories in height, or more than 90 feet from curb level to top floor level.

Rule 5. All fire escapes shall be maintained structurally safe, properly painted, and kept clear of all obstructions.

Section 2—Enclosure of Factory Stairways.

Rule 6. Except as herein provided, in all factory buildings five stories or less in height, erected prior to October 1, 1913, in which there are more than twenty-five persons employed above the second story, all interior stairways, serving as required means of exit, and the landings, platforms and passageways connected therewith, shall be enclosed on all sides by partitions of fire-resisting material extending continuously from the lowest point of the stairway in accordance with the following schedule:

Number of stories	Contents combustible, no sprinkler	Contents non-combustible no sprinkler	Contents combustible, and sprinkler	Contents non-combustible and sprinkler
Three	Stairways Enclosed			
Four	Stairways Enclosed	Stairways Enclosed		
Five	Stairways Enclosed	Stairways Enclosed	Stairways Enclosed	

The term "contents" as used above means articles, goods, wares and merchandise, packed, stored, manufactured or in the process of manufacture.

The term "combustible" as used above means articles, goods, wares or merchandise which will burn or support combustion.

The term "sprinkler" as used above means an adequate automatic sprinkler equipment installed and maintained in good working order on each floor.

The term "story" as used above means that part of a building between any floor and the floor or roof next above;—the first story is that part of a building which is more than 50 per cent above the floor below and the floor next above the curb or average grade level.

Where the stairways extends to the top floor of the building, such partitions shall extend to the under side of the roof boarding. That portion of the under side of the roof beams within the stair enclosure shall be covered with fire-resisting material, except in buildings with roofs of non-combustible material, in which case the partitions may stop at the under side of he roof.

Where the stairway is required to extend to the roof, the enclosure shall be so built as to form a bulkhead. The enclosure shall be ventilated by a skylight in the roof with louvres or ventilators, or exterior windows with ventilating sections at the top floor.

All openings in such partitions shall be provided with approved self-closing fire doors, except where such openings are in the exterior wall of the building.

The bottom of the enclosure shall be of fireproof material at least four inches thick unless the partition extends to the cellar bottom.

A horizontal exit, as defined in section 267 of the Labor Law, will be accepted as a compliance with this rule when both sides of the fire wall or walls are occupied on any factory floor by the same occupant.

Rule 7. Where there are occupancies on any story or part of a story involving the storage or use below the top story of the following materials and exceeding the amount specified, and there are more than 5 persons employed at manufacturing above such occupancy, the interior stairway serving as required means of egress shall be enclosed on that story with fire-resisting material from floor to under side of floor above, including any exposed stair soffits, landings and passageways; openings shall be provided with approved self-closing fire doors.

Nitrocellulose in any shape or form, 10 pounds.
Volatile inflammable oils, 1 gallon.
Volatile inflammable mixtures, 5 gallons.
Combustible mixtures, 10 gallons.
Paints, varnishes and lacquers, 10 gallons.
Upholstering or mattresses, manufacturing or repairing.
Cotton, rag and paper sorting, 1 ton.
Paper box manufacturing.

Restaurants and lunch rooms with cooking (not including tea, coffee or similar beverages).

The Board shall rule upon new occupanies as they arise and pass upon points under dispute.

When more than two stories are to be segregated, as above, the entire stairway shall be enclosed in fire-resisting material where there are more than 5 persons employed at manufacturing above the first story.

Rule 8. Required Exits and Enclosures of Stairways in Two-Story Factory Buildings.

1. Required Exits.—In every two-story factory building erected prior to October 1, 1913, in which more than five persons are employed at manufacturing, there shall be provided from each story at least two means of exit or escape from fire remote from each other, one of which from every floor above or below grade shall lead to or open on an interior stairway which shall be enclosed, as hereinafter provided, or on an exterior enclosed stairway. The other may lead to such a stairway, or to a horizontal or grade exit, or to an exterior screened stairway, or to a fire escape conforming to section 273, Labor Law, or rule 2 of these rules. Except that exit door shall be a fire door, with substantial steps to the sills properly secured when sill is more than 8 inches above the floor level; and where there is no safe egress from the roof, a gooseneck ladder shall be provided from top balcony to the roof, except on the front of buildings.

Unobstructed egress from the foot of the fire escape or exterior screened stairway shall be as required by section 273, Labor Law, or to open adjoining yard with egress to the street. No point on any floor of such building shall be more than one hundred and fifty (150) feet distant from such an exit.

Rule 9. Enclosure of Stairways.—In two-story buildings where there are occupancies on any story or part of a story involving the storage or use below the top story of any of the materials exceeding the amounts specified in Rule 7 and there are more than 5 persons employed at manufacturing above such occupancy, all interior stairways serving as required means of exit shall be enclosed from the lowest point of such stairway to the ceiling of the first floor by partitions of fire-resisting material, unless the building is provided with a wet sprinkler system, in which case such enclosure of stairways shall not be required. Such enclosures shall lead directly to a door opening outwardly to a street or road, or an open area affording unobstructed passage to a street or road. All openings in such enclosure shall be provided with fire doors equipped with self-closing devices.

All reference herein to "Enclosure of Stairways" shall be considered as applying only to required stairways.

Rule 10. Storage of Combustible Material Within Factory Stairway Enclosures.

In all factory buildings no articles or wares of any nature shall be kept or stored inside the limits of any stairway enclosure or unenclosed stairway, or on the landings, platforms or passageways connected therewith.

But this shall not prohibit the erection and maintenance of a stand to be built of incombustible material and wire glass or ¼-inch-thick plate glass for the retail sale of cigars, cigarettes and tobacco and candies in original packages or daily newspapers in the public hall or corridor on the first story of any building provided there is no open flame. All portions of the stand and any portion of any permitted accessory use to same shall be set back at least 18 inches from the outside line of travel of the required legal width of exit. Each such stand shall be provided with at least one approved 2½-gallon chemical fire extinguisher.

Section 3—Safe Egress from Roofs of Factory Buildings.

Rule 11. Interior stairways serving as required means of exit in factory buildings erected after October 1, 1913, and not exceeding five stories in height, and in buildings erected before October 1, 1913, now occupied or to be occupied as a factory, shall not be required to extend to the roof where there is no safe egress from the roof, under Sections 270, 271 and 272, Labor Law.

(a) When the roofs, or the top of the parapet wall of an adjoining building are more than eight feet below or more than five feet above the top of the parapet wall of the building in question, and there is no outside party wall fire escape, party wall exterior screened stairway, party wall balconies or bridges, or where any outside exits do not connect to adjoining buildings at roof level, or where there are no unbarred window openings five feet above the roof or parapet wall of the building in question.

(b) When the roof of the building in question has a pitch exceeding one foot in six feet of horizontal run.

Rule 12 (a). When there is no safe egress from the roof, as above described, there shall be in all cases at least a double-rung ladder at the top of the interior stairway, and within the interior stairway enclosure when stairway is enclosed. Such ladder shall be at least 18 inches in width and shall be properly secured at top and bottom. The ladder shall lead to a scuttle opening not less than 2 feet by 3 feet or be of such additional area as may be required to provide ample head room. The scuttle cover shall be hinged and of light weight construction, or be counter-balanced. An easily operated hook may be provided on scuttle cover.

(b) Where the stair bulkhead door opens within 10 feet from the open edge of the roof, an iron railing properly braced at least 3 feet high and at least 10 feet long shall be provided at the edge of roof.

SUBSTANDARD FACTORY EXITS

Section 4—Fire Escapes.

Rule 13. When in addition to the required exits from any factory or factory building, there exist other means of egress which are not entirely in accordance with the requirements of the Labor Law and the Rules of the Board of Standards and Appeals, such means of egress may be retained under the following conditions:

(a) Fire Escapes.—All substandard fire escapes on factory buildings shall be maintained, structurally safe, properly painted, and with the openings leading thereto, kept in good repair.

In lieu of a counter-balanced stairway, a drop ladder in guides with a back-drop gravity hook may be provided.

The drop ladder shall be of sufficient length to reach from the lowest balcony to the ground or safe landing place, with a passageway opening cut in the balcony rail, which rail shall be properly braced.

When such substandard fire escapes are located in a court, side or rear of a building, proper egress to a point of safety shall be provided, either to open adjoining yards, or the lowest balcony may be connected to an adjoining fire escape, exterior stairway, to the roof of adjoining extensions, or other means of egress satisfactory to the authorities having jurisdiction.

Substandard fire escapes shall be kept clear of all obstructions, shall not be used for fire drills, and shall not be considered as a basis for increase in occupancy.

Section 5—Stairways and Bridges.

Rule 14. Interior Stairways.—All interior stairways not conforming to the requirements of the Labor Law or rules of the Board of Standards and Appeals may be retained, provided that egress to same is maintained unobstructed, halls are properly lighted, and all landings, passageways, etc., are maintained free and unobstructed. An easily operated panic bolt or other similar device may be installed at street exit door.

Rule 15. Exterior Screened Stairways.—Exterior screened stairways not serving as a required means of egress shall be maintained structurally safe and properly pointed, exits thereto and all platforms and passageways thereof shall be maintained unobstructed, and egress from termination shall be provided as required for substandard fire escapes in subdivision a.

Rule 16. Horizontal Bridges.—Horizontal bridges and party wall balconies between buildings shall be maintained structurally safe and properly painted, and access thereto and all passageways thereof shall be maintained unobstructed.

Rule 17. No sign of any character shall be placed at openings leading to these substandard exits.

RULES

SMOKING IN FACTORIES

Adopted by the Board of Standards and Appeals, August 12, 1918.

RULE 1. PERMIT.

(a) **Prohibition.** No person shall smoke, or carry a lighted cigar or cigarette in any factory as defined in Article 1, Section 2, of the State Labor Law, nor in any portion of a factory, within the City of New York, except in such protected portions or special classes of occupancies as are specified in Rule 2 of these rules, and then only after the issuance of a permit by the administrative official.

It shall be the joint and several duty of the owner and of the lessee or lessees of the building containing such factory or factories to cause to be posted in each and every entrance hall, stair hall or room throughout the building, as well as in every elevator-car, in English, and also in such other language or languages as the administrative official shall direct, a notice of such prohibition, and the penalty for its violation.

(b) **Application.** Application for such permit shall be made only by the owner of the building on suitable blank forms to be furnished by the administrative official.

(c) **Time Limit.** Such permit shall be for a definite period, not exceeding one year, and shall not be renewed upon expiration until a reinspection of the premises for which it is issued has been made for the purpose of determining whether existing conditions warrant a renewal.

(d) **Conditions.** The permit shall state the conditions under which, the hours between which, and the place or places in such factory where smoking may be permitted, and this permit shall be framed and kept posted in a conspicuous place in the factory.

(e) **Revocation.** Violation of any of the conditions specified in the permit, in addition to incurring such penalties as are prescribed by law, shall be full and sufficient cause for the revocation of such permit by the administrative official, and he shall not again issue a permit for the same premises until at least one year has elapsed.

RULE 2. PERMISSIBLE CASES.

Smoking may be permitted in:—

(a) Factories engaged in the manufacture of cigars, cigarettes, or smoking tobacco, when necessary for the efficient conduct of the business, provided that:

(1) No smoking other than that for sampling, testing and experimental purposes is carried on.

(2) Such smoking is conducted in a room provided especially for that purpose, separated from the rest of the building by fireproof or fire-resisting partitions, with all openings therein protected by self-closing fire doors, and, further, unless the building is of fireproof construction or equipped with an approved automatic sprinkler system, the floor and ceiling of such room shall be covered with fire-retarding material.

(3) Such chemical fire extinguishers as the administrative official may direct are installed.

(4) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

(b) Factories devoted entirely to one of the following occupancies:

Blacksmithing or horseshoeing;
Boiler making;
Brick, terra cotta or artificial stone works;
Forge shops;
Foundries;
Iron, steel, brass or copper works;
Machine shops;
Smelting;
Stone or monumental works;

provided that in any case:

(1) The building is not of wooden construction;

(2) Such chemical fire extinguishers as the administrative official may direct are installed;

(3) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

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BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

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APR 19 1938
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DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

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CHIEF JOHN J. MCELLIGOTT

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TELEPHONE—WORTH 2-0184.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

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All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*

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DOCKET

New Cases Filed up to April 12, 1938

Cal. No. *Department* *Premises Affected*

228-38-BZ.....H.B.B.....73-79 Greene avenue and 380-384 Clermont avenue, northwest corner (Block 2121, Lot 41), Borough of Brooklyn, Alt. 1038-38.

229-38-SM.....H.B.....Ebsary Plasterboard and Lath—Plain or Perforated, ⅜ in. thick, Material.

230-38-SM.....H.B.....Pyrobar Short Span Gypsum Roof Tile, manufactured by U. S. Gypsum Co., Material.

231-38-SM.....H.B.....Cell Concrete Roof Tile, Type "J", manufactured by U. S. Gypsum Co., Material.

232-38-SM.....H.B.....Long Span Solid Gypsum Tile, Types B, C and D, manufactured by U. S. Gypsum Co., Material.

233-38-SM.....H.B.....Tongue & Groove Gypsum Tile, 2½ in., Types E, EX and F, manufactured by U. S. Gypsum Co., Material.

234-38-SM.....H.B.....Tongue & Groove Gypsum Tile, 3 in., Types G and H, manufactured by U. S. Gypsum Co., Material.

235-38-SM.....H.B.....Metal Bound Tongue & Groove Gypsum Tile, 2 in., Types I and K, manufactured by U. S. Gypsum Co., Material.

236-38-SM.....H.B.....Sheetrock - Pyrofill Gypsum Slab Construction, manufactured by U. S. Gypsum Co., Material.

237-38-SM.....H.B.....Weatherwood Pyrofill Gypsum Slab Roof Constructured by U. S. Gypsum Co. Material.

238-38-SM.....H.B.....Red Top Rib Slabs, manufacfactured by U. S. Gypsum Co., Material.

239-38-S...D.B.M.&H.B.M...115-121 Wooster street, west side, 101 ft. south of Prince street and 433 West Broadway (Block 501, Lots 11 and 20), Borough of Manhattan, 30071-L.D. & Decision.

240-38-BZ.....H.B.M.....2418-2430 Amsterdam avenue and 501-503 West 180th street, northwest corner (Block 2152, part of Lots 82, 83, 84 and 85), Borough of Manhattan, Decision.

241-38-A.....F.D.....602-632 62nd street and 6201-6223 Sixth avenue, southeast corner (Block 5802, Lots 1 and 84), Borough of Brooklyn, 73206-L.C. & Decision.

242-38-A.....H.B.Q.....70-05 Northern boulevard, northeast corner of 70th street (Block 1166, Lot 47), Jackson Heights, Borough of Queens, N.B. 1911-38.

243-38-A.....F.D.....296 Pearl street, east side, 100 ft. north of Beekman street, 1st floor (Block 98, Lot 24), Borough of Manhattan, 11762-L.C.

244-38-A...D.B.B.&H.B.B...1083-1087 Willoughby avenue, north side, 100 ft. west of Wilson avenue (Block 3196, Lot 38), Borough of Brooklyn, 17185-L.F. & Decision.

245-38-A.....H.B.Q.....79-01 35th avenue, northeast corner of 79th street (Block 1266, Lot 38), Jackson Heights, Borough of Queens, N.B. 1643-37.

246-38-A.....F.D.....52-08 Grand avenue, south side, 249.56 ft. west of Garrison street (Rear of building No. 2), (Block 2317, part of Lot 1), Maspeth, Borough of Queens, 70350-L.C. & Decision.

247-38-BZ.....H.B.B.....32-36 Fountain avenue, west side, 249.85 ft. south of Atlantic avenue (Block 4151, Lot 61), Borough of Brooklyn, Applic. 3486-38.

248-38-SM.....H.B.....Welding Electrodes, Page Hi-Tensile "C", "F", "G" and Page B Special, manufactured by Page Steel & Wire Division of American Chain & Cable Co., Inc., Material.

249-38-SA.....H.B.....Emergency Escape Ladder for Elevator Cabs, Types L-1, L-2, L-3 and L-4, manufactured by Elevator Appliance Co., Inc., Appliance.

250-38-BZ.....H.B.M.....9-10 East street, west side, from Grand street to Cherry street, 615-625 Grand street and 506-530 Cherry street (Block 264, Lot 20), Borough of Manhattan, N.B. 43-38.

251-38-A...D.B.B.&H.B.B....256-260 Georgia avenue and 325 Belmont avenue, northwest corner (Block 3735, Lot 34), Borough of Brooklyn, 14357-F & Decision.

252-38-A.....H.B.Q.....111-10 86th avenue, southeast

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corner of 111th street (Block 189, Lot 1), Richmond Hill, Borough of Queens, Alt. 9772-37.

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Drop Curb Applic. 42-38.

254-38-A.....H.B.M.....3-5 East 95th street, north side, 100 ft. east of Fifth avenue (Block 1507, Lots 5 & 7), Borough of Manhattan, Alt. 4015-37.

255-38-BZ.....H.B.Bx.....2181-2191 Jerome avenue, west side, from Clinton place to West 182nd street, 3 Clinton place and 4 West 182nd street (Block 3195, Lots 66 & 69), Borough of The Bronx, Alt. 954-37.

256-38-A.....H.B.Bx.....935 Morris Park avenue, north side, 50 ft. west of Bogart avenue (Block 4124, Lot 37), Borough of The Bronx, Alt. 159-38.

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564-23-BZ.....H.B.B.....395 Court street, east side, 100 ft. south of First place and 104 First place, south side, 50 ft. east of Court street (Block 459, Lots 2 & 6), Borough of Brooklyn, Applic. 3395-38.

532-32-BZ.....D.B.Q.....31-04 Astoria avenue and 25-25 31st street, southeast corner (Block 620, Lots 24 & 25), Astoria, Borough of Queens, Plan No. 7194-32.

DESIGNATIONS: H.B.—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

COURT DECISIONS

Matter of Robertson (Murdock)—On November 16, 1937, Board denied application for parking and storage in business district, under section 7-h, Cal. No. 361-37-BZ, at premises 37-59 91st street, 37-62 to 37-70 92nd street, and 91-11 to 91-19 Roosevelt avenue, Jackson Heights, Borough of Queens. Mr. Justice Kadien sustained board (N. Y. L. J. March 5, 1938).

* * *

Vendome Service Corpn. (Murdock)—On July 7, 1936, board denied change of occupancy from business building to garage and repair shop, partly in business and partly in residence district, on same street with school, Cal. No. 293-17-BZ, premises 403-413 W. 124th street and 2-4 LaSalle place, Borough of Manhattan. Mr. Justice McLaughlin upheld board, holding that the presence of the school would seem to deprive the board of any jurisdiction to grant the variance. "And if no such power rests in the board none resides in the Court." (N. Y. L. J. April 12, 1938).

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Concrete Rules (Hydrated Lime)...Aug.	3, 1937—Vol. 22, No. 31
Elevator Rules .....Mar.	3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors).....June	15, 1937—Vol. 22, No. 24
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Fire Alarm Rules (Interior).....Apr.	5, 1938—Vol. 23, No. 14
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Structural Alterations, Reporting...June	7, 1932—Vol. 17, No. 23
Tank Trucks, Fuel Oil, etc.....Nov.	24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc.....Nov.	24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)..Apr.	10, 1923—Vol. 8, No. 15

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Anti-Siphon Valves .....Mar.	5, 1935—Vol. 20, No. 10
Fireline Hose Valves..... Apr.	19, 1938—Vol. 23, No. 16
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Range Oil Burners and Space Heaters ..... Apr.	19, 1938—Vol. 23, No. 16

APRIL 19, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, April* 19, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 1059-17-BZ—Application of Jacob I. Goodstein, applicant, on behalf of Comprehensive Omnibus Corporation, owner, reopened September 22, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in an unrestricted use district the alteration of a garage for more than five (5) motor vehicles (previously granted by the Board on condition), so as to modify the conditions and to permit a vehicular entrance to Madison street; premises 46-48 Oliver street, south side, 100 ft. 2 in. east of Madison street and 68 Madison street (Block No. 278, Lot No. 48), Borough of Manhattan.

CAL. NO. 52-38-BZ—Application, January 27, 1938, under sections 7c and 21 of the building zone resolution, of J. Nelson Cooper, applicant, on behalf of Lincoln Warehouse Corporation, owner, to permit in a residence use district the erection and maintenance of a garage for more than three (3) motor vehicles; to be

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used in conjunction with the warehouse located on the westerly portion of the plot; premises 1187-1201 Third avenue, east side, from East 69th street to East 70th street, 203 East 69th street and 204 East 70th street (Block No. 1424, Lot No. 1), Borough of Manhattan.

CAL. NO. 196-38-BZ—Application, March 24, 1938, under section 7d of the building zone resolution, of H. E. Gibbs, applicant, on behalf of Joseph A. Palma, President, Borough of Richmond, for City of New York, owner, to permit the erection in a residence use district of an electrically operated sewage pumping station; premises 494 Mason avenue, east side, 50 ft. north of Seaver avenue (Block No. 3711, Lot No. 3), Dongan Hills, Borough of Richmond.

HARRIS H. MURDOCK, *Chairman.*

APRIL 19, 1938, 2 P. M.

Appeals from Administrative Orders

198-38-A—Southwest corner of 47th street and First avenue (Bldgs. Nos. 51 and 52); (Block No. 725, part of Lot No. 1), Borough of Brooklyn.

202-38-A—13-24 to 13-26 Jackson avenue (124 Jackson avenue), southwest corner of 21st street (Van Alst avenue); (Block No. 58, Lot No. 9), Long Island City, Borough of Queens.

242-38-A—70-05 Northern boulevard, northeast corner of 70th street (Block No. 1166, Lot No. 47), Jackson Heights, Borough of Queens.

253-38-A—322-334 East 63rd street, south side, 200 ft. west of First avenue (Block No. 1437, Lot Nos. 35 to 41), Borough of Manhattan.

254-38-A—3-5 East 95th street, north side, 100 ft. east of Fifth avenue (Block No. 1507, Lot Nos. 5 and 7), Borough of Manhattan.

256-38-A—935 Morris Park avenue, north side, 50 ft. west of Bogart avenue (Block No. 4124, Lot No. 37), Borough of The Bronx.

Variations of Labor Law

160-38-S—3869 Broadway, west side, 75 ft. north of West 161st street (Block No. 2137, part of Lot No. 18), Borough of Manhattan.

225-38-S—538-540 Fifth avenue, west side, 50 ft. south of West 45th street (Block No. 1260, Lot No. 38), Borough of Manhattan.

226-38-S—586 East 187th street, south side, 51.24 ft. west of Arthur avenue (Block No. 3065, Lot No. 41), Borough of The Bronx.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, April* 19, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent, applicants, on behalf of Maude B. Mowry, owner, to permit in a business district the erection and maintenance of a gasoline service station; premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

CAL. NO. 497-37-BZ—Application, October 20, 1937, under section 7h of the building zone resolution, of Daniel Ginsberg, applicant, on behalf of William Losak, lessee, for Jacob Litvin and Anna Litvin, owners, to permit in a business use district the parking and storage of more than five (5) motor vehicles for a period of two (2) years in addition to the existing use of the premises for the sale of used cars; premises 1203-1235 East New York avenue, northeast corner of Ralph avenue and Union street (Block No 1477, Lot No. 1), Borough of Brooklyn.

CAL. NO. 4-38-BZ—Application, January 5, 1938, under section 7a of the building zone resolution, of Thomas Dunn, applicant, on behalf of Bolton Cleaners and Dyers, Inc., owner, to permit in a residence use district the extension of an existing dry cleaning establishment; premises 453 Bolton avenue, west side, 125 ft. south of Lacombe avenue (Block No. 3499, Lot No. 50), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

APRIL 26, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, April* 26, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 110-38-BZ—Application, February 21, 1938, under section 21 of the building zone resolution, of William Miltenberger, applicant, on behalf of Estate of Lucie M. Stearns, owner, to permit in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop; premises East side of Jerome avenue, 232-38 ft. south of East Tremont avenue (Block No. 2853, Lot No. 15), Borough of The Bronx.

CAL. NO. 522-37-BZ—Application, November 3, 1937, under sections 7c and 21, of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Meeker Oil Company, Inc., owner, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a gasoline service station; premises 2458-2470 Cropsey avenue, northwest corner of Bay 38th street (Block No.

6928, part of Lot No. 1), Borough of Brooklyn.

CAL. NO. 150-37-BZ—Application, April 3, 1937, under section 7h of the building zone resolution, of John F. Ellison, applicant and lessee, on behalf of Lourose Realty Corporation, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution, reopened and restored to calendar April 5, 1938); premises 255-263 Ralph avenue, northeast corner of Marion street (Block No. 1513, Lot Nos. 1, 3 and 4), Borough of Brooklyn.

CAL. NO. 152-37-BZ—Application, April 3, 1937, under section 7h of the building zone resolution, of Michael Falzarano, applicant and lessee, on behalf of Bessie Greenwald, I. Rosenwasser and N. Glantz, owners, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution, reopened and restored to calendar April 5, 1938); premises 9508-9530 Church avenue, southeast corner of East 96th street (Block No. 4716, Lot Nos. 42 to 50 inclusive), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

APRIL 26, 1938, 2 P. M.

Appeal from Administrative Order

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

Variation of Labor Law.

40-38-S—284-300 Sheffield avenue, southwest corner of Belmont avenue (Block No. 3753, Lot No. 9), Borough of Brooklyn.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, April 26, 1938*, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 345-32-BZ—Application of Alphonsus Casey, applicant, on behalf of Patrick J. Reilly, owner, reopened February 23, 1938, for consideration as to extension of permit —re Application, previously granted on condition, under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station for a temporary period: premises north side of 47th avenue, 91 ft. east of Cross Island boulevard (Block No 1299, part of Lot No. 105), Bayside, Borough of Queens.

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos 28, 40 and 42), Borough of The Bronx.

HARRIS H MURDOCK, *Chairman.*

MAY 3, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May 3*, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 116-38-BZ—Application, February 24, 1938, under section 7h of the building zone resolution, of Benjamin N. Brody, applicant, on behalf of Veronica Realty Corporation, owner, to permit, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles; premises 312-338 West 59th street, south side, 114 ft. 10½ in. west of Broadway (Block No. 1049, Lot Nos. 44-56 inclusive), Borough of Manhattan.

CAL. NO. 62-38-BZ—Application, February 2, 1938, under sections 7a and 21 of the building zone resolution, of Albert E. Wheeler, applicant, on behalf of Louis Roth, owner, to permit in a residence use district the erection and maintenance of a building to be used as office and store room (tinsmith and roofing shop); premises 5672 Riverdale avenue, east side, 218.67 ft. south of West 259th street (Block No. 3423A, Lot No. 129), Borough of The Bronx.

CAL. NO. 374-37-BZ—Application, July 21, 1937, under section 21 of the building zone resolution, of Ruth Jakobi, applicant and owner, to permit in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop; premises 818 East 182nd street, south side, 31.58 ft. west of Southern boulevard (Block No. 3111, part of Lot No. 59), Borough of The Bronx.

CAL. NO. 143-38-BZ—Application, March 7, 1938, under section 21 of the building zone resolution, of Samuel Rosenblum, applicant, on behalf of Northwest Building Corpora-

CALENDAR

tion, owner, to permit in a residence use district the erection and maintenance of a business building (stores); premises 1486-1492 Ocean avenue and 1913-1929 Avenue J, northwest corner (Block No. 6712, Lot Nos. 1, 4 and 6), Borough of Brooklyn.

CAL. NO. 181-38-BZ—Application, March 14, 1938, under sections 7a and 21 of the building zone resolution, of Leonard A. Swarthe, applicant, on behalf of Horace Smith, owner, to permit in a business use district the alteration and conversion of occupancy of part of an existing garage for more than five (5) motor vehicles (previously acted upon by the board) so as to include a gasoline service station; premises 410 City Island avenue, northeast corner of Ditmars street (Block No. 5645, Lot No. 1), Borough of The Bronx.

CAL. NO. 379-33-BZ—Application of Edward T. Curran, applicant, on behalf of Andrew Haurylak, owner, reopened and restored to the calendar March 22, 1938, under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station and also a motor vehicle repair shop (previously withdrawn, also, previously denied for a gasoline service station); premises 79-08 Astoria boulevard and 23-49 79th street, southeast corner (Block No. 1032, Lot No. 54), East Elmhurst, Borough of Queens.

CAL. NO. 228-38-BZ—Application, April 6, 1938, under sections 7c and 21 of the building zone resolution, of Henry V. Murphy, applicant, on behalf of Roman Catholic Diocese of Brooklyn, owner, to permit in a residence use district the extension in height of an existing office building (Chancery for Roman Catholic Diocese of Brooklyn); premises 73-79 Greene avenue and 380-384 Clermont avenue, northwest corner (Block No. 2121, Lot No. 41), Borough of Brooklyn.

CAL. NO. 532-32-BZ—Application of Sidney L. Strauss, applicant, on behalf of Frank Fischer, owner, reopened April 12, 1938, for consideration as to extension of time to obtain permits and to complete work (time having expired by limitation due to property condemnation for approach to Triborough Bridge) re Application, previously granted on condition, under sections 7a and 21 of the building zone resolution, permitting in a business use district the change in area and construction of a gasoline service station (granted by the board on March 14, 1933); premises 31-04 Astoria avenue and 25-25 31st street, southeast corner (Block No. 620, Lot Nos. 24 and 25), Astoria, Borough of Queens.

HARRIS H. MURDOCK, *Chairman*

MAY 3, 1938, 2 P. M.

Building Zone Application.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, May* 3, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 324-37-BZ—Application, June 29, 1937, under section 21 of the building zone resolution, of Joseph M. Lonergan, applicant, on behalf of Mathilda Litchman and Bruno Bernabo, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4727-4729 Third avenue, west side and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MAY 17, 1938, 2 P. M.

Variation of Labor Law

220-38-S—15-19 East 26th street, north side, 120 ft. west of Madison avenue and 10-14 East 27th street (Block No. 856, Lot No. 11), Borough of Manhattan.

FORMS FOR NOTICES TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

MULTIPLE DWELLING LAW ON SALE

Copies of the Multiple Dwelling Law are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50c; by mail 54c.

Copies of the Supplemental Rules and Regulations of the Tenement House Department on Fire Retarding, Fire Escapes, Fire Stairs and Fire Towers are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 10c; by mail 12c.

Copies of the Official Directory of the City of New York for the year 1938 (The Little Green Book), containing the latest authentic information in relation to City, State and Federal Departments, Bureaus, Offices and Courts, are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50 cents; by mail, three cents per copy must be added for postage.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, APRIL 12, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross.

The minutes of the regular meeting of the board held on Tuesday morning, April 5, 1938 and the minutes of the regular meeting of the board held on Tuesday afternoon, April 5, 1938, were approved as printed in Bulletin No. 15, Vol. XXIII.

BUILDING ZONE CASES

4-38-BZ.

APPLICANT—Thomas Dunn, for Bolton Cleaners and Dyers, Inc., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7a of the building zone resolution, to permit in a residence use district the extension of an existing dry cleaning establishment.

PREMISES AFFECTED—453 Bolton avenue, west side, 125 ft. south of Lacombe avenue (Block No. 3499, Lot No. 50), Borough of The Bronx.

APPEARANCES—

For Applicant: Thomas Dunn, Charles Schindler and Karl Gluck.

For Opposition: Charles A. Conner.

ACTION OF BOARD—Laid over to April 19, 1938 at 2 P. M., to file objections and for further argument, if necessary.

551-37-BZ.

APPLICANT—Bryce Rea, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—233-02 Northern boulevard and 45-01 233rd street, southeast corner (Block No. 8166, Lot No. 20), Douglaston, Borough of Queens.

APPEARANCES—

For Applicant: Bryce Rea.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE RESOLUTION—

(551-37-BZ)

WHEREAS, Bryce Rea, owner, filed November 19, 1937, an application under the building zone resolution to permit in a business use district the erection and maintenance of a gasoline service station; Premises: 233-02 Northern boulevard and 45-01 233rd street, southeast corner (Block No. 8166, Lot No. 20), Douglaston, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 12, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Northern boulevard is in a business use district; 233rd street is in a business and unrestricted use district; 239th street is in a business and unrestricted use district and 46th avenue is in a business and residence use district; and

WHEREAS, the decision of the commissioner of buildings, rendered November 15, 1937, re N. B. Permit No. 4792-37 reads:

"The erection of a gasoline station in a business district is contrary to section 4 of the zone law. (Not further considered.)"

and

WHEREAS, the premises consist of a plot of ground having a frontage of 83 ft. on Northern boulevard and 109 ft. on 233rd street. It is proposed to erect upon the plot a one story accessory building, 12 ft. by 16 ft. in area, and, also, to install the necessary tanks and pumps for a gasoline service station; and

WHEREAS, the board deemed that the applicant was entitled to relief under section 21 on the grounds of practical difficulty and temporary unnecessary hardship and that the application should be granted for a period of five years with such restrictions as the board deemed fit to impose.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21 thereof, for a temporary period of five years from the date of this action, to permit the plot under appeal to be occupied as a gasoline service station, *on condition* that the plot shall be leveled substantially to the grade of Northern boulevard; that the accessory building shall not exceed one story in height and shall not exceed 12 by 16 feet in area, as indicated on plans filed with this appeal; that the premises for a depth of at least fifty (50) feet southerly from Northrn boulevard shall be surfaced with cracked bluestone, properly bound and rolled; that the gasoline pumps shall not be erected nearer to any street building line than twenty (20) feet; that no automobile repairing shall be carried on nor any parking or storage of cars on the premises other than those being serviced; that entrances to premises shall not exceed two from Northern boulevard, no entrance to exceed twenty-five (25) feet in width; that all permits required shall be obtained and all work involved completed within one year from the date of this action.

616-37-BZ.

APPLICANT—Martyn N. Weinstein, for Lillian S. Kay and Caroline Candidus, owners.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—746-768 Livonia avenue, south side, from Van Siclen avenue to Miller avenue, 572-582 Van Siclen avenue and 617-627 Miller avenue (Block No. 4087, Lot Nos. 21 and 27), Borough of Brooklyn.

APPEARANCES—

For Applicant: Martyn N. Weinstein.

For Opposition: Irving Bernstein, A. R. Zaldin, Samuel Lehrer and Louis Levine.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Absent	0

THE RESOLUTION—

(616-37-BZ)

WHEREAS, Martyn N. Weinstein, for Lillian S. Kay and Caroline Candidus, owners, filed December 23, 1937, an application under the building zone resolution to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than

five (5) motor vehicles; Premises: 746-768 Livonia avenue, south side, from Van Siclen avenue to Miller avenue, 572-582 Van Siclen avenue and 617-627 Miller avenue (Block No. 4087, Lot Nos. 21 and 27), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 12, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Livonia avenue is in a business use district; Miller avenue is in a residence use and business use district; Van Siclen avenue is in a business use district; Riverdale avenue is in a business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered December 3, 1937, re Applic. No. 19771-1937, reads:

> "Proposed storage and parking for more than 5 cars in a business district: Contrary to Art. 2, Sect. 4a, Subdiv. 15 of Building Zone Resolution. Therefore, application disapproved."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 190 ft. on Livonia avenue, 100 ft. on Miller avenue and 100 ft. on Van Siclen avenue. It is proposed to use the plot for the parking and storage of more than five (5) motor vehicles for a temporary period of not more than two (2) years; and

WHEREAS, the site under appeal was inspected by a committee of the board prior to the hearing; and

WHEREAS, the board deemed that this was not a proper case in which to exercise its discretion under section 7, subdivision H of the building zone resolution.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed* and that the application be and it hereby is *denied.*

487-37-BZ.

APPLICANT—Francis T. Christy, for Rockefeller Center, Inc., lessee The Trustees of Columbia University in the City of New York, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a retail use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles.

PREMISES AFFECTED—25-53 West 48th street, north side, and 26-52 West 49th street, south side, 237 ft. 7½ in. east of Sixth avenue (Block No. 1264, part of Lot No. 10), Borough of Manhattan.

APPEARANCES—

For Applicant: Francis T. Christy and Rudolph A. Travers.

For Opposition: None.

For Administration: Inspector Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE RESOLUTION—

(487-37-BZ)

WHEREAS, Francis T. Christy, for Rockefeller Center, Inc., lessee, The Trustees of Columbia University in the City of New York, owner, filed August 23, 1937, an application under the building zone resolution to permit in a retail use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; Premises: 25-53 West 48th street, north side and 26-52 West 49th street, south side, 237 ft. 7½ in. east of Sixth avenue (Block No. 1264, part of Lot No. 10), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 12, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that West 49th street is in a retail and restricted retail district; West 48th street is in a retail and restricted retail use district; Sixth avenue is in a retail use district and Fifth avenue is in a restricted retail use district; and

WHEREAS, the decision of the commissioner of buildings, rendered August 6, 1937, reads:

> "Relative to your application for a certificate of occupancy for the parking of more than five motor vehicles at the above location, you are advised that same is disapproved being contrary to section 4(a) (15) of the building zone resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 307 ft. 4 in. on West 48th street, 307 ft. 4 in. on West 49th street and 200.1 feet on Rockefeller Plaza. It is proposed to occupy the plot for the parking of more than five (5) motor vehicles for a temporary period of not more than two (2) years; and

WHEREAS, the site under appeal was inspected by a committee of the board, prior to the hearing; and

WHEREAS, the board deemed that this is a proper case for the board to exercise discretion to grant under section 7h of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7h for a temporary period of two years from the date of this action, permitting the plot under appeal to be used solely for transient parking of more than five motor vehicles, limited to the pleasure car type, *on condition* that the plot shall be leveled substantially to the grade of the surrounding streets and surfaced with steam cinders or other suitable material, properly rolled and bound to prevent dusting and graded so as to provide surface drainage; that the entire plot on the street front shall be surrounded by a substantial woven wire fence not less than 7 ft. in height with not more than two entrances, one to West 48th street and one to West 49th street with curb cuts not exceeding 30 ft. in width each; that during the period of this variance, the plot shall be occupied for no other use and no building shall be erected thereon, exeept the existing temporary buildings used as office and shelter for the attendants and for comfort station for patrons, that no advertising shall be displayed other than neat signs at the entrances, advertising the parking use and rates charged; that no servicing of automobiles shall be carried on and no sales of automobiles; that proper aisles shall be maintained at all times so as to provide ready access and exit; that such portable fire-fighting appliances shall be installed as the commissioner shall direct; and that all permits shall be obtained and all work completed within one month from the date of this action.

140-38-BZ.

APPLICANT—Fred B. McDuffee, Director, Bureau of Architecture, Department of Public Works, for City of New York, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a residence use district the maintenanee of a garage for more than three (3) motor vehicles, in the basement of a proposed Court House.

PREMISES AFFECTED—81-91 Park avenue, east side, between East 39th street and East 40th street, 99-107 East 39th street and 102 East 40th street (Block No. 895, Lot Nos. 1-9 inclusive, 89, 90, 92 and 94), Borough of Manhattan.

MINUTES

APPEARANCES—

For Applicant: Fred B. McDuffee, John P. Fox.

For Opposition: F. J. Costello, John MacDonald, Wilbur C. Davidson, H. S. Rhodes, T. V. Flynn.

For Administration: Inspector Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE RESOLUTION—

(140-38-BZ)

WHEREAS, Fred B. McDuffee, Director, Bureau of Architecture, Department of Public Works, for City of New York, owner, filed March 5, 1938, an application under the building zone resolution to permit in a residence use district the maintenance of a garage for more than three (3) motor vehicles in the basement of a proposed court house; Premises: 81-99 Park avenue, east side, between East 39th street and East 40th street, 99-107 East 39th street and 102 East 40th street (Block No. 895, Lot Nos. 1-9 inclusive, 89, 90, 92 and 94), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 12, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Park avenue is in a restricted retail and residence use; East 39th street is in a restricted retail, residence and retail use; and East 40th street is in a restricted retail, residence and retail use; and

WHEREAS, the decision of the acting borough superintendent of buildings, rendered March 16, 1938, re N. B. Applic. No. 7-1938, reads:

"5. A garage for more than three motor vehicles within a residence district is in violation of section 3, subdivision 8, of the zoning resolution. Reconsideration is denied."

and

WHEREAS, the building is to be of fireproof construction, ten (10) stories in height, with a frontage of 135 ft. on East 39th street, 167 ft. 6 in. on Park avenue and 85 ft. on East 40th street, to be occupied as a court house for the Appellate Division of the Supreme Court; a portion of basement to be occupied as a garage for 16 pleasure motor vehicles; and

WHEREAS, the site under appeal was inspected by a committee of the board, prior to the hearing; and

WHEREAS, the board deemed that applicant had substantiated his basis of appeal under section 21 of the building zone resolution and was, therefore, entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21, to permit the use as proposed of the space at the easterly end of the building, as a private garage solely for the storing of automobiles of the Justices and attendants of the Appellate Division Court building, *on condition* that no fee shall be charged; that no cars shall be stored except of the pleasure car type; that there shall be no servicing of automobiles of any nature; that no gasoline shall be stored except in the tanks of the cars; that the number of cars stored shall at no time exceed 16; that the garage entrance shall set back from East 39th street, as indicated, not less than 30 ft.; that entrances thereto shall not exceed 12 ft. in width; that at either side of the entrance, there shall be suitable landscaping maintained; that the building shall be of fireproof construction; that all openings to other sections of the building shall be protected with fireproof self-closing doors; that this variation shall continue only so long as the building is used as proposed, for court occupancy; that all permits shall be obtained and all work completed within one year from the date of this action.

53-38-BZ.

APPLICANT—Halsey, McCormack and Helmer, Inc., for Ridgewood Saving Bank, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under sections 7b and 7c of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of an extension to an existing business building (bank).

PREMISES AFFECTED—1838-1842 George street and 1002-1004 Forest avenue, southeast corner (Block No. 3575, Lot Nos. 31 and 33), Ridgewood, Borough of Queens.

APPEARANCES—

For Applicant: A. L. Muller and George H McCormack.

For Opposition: Peter A. Ramo, P. R. Schumacher, Max Cedarbaum, Jacob B. Graf, Alita Kirst, Barbara Schmitt, Helen Mathes and George J. Graf.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Absent	0

THE RESOLUTION—

(53-38-BZ)

WHEREAS, Halsey, McCormack & Helmer, Inc., for Ridgewood Savings Bank, owner, filed January 28, 1938, an application under the building zone resolution to permit partly in a business use district and partly in a residence use district the erection and maintenance of an extension to an existing business building (bank); Premises: 1838-1842 George street and 1002-1004 Forest avenue, southeast corner (Block No. 3575, Lot Nos. 31 and 33), Ridgewood, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 12, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that George street is in a residence and business use district; Myrtle avenue is in a business use district; Forest avenue is in a business use district; Stephen street is in a residence and business use district and Seneca avenue is in a business use district; and

WHEREAS, the decision of the acting borough superintendent rendered January 20, 1938, re Application No. 300-1938, reads:

"1. The extending of a business building from a business district into a residential district is contrary to article 2, section 3 of the zone law."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 50.1 feet on Forest avenue, 125 ft. on George street and a distance of 100.09 feet along the south lot line. Upon the north part of the premises there is located a business building (bank); it is proposed to erect an extension (to the south) to the existing bank building. The existing bank building and part of the site (having a frontage of approximately 17 ft. along George street) upon which it is proposed to erect the extension, is located in a business use district—the remainder of the plot is located in a residence use district. The existing 3 story dwelling located upon that portion of the premises upon which it is proposed to erect the extension will be demolished; and

WHEREAS, the site under appeal was inspected by a committee of the board, prior to the hearing; and

WHEREAS, there was strenuous objection to the extension of the proposed building 18 ft. in the rear beyond the line of the other houses on George street; and

WHEREAS, applicant stated they could not restrict their building to 72 ft. depth, the same as the other buildings.

Resolved, that the decision of the acting borough superintendent be and it hereby is *affirmed*, and that the application be and it hereby is *denied*.

Adjourned, 12:35 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, APRIL 12, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross.

BUILDING ZONE CASES

564-23-BZ.

APPLICANT—Lama and Proskauer, for Scotto Holding Corporation, owner.

SUBJECT—Application for consideration—reopening and reconsideration, previously denied—(re decision of the acting borough superintendent of buildings) under sections 7c and 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the extension of a motion picture theatre.

PREMISES AFFECTED—395 Court street, east side, 100 ft. south of First place and 107 First place, south side, 50 ft. east of Court street (Block No. 459, Lots 2 and 6), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

ACTION OF BOARD—Application reopened subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

532-32-BZ.

APPLICANT—Sidney L. Strauss, for Frank Fisher, owner.

SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the superintendent of buildings) under sections 7a and 21 of the building zone resolution, permitting in a business use district the change in area and construction of a gasoline service station (granted by the board March 14, 1933) due to property condemnation for approach to Triborough Bridge.

PREMISES AFFECTED—31-04 Astoria avenue and 25-25 31st street, southeast corner (Block No. 620, Lot Nos. 24 and 25), Astoria, Borough of Queens.

APPEARANCES—

For Applicant: Sidney L. Strauss.

ACTION OF BOARD—Application reopened and set for hearing May 3, 1938, at 10 A. M.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

216-29-BZ.

APPLICANT—Abram Shlefstein, for Helen Eckerman, owner.

SUBJECT—Application reopened March 22, 1938 for consideration as to extension of permit—re application (decision of the superintendent of buildings) previously granted on condition, under section 7f of the building zone resolution, permitting in a business use district the maintenance of a gasoline service station for a temporary period.

PREMISES AFFECTED—Southwest corner of Nassau boulevard and Little Neck road (Block No. 4108, Lot No. 100), Little Neck, Borough of Queens.

APPEARANCES—

For Applicant: Abram Shlefstein.

For Opposition: None.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE RESOLUTION—

(216-29-BZ)

WHEREAS, this application affecting premises southwest corner of Nassau boulevard and Little Neck road (Block No. 4108, Lot No. 100), Little Neck, Borough of Queens, was granted by the board for a temporary period of two years under section 7, subdivision F, May 28, 1929, period extended April 26, 1932, March 27, 1934 and April 21, 1936, and owner requested a further extension; and

WHEREAS, this application was reopened by vote of the board March 22, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 12, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, there has been no substantial change in the neighboring area since this application was granted, and the board deemed that the temporary period should be extended.

Resolved, that the resolution adopted by the board on May 28, 1929, be and it hereby is *amended*, only so far as it has reference to the term of the permit, so that as amended this resolution will read:

"*granted* for a temporary period of two years, under Section 7(f), from the date of this amended resolution, *on condition* that the resolution as adopted on May 28, 1929 shall be otherwise complied with."

559-37-BZ.

APPLICANT—Samuels and Samre's, for Fellman Realty Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district for a temporary period of not more than two (2) years the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—5020-5036 Broadway, 3996-4010 10th avenue, 501-517 West 213th street and 500-518

West 214th street (Block No. 2231, Lot Nos. 1, 5, 13 and 17), Borough of Manhattan.

APPEARANCES—

For Applicant: B. Sperber.

For Opposition: B. Wolper.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross 4

Negative 0

Absent 0

THE RESOLUTION—

(559-37-BZ)

WHEREAS, Samuels & Samuels, for Fellman Realty Corporation, owner, filed November 29, 1937, an application under the building zone resolution to permit in a business use district for a temporary period of not more than two (2) years the parking and storage of more than five (5) motor vehicles; Premises: 5020-5036 Broadway, 3996-4010 Tenth avenue, 501-517 West 213th street and 500-518 West 214th street (Block No. 2231, Lot Nos. 1, 5, 13 and 17), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 12, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 10th avenue is in business and unrestricted use districts; Broadway is in business and residence use districts; West 214th street is in a business use district and West 213th street is in residence and business use districts; and

WHEREAS, the decision of the commissioner of buildings, rendered November 24, 1937, reads:

"Your application for a certificate of occupancy for use of the above premises for the parking and storage for more than five motor vehicles has been denied as this occupancy is prohibited in a business district by article II, section 4a, subdivision 15 of the zone resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 237 ft. on West 214 street, 224.6 feet on Broadway, 339 feet on West 213th street and 199 feet 10 inches on 10th avenue. An irregular shaped gore on the West 213 street frontage of the plot is located in a residence use district; the remainder is in a business use district. There is a 2-story brick dwelling on the 10th avenue front of the plot; same to remain. Proposes to occupy the vacant area of the business use portion of the plot, for a temporary period of not more than 2 years, for the storage and parking of more than five motor vehicles; and

WHEREAS, the site under appeal was inspected by a committee of the board, verbal report of which recommended the granting of this application for a temporary period of two years; and

WHEREAS, the board deemed that this was a proper case to exercise its discretion under section 7, subdivision H of the building zone resolution and that hardship existed to warrant the granting, under section 21 of the application.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 7H for a temporary period of two years from the date of this action, to permit a portion of the plot, known as lot 13, with a frontage of 200 ft. along 214th street and a depth of 99 ft. 11 in. along 10th avenue, to be occupied for the storage and parking of more than five motor vehicles, restricted to the pleasure car type, *on condition* that the area shall be leveled substantially to the grade of the surrounding streets and shall be surfaced with cinders or other suitable material, properly bound and rolled to prevent dusting and properly graded to provide surface drainage; that the existing fence along the street lines shall be entirely removed and a new substantial woven wire fence, not less than 6 ft. in height, shall be constructed continuously along 214th street and along 10th avenue, with no opening except to 10th avenue for a width not exceeding 20 ft. with a curb cut of similar width opposite; that along the interior line of the plot, as herein permitted, there shall be erected a similar fence or a substantial wooden fence; that during the term of this variance, the premises shall be used for no other purpose other than as herein permitted; that no signs shall be erected other than a small sign at the entrance, advertising the use and rates charged; that no additional building shall be erected on the premises except there may be a building not over one story in height, not over 150 sq. ft. in area, to be used as office and shelter for the attendant, near the entrance; that such portable fire-fighting appliances shall be installed as the commissioner shall direct; and that all permits shall be obtained and all work completed within three months from the date of this action.

9-38-BZ.

APPLICANT—A. C. Benson, for John DiBlasi, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7c and 21 of the building zone resolution to permit in a business use district the extension of an existing gasoline service station.

PREMISES AFFECTED—98-02 to 98-08 Northern boulevard, southeast corner of 98th street (B'ock No. 1713, Lot No. 1), Corona, Borough of Queens.

APPEARANCES—

For Applicant: A. C. Benson.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross 4

Negative 0

Absent 0

THE RESOLUTION—

(9-38-BZ)

WHEREAS, A. C. Benson, for John Di Blasi, owner, filed January 5, 1938, an application under the building zone resolution to permit in a business use district the extension of an existing service station; Premises: 98-02 to 98-08 Northern boulevard, southeast corner of 98th street (Block No. 1713, Lot No. 1), Corona, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 12, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Northern boulevard is in a business use district; 98th and 99th streets are in both residence and business use districts; 34th avenue is in a residence use district; and

WHEREAS, the decision of the commissioner of buildings, rendered December 23, 1937, re Applic. No. 4824-37, reads:

"The extension of a gasoline service station (located within a business district) into a business district is contrary to section 4A46 of the zone resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 65 ft. on 98th street and 80 ft. 4 ins. on Northern boulevard—upon which are located several one story frame buildings having a frontage of 54 ft. on Northern boulevard, irregular in area, and also two 550 gallon tanks and a gasoline pump. Proposes to demolish the buildings now on the site and to erect thereon a one story accessory building 80 ft. 4 in. by 27 ft. in area and to install the necessary tanks and pumps for a gasoline service station; and

WHEREAS, the site under appeal was inspected by a committee of the board, verbal report of which recommended the granting of this application; and

WHEREAS, the board deemed that the provisions of section 7, subdivision C of the building zone resolution, under which this application was made, empowered the board to exercise its discretion and to grant this application under such conditions that would safeguard the character of the more restricted district.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under sections 7C and 21, to permit the existing use of the premises under appeal to be extended and the plot occupied as a gasoline service station, *on condition* that all existing buildings now on the plot shall be completely removed: that the plot shall be leveled substantially to the grade of Northern boulevard and 98th street; that the accessory building shall be erected toward the southerly side of the premises; that this building shall not exceed one story in height and shall be arranged for office, car washing and car greasing; that this building shall be constructed of fireproof materials, except that the roof beams, roof boarding, window frames and sash, door frames and doors may be of wood, provided the ceiling throughout is fire-retarded in accordance with the rules of the Board of Standards and Appeals; that the roof weather surfacing shall be of non-inflammable material; that there shall be no openings in the walls to the adjacent premises; that the heater room shall be separated from the balance of the building by fireproof construction and enterable only from the exterior of the building; that the greasing and washing racks shall be only of the hydraulic type; that any skylights erected shall be constructed of metal frames and glazed with wire glass; that the balance of the premises, where not occupied by accessory buildings, shall be cement paved; that there shall be erected along the easterly lot line from the accessory building to the street line of Northern boulevard, a masonry wall constructed of face brick, not less than 8 ft. in height; that entrances to the premises shall be limited to two from Northern boulevard, each 30 ft. in width and one from 98th street, of a similar width; that there shall be erected on the street building line at the easterly end, a concrete curb not less than 5 ft. in length from the interior lot line and not less than 12 inches in width and height; that there shall be erected at the intersection of Northern boulevard and 98th street a similar curbing, extending for a distance of 5 ft. in either direction from the intersection; that gasoline pumps erected shall be not nearer than 15 ft. to the center of the pump unit from the building line; that these units shall be of the type approved for use on parkways, with a masonry pedestal not less than 4 ft. in height; that gasoline storage tanks and pipe installation shall be constructed of new material only; that the vents from the gasoline storage tanks shall be carried up above the roof of the accessory building and shall be not nearer than 10 ft. to any opening in the adjoining building; that signs shall be limited to the illuminated globes of the pumps and to a permanent flat sign attached to the facade of the accessory building, excluding all roof signs and all temporary signs, but permitting the erection within the building line near the intersection, of a post standard for supporting signs which may be illuminated, adveritsing only the brand of gasoline on sale, provided such signs do not extend beyond the building line for a distance of not more than 5 ft.; that no automobile repairing shall be carried on and no parking or storage of automobiles, other than those being serviced; that lights for general illumination shall be on post standards with metallic reflectors arranged so as to reflect toward the center of the premises and away from the adjoining occupancies; that all permits shall be obtained and all work completed within one year from the date of this action; and that working drawings, marked "Received April 7, 1938" are hereby approved for general arrangement and design, as being in compliance with the terms of this resolution.

599-37-BZ.

APPLICANT—Lama and Proskauer, for DeWitt Holding Corporation, owner.

SUBJECT—Application (decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit for a temporary period of not more than two (2) years, partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—1663-1681 St. Nicholas avenue, west side, 14 ft. 5 in. north of Fairview avenue and 59-61 Hillside avenue (Block No. 2170, Lot No. 129), Borough of Manhattan.

APPEARANCES—

For Applicant: Frederick J. Groehl, A. N. Gitterman and Alfred A. Lama.

For Opposition: B. Wolper and D. Delmen.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross 4
Negative 0
Absent 0

THE RESOLUTION—

(599-37-BZ)

WHEREAS, Lama & Proskauer, for DeWitt Holding Corporation, owner, filed December 17, 1937, an application under the building zone resolution to permit for a temporary period of not more than two (2) years, partly in a business use district and partly in a residence use district for the parking and storage of more than five motor vehicles; Premises: 1663-1681 St. Nicholas avenue, west side, 14 ft. 5 in. north of Fairview avenue and 59-61 Hillside avenue (Block No. 2170, Lot No. 129), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 12, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that St. Nicholas avenue is in a business use district; Fairview avenue is in residence and business use districts and Hillside avenue is in a residence use district; and

WHEREAS, the decision of the commissioner of buildings, rendered December 8, 1937, reads:

> "Your application for the use of the above premises for the parking and storage of more than five motor vehicles has been denied as the premises are located partly in a business use district and partly in a residence use district and this occupancy is prohibited by article 2, section 3 and section 4a, subdivision 15 of the building zone resolution."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 240 ft. 10 in. on St. Nicholas avenue, 50 ft. on Hillside avenue and a distance of approximately 380 ft. along the north lot line. The St. Nicholas avenue frontage of the plot for a depth of 100 ft. is in the business use district—the remainder is in the residence use district. Proposes to use an irregular shaped portion of the plot facing St. Nicholas avenue, having a depth of 100 ft. along the south lot line and 150 ft. along the north lot line for a temporary period of not more than two (2) years, for the parking and storage of more than five motor vehicles; and

WHEREAS, the premises in question was the subject of an inspection by a committee of the Board; and

WHEREAS, the board deemed that this was a proper case for exercise of discretion under section 7, subdivision H, of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use dis-

trict regulations of the building zone resolution, and that the application be and it hereby is *granted,* under section 7-h *for a temporary period of two* (2) *years* from the date of this action, to permit the portion of the premises within the business use area to be occupied for *parking and storage* of more than 5 motor vehicles, *on condition* that that portion of the plot shall be levelled substantially to the average grade of Fairview and St. Nicholas avenues; that there shall be erected on street building line and on interior lines, including the line of the zoned district, a substantial woven-wire fence not less than 6 ft. in height continuously, except for entrance near the intersection of Fairview avenue and St. Nicholas avenue; that ornamental stone posts shall be erected on either side of this entrance; that during the term of this variance, the premises shall be used for no other purpose than for parking and storage of automobiles of pleasure-car type; that no sale of used cars or servicing of cars shall be permitted; that the plot shall be surfaced with steam cinders or other suitable material, properly rolled and bound to prevent dusting; that the existing metal five-car garage shall be removed; that no signs shall be erected on the premises other than a neat sign at the entrance, advertising the storage and parking use; that this sign shall not exceed 15 sq. ft. in area; that lights for general illumination shall be on post standards with metal reflectors so arranged as to reflect toward the centre of parking plot and away from the adjoining occupancies; that suitable planting shall be maintained within the building lines on St. Nicholas avenue and parallel to Fairview avenue; that such portable fire-fighting appliances shall be installed as the commissioner shall direct; and that all permits shall be obtained and all work shall be completed within six months from the date of this action.

170-37-BZ.

APPLICANT—William R. McVay, for Hermine Corlis, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—79-05 Little Neck road, southeast corner of Union turnpike (Block No. 12, Lot Nos. 4, 5 and 6), Floral Park, Borough of Queens.

APPEARANCES—

For Applicant: William R. McVay and Hermine Corlis.

For Opposition: Wm. A. Bennett.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE RESOLUTION—

(170-37-BZ)

WHEREAS, William R. McVay, for Hermine Corlis, owner, filed April 14, 1937, an application under the building zone resolution to permit in a business use district the erection and maintenance of a gasoline service station; premises: 79-05 Little Neck road, southeast corner of Union turnpike (Block No. 12, Lot Nos. 4, 5 and 6), Floral Park, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 12, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Union Turnpike and Little Neck road are in business use districts; 80th avenue is in residence and business use districts; and

WHEREAS, the decision of the commissioner of buildings, rendered March 15, 1937 (Permit No. 969-1937) reads:

"The erection of a gasoline service station in a business district is contrary to article 2, section 4, subdivision 46, building zone resolution."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 99.4 ft. on Union turnpike and 62 ft. on Little Neck road (parkway). Proposes to erect upon the plot a 12 ft. by 18 ft. office and also the necessary tanks and pumps for a gasoline service station; and

WHEREAS, the premises in question was the subject of an inspection by a committee of the board; and

WHEREAS, the board deemed that the applicant has substantiated section 21 of the building zone resolution as to a temporary hardship existing and should be granted a variance for a temporary period of ten (10) years under certain conditions.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 21, *for a temporary period of ten* (10) *years* from the date of this action, to permit the premises under appeal to be occupied as a gasoline service station for a distance along Little Neck parkway, approximately 62 ft., and along Union turnpike, approximately 100 ft., comprising Lot Nos. 4, 5 and 6 in Block No. 12, also known as City Block 11213, *on condition* that the plot shall be levelled substantially to the grade of surrounding streets and that the arrangement shall be in accordance with revised plans marked "Received April 5, 1938"; that the accessory building shall be erected toward the southeasterly portion of the premises and shall be one story with gable roof, constructed of brick and stone, the roof surfaced with heavy variegated slate; that there shall be brick and stone walls not less than 7 ft. in height, erected on the interior lot lines from accessory building to the street building lines; that the accessory building shall be arranged with office and lubritorium; that the balance of the premises where not occupied by accessory buildings, shall be cement-paved or surfaced with Colprovia or similar material; that the pumps erected on the premises shall be not nearer than 15 ft. to either street building line; these pumps shall be of the type approved for parkways, with masonry pedestals not less than 4 ft. in height; that signs shall be restricted to illuminated globes of the pumps and to a permanent flat sign attached to the facades of the accessory building, but permitting a post standard to be erected near the building line, near the intersection, supporting a sign which may be illuminated, advertising only the brand of gasoline on sale, provided such sign does not extend beyond the building line for a distance over 5 ft.; that planting shall be maintained substantially as indicated, protected by curbing; that before plans are filed with the borough superintendent, complete working drawings shall be submitted to this board for approval and for the imposition of such additional conditions as may be deemed necessary; that tanks and piping for gasoline installation shall be of new approved material; that equipment for lubritorium shall be of the hydraulic type with no greasing pits; that any heating room shall be separated from the balance of the building by fireproof material and enterable only from the exterior of the building; that lights for general illumination shall be on post standards with metallic reflectors, so arranged as to reflect towards the centre of the premises; that entrances shall be limited to two (2) to Union turnpike not exceeding 20 ft. in width and two (2) to Little Neck parkway not exceeding 20 ft. with curb cut opposite of similar width; that adjacent to the entrance along the street front, shall be maintained planted or grassed areas; that all plans herein required to be filed shall be submitted within three months and that all permits shall be obtained and all work shall be completed within one year after approval of such plans.

507-37-BZ.

APPLICANT—John J. Beatty, for Tilyou Realty Company, owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the commissioner of buildings) under section 7h of the building zone resolution, permitting in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—1621-1627 Surf avenue and 2927-2947 West 17th street, northeast corner (Block No. 7062, Lot No. 34 and part of Lot No. 38), Borough of Brooklyn.

APPEARANCES—

For Applicant: John J. Beatty.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE RESOLUTION—

(507-37-BZ)

WHEREAS, John J. Beatty, for Tilyou Realty Company, owner, filed October 26, 1937, an application under the building zone resolution to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises: 1621-1627 Surf avenue and 2927-2947 West 17th street, northeast corner (Block No. 7062, Lot No. 34 and part of Lot No. 38), Borough of Brooklyn; and

WHEREAS, this application was granted by the board March 1, 1938, on certain conditions and applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on March 1, 1938, so that as amended the resolution shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7h for a period of two years, to permit the premises under appeal, consisting of Lot 34 and part of Lot 28, to be used for the transient parking of *more than five motor vehicles of the pleasure car type, on condition* that the lot shall be leveled substantially to the grade of Surf avenue and West 17th street and surfaced with steam cinders or other suitable material, properly rolled and bound to prevent dusting and properly graded to provide surface drainage; that there shall be maintained on the interior lot lines of the plot a substantial iron picket fence not less than five feet in height interfering in no way with the legal exits of the adjoining theatre; that there shall be erected on the street lot lines a substantial iron picket or woven wire fence not less than 6 ft. in height *and on the interior lot lines a similar fence where walls of existing buildings do not occur, except any existing fence less than 6 ft. in height may remain* with not over three entrances to West 17th street, as indicated on plans filed with this appeal, these entrances not to exceed 20 ft. in width with curb cuts opposite of similar width; that proper aisles shall be maintained at all times to permit easy exit and entrance of cars; that during the term of this permit the plot shall be used for no other purpose and no building shall be erected thereon except that there may be erected near an entrance, a building not over one story in height as an office and shelter for the attendant; that such portable fire-fighting appliances shall be maintained on the premises as the commissioner shall direct; that no signs shall be erected except a neat sign at the entrance *and one existing erected at office and shelter of the premises* advertising the parking use; that all permits shall be obtained and all work completed within three months from the date of this action."

332-32-BZ.

APPLICANT—Nordlinger, Riegelman and Cooper, for Kabor Holding Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—3276 Jerome avenue, southeast corner of Grand Concourse (Block No. 3323, Lot Nos. 55, 64 and 82), Borough of The Bronx.

APPEARANCES—

For Applicant: Leopold A. Halperin.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE RESOLUTION—

(332-32-BZ)

WHEREAS, this application affecting premises 3276 Jerome avenue, southeast corner of the Grand Concourse (Block No. 3323, Lot Nos. 55, 64 and 82), Borough of The Bronx, was granted by the board November 21, 1933, on certain conditions, amended January 3, 1934, and April 20, 1937 and applicant requested an extension of time to complete work.

Resolved; that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on November 21, 1933, as amended January 3, 1934 and April 20, 1937, only so far as it has reference to completion of work, and as amended this portion of the resolution shall read:

". . . that the time in which to complete work may be *extended for one year* from the date of this amended resolution."

54-36-BZ.

APPLICANT—Edwin Snackenberg, for B. & S. Gasoline Stations, Inc., owner.

SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the commissioner of buildings) under sections 7a and 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the maintenance of a gasoline service station.

PREMISES AFFECTED—2240-2250 Ocean parkway and 515-531 Gravesend Neck road, northwest corner (Block No. 7157, Lot No. 16), Borough of Brooklyn.

APPEARANCES—

For Applicant: Edwin Snackenberg.

ACTION OF BOARD—Application reopened, time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross 4
Negative 0
Absent 0

THE VOTE TO EXTEND TIME—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross 4
Negative 0
Absent 0

THE RESOLUTION—

(54-36-BZ)

WHEREAS, this application affecting premises 2240-2250 Ocean parkway and 515-531 Gravesend Neck road, northwest corner (Block No. 7157, Lot No. 16), Borough of Brooklyn, was granted by the board December 1, 1936 and resolution amended November 3, 1937.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on December 1, 1936, as amended by resolution adopted November 3, 1937, only so far as it has reference to the obtaining of permits and completion of work, so that as amended this portion of the resolution shall read:

". . . that all permits shall be obtained and all work shall be completed within one year from the date of this amended action."

APPEALS FROM ADMINISTRATIVE ORDERS

202-38-A.
APPLICANT—Lama and Proskauer, for Jackson Service Station, Inc., owner.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—13-24 to 13-26 Jackson avenue (124 Jackson avenue), southwest corner of 21st street (Van Alst avenue); (Block No. 58, Lot No. 9), Long Island City, Borough of Queens.
APPEARANCES—
For Applicant: Alfred A. Lama.
For Administration: David Stone, Department of Housing and Buildings.
ACTION OF BOARD—Laid over to April 19, 1938 at 2 P. M. for inspection by a committee of the board.

242-38-A.
APPLICANT—Morris Whinston, for William Epstein, lessee.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED — 70-05 Northern boulevard, northeast corner of 70th street (Block No. 1166, Lot No. 47), Jackson Heights, Borough of Queens.
APPEARANCES—
For Applicant: Morris Whinston, John Clark and William Epstein.
For Administration: David Stone, Department of Housing and Buildings.
ACTION OF BOARD—Laid over to April 19, 1938, at 2 P. M. for inspection by a committee of the board.

187-37-A.
APPLICANT—Elco Brush Works, Inc., owner.
SUBJECT—Application for consideration—reopening and extension of time—re appeal from an order and a decision of the fire commissioner.
PREMISES AFFECTED—27-35 Sheriff street, southwest corner Delancey street (Block No. 337, Lot Nos. 55 and 56), Borough of Manhattan.
APPEARANCES—
For Applicant: Benjamin Elfenbein.
ACTION OF BOARD—Application for reopening, withdrawn.
THE VOTE TO WITHDRAW REQUEST TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross 4
Negative 0
Absent 0

499-37-A.
APPLICANT—Elco Brush Works, Inc., owner.
SUBJECT—Application for consideration—reopening and extension of time—re appeal from an order of the commissioner of buildings.
PREMISES AFFECTED—27-35 Sheriff street and 55 Delancey street, southwest corner (Block No. 337, Lot No. 56), Borough of Manhattan.
APPEARANCES—
For Applicant: Benjamin Elfenbein.
ACTION OF BOARD—Application for reopening, withdrawn.
THE VOTE TO WITHDRAW REQUEST TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross 4
Negative 0
Absent 0

217-38-A.
APPLICANT—Kavy and Kavovitt, Inc., for Watt Realty Corporation, owner.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—111-14 76th avenue, northeast corner Austin street (Block No. 3340, Lot No. 1), Forest Hills, Borough of Queens.
APPEARANCES—
For Applicant: M. Kavy, M. Hirsch and D. Tretola.
For Administration: L. H. Reilly, and David Stone, Department of Housing and Buildings.
ACTION OF BOARD—Appeal withdrawn.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross 4
Negative 0
Absent 0

190-38-A.
APPLICANT—Minogue and Palmer, for Hearn Department Store, lessee.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—1-41 West 13th street, north side, 100 ft. west of Fifth avenue, 4-12 and 16-42 West 14th street and 74-76 Fifth avenue (Block No. 577, Lot Nos. 19-32, 33, 35, 37, 42-47, 49, 55, 57, 59, 61 and 65), Borough of Manhattan.
APPEARANCES—
For Applicant: William J. Minogue.
For Administration: Fred Dahlem, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross 4
Negative 0
Absent 0

THE RESOLUTION—

MINUTES

(190-38-A)

WHEREAS, Minogue & Palmer, for Hearn Department Store, lessee, filed March 21, 1938, an appeal from a decision of the borough superintendent of buildings, affecting premises 1-41 West 13th street, north side, 100 ft. west of 5th avenue, 4-12 and 16-42 West 14th street and 74-76 Fifth avenue (Block No. 577, Lot Nos. 19-32, 33, 35, 37, 42-47, 49, 55, 57, 59, 61 and 65), Borough of Manhattan; and

WHEREAS the decision of the borough superintendent, dated March 2, 1938, re. Alt. Applic. No. 225-1935, reads:

"11. New escalators must be enclosed in fireproof partitions were fireproof self-closing doors. Sec. 153, subdivision 2-d, building code.

12. Thickness of shutters must be indicated."

and

WHEREAS, the premises consists of several interconnected buildings, one portion being 12 stories, 150 ft. in height, of fireproof construction and the remaining portion of non-fireproof construction, varying in height, equipped with a sprinkler system and a standpipe system, located in an unrestricted use, "B" area district. The greater portion of the buildings was erected prior to 1905 and occupied throughout as a department store; and

WHEREAS, the applicant contends that the portion of the building in which it is proposed to install the escalators equipped with fire shutters is known as aisle 12, being in No. 11 West 13th street; that this portion is provided with three open stairways, located as follows: at north wall on 14th street front, at east wall approximately in center and at south wall on 13th street front; that there is a fire escape on the 13th street front of the building, leading directly to the street level, and in addition there are horizontal exits to the adjoining fire areas at east and west; that the shutters are to be made of No. 22 U. S. standard gauge, interlocking, galvanized steel plates and are to be so arranged that they will completely seal the opening at the top and open end of the escalator parapets; that the shutter is to be operated by a crank, located on the side of the escalator parapet and geared to the shutter drum; that the operating machinery of the escalator is to be connected to the shutter so that operation of the shutter will act on a cut out switch and stop movement in the escalator; that in addition the soffits of all escalators will be protected by sprinkler heads, located above and below the rolling shutters.

Resolved, that the decision of the borough superintendent, dated March 2, 1938, on Alt. Applic. No. 225-35, Objection No. 11, be and it hereby is *modified* and that the appeal be and it hereby is *granted* so as to permit the omission of the required fireproof enclosures, *on condition* that the installation of the escalator shall be of fireproof construction throughout; that steel baffle plates shall be erected on the ceiling surrounding each escalator opening and extending downwardly for a distance of two (2) feet from the ceiling; that such baffle plates shall be located within a distance of two (2) feet from the edge of the well; that a sprinkler curtain shall be installed with heads as indicated in addition to the present sprinkler system, so that there shall be sprinkler heads spaced at intervals of not over four feet continuously around each opening and not over two feet from the outside face of the baffle plates; that where a sprinkler head is nearer than 4 feet to any other sprinkler head, a metal reflector shall be installed to protect such head against water cooling; that there shall be installed over each opening at each floor level, a steel roller shutter so constructed as to be readily operated by hand by means of a chain permanently secured by heavy ring to the bottom rail of the shutter and supported on hook brackets so as to be at all times readily available for closing; that this chain shall weigh no less than ¼ lb. per running foot; that on all shutters directly above the bottom rail, there shall be painted in black letters not less than 3 in. in height, the words "close shutter to floor" with an arrow pointing downwardly; that there shall be installed either a separate alarm system consisting of push buttons located centrally, two to a floor, ringing gongs on all floors as a signal to close escalator curtains or the existing required fire alarm and fire drill system shall include instructions to operators stationed on each floor opening to close escalators immediately upon the fire alarm signal; that such instructions shall be given also to all superintendents and section managers, in addition to the general instructions as to fire-extinguishing equipment and exits in case of fire; that the closing of the curtain shall automatically stop all escalators in this series; that the sprinkler system shall be maintained at all times to the satisfaction of the fire commissioner; that all fire curtains installed throughout the building shall be maintained at all times in proper operating condition; that this modification is granted only so long as the building is occupied as a department store by Hearns Department store and so long as the fire-extinguishing equipment and exits are maintained in a manner satisfactory to the administrative official having jurisdiction.

211-38-A.

APPLICANT—Robert J. Blake Building and Realty Company, owner.

SUBJECT—Appeal from an order of the commissioner of buildings and a decision of the borough superintendent of buildings.

PREMISES AFFECTED—26 Grammercy Park south (138 East 20th street), south side, 231 ft. west of Third avenue and 133 East 19th street (Block No. 875, Lot No. 55), Borough of Manhattan.

APPEARANCES—

For Applicant: Thomas J. Blake and William Costello.

For Administration: Inspector Maher, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE RESOLUTION—

(211-38-A)

WHEREAS, Robert J. Blake Building and Realty Company, owner, filed on March 29, 1938, an appeal from an order of the commissioner of buildings and a decision of the borough superintendent, Department of Housing and Buildings (Manhattan) affecting premises 26 Grammercy Park South (138 East 20th street), south side, 231 ft. west of Third avenue and 133 East 19th street (Block No. 875, Lot No. 55), Borough of Manhattan; and

WHEREAS, the order of the commissioner of buildings, No. 37264-F, dated October 8, 1937, reads as follows:

"1. Provide a tank on roof of at least 3,500 gallons capacity for a standpipe system, said tank to be elevated so that the bottom will be not less than 20 ft. above the roof level. Sections 580-1, Chapter 5, Code of Ordinances and Rules of the Board of Standards and Appeals."

and

WHEREAS, the decision of the borough superintendent, dated March 7, 1938, reads as follows:

"Replying to your communication, dated February 14th, relative to Order 37264-F, affecting the above premises, you are advised that the present standpipe tank does not comply with the provisions of law and cannot be accepted. Therefore, you will please arrange to have the work carried out at the earliest possible moment."

and

WHEREAS, the building is 9 stories (100 ft.) in height and consists of 2 units, one facing on East 19th street, 33 ft. front by 75 ft. in depth, and one facing on East 20th

street, 33 ft. front by 90 ft. in depth, connected at the 1st floor and basement levels; of fireproof construction; located in residence use district; erected in 1901 and occupied throughout as a hotel; the East 20th street unit is equipped with 1,700-gallon tank, 12 ft. above the top-hose outlet and the East 19th street unit is equipped with a 1,400-gallon tank, 6 ft. above the top outlet of hose; and

WHEREAS, the applicant contends that the standpipe system was altered to comply with the Rules, except the installation of a new tank to replace the existing tanks; that the present tanks contain sufficient water to meet the requirements; that only the tank on the East 19th street portion of the building is not the required height; that it would be a hardship at this time to require compliance with the order.

Resolved, that the order of the commissioner of buildings, No. 37264-F, and the decision of the borough superintendent, Department of Housing and Buildings, dated March 7, 1938, be and they hereby are *modified* and that the appeal be and it hereby is *granted,* so as to permit the continuance of the tanks of the existing capacity and in the existing location, as indicated on plans filed with this appeal, *on condition* that in all other respects the standpipe-fire line system complies with the requirements of the new Building Code for existing installations.

221-38-A.

APPLICANT—Westinghouse Electric Elevator Co., for Department of Hospitals, City of New York, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—South side of Welfare Island, 205 ft. south of Queensboro Bridge, opposite East 59th street (Block No. 1373, Lot No. 10); (Hospital for Chronic Diseases), Borough of Manhattan.

APPEARANCES—

For Applicant: E. B. Dawson.

For Administration: Patrick Murphy, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE RESOLUTION—

(221-38-A)

WHEREAS, the Westinghouse Electric Elevator Co., for the Department of Hospitals, City of New York, owner, filed on April 1, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, affecting premises Welfare Island, 205 ft. south of Queensboro Bridge (opposite 59th street), Hospital for Chronic Diseases (Block No. 1373, Lot No. 10), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated March 2, 1938, on Applic. No. 99-37, reads as follows:

"This amendment is disapproved with Objection No. 5 repeated:

5. 'Each shaft door must be equipped with an approved interlock as required by the Board of Buildings ruling of May 14, 1936.'"

and

WHEREAS, the building will be of fireproof construction, occupied throughout as a hospital and laboratory; and

WHEREAS, the applicant contends that the DE lock and contact which it is proposed to use was submitted to the Board of Buildings but not acted upon and that the lock in question cannot be approved by the Board of Buildings, as required in Board of Building objection No. 2, dated May 14, 1936, upon which the order herein is based; and

WHEREAS, in the opinion of the board the rule of the Board of Buildings adopted May 14, 1936, requiring all interlocks to be approved by the Board of Buildings prior to their being used, is of no legal force and effect.

Resolved, that the decision of the borough superintendent, dated March 2, 1938, in connection with Applic. 99-37, Objection 5, be and it hereby is *modified* and that the appeal be and it hereby is *granted,* permitting the doors in this particular installation to be equipped with DE Interlock and Electric Contact, as proposed as manufactured by the Westinghouse Electric Elevator Company; that a copy of the application as filed with the Underwriters Laboratory for the approval of this device shall be filed with this board and a copy of their action shall be filed as soon as obtained.

223-38-A.

APPLICANT—King Cole's Sound Service, Inc., lessee.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—203-205 East 26th street, north side, 68 ft. east of Third avenue (Block No. 907, Lot No. 1), Borough of Manhattan.

APPEARANCES—

For Applicant: George H. Cole and Lathop Flinton.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE RESOLUTION—

(223-38-A)

WHEREAS, King Cole's Sound Service, Inc., applicant and lessee, filed on April 4, 1938, an appeal from an order and decision of the fire commissioner, affecting premises 203-205 East 26th street, north side, 68 feet east of Third avenue (Block No. 907, Lot No. 1), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, dated January 21, 1938, (No. 10822-LC) reads as follows:

"Referring to your application for a permit to store, sell and use 75 reels of inflammable motion picture films in the building 203-5 East 26th street, Borough of Manhattan, you are hereby notified that such permit cannot be granted for the following principal reason:

Building is not equipped with an approved system of automatic sprinklers as per Section C-19-116-O.A.

YOU ARE THEREFORE HEREBY ORDERED TO:

1. Discontinue the storage and use of inflammable motion picture films in excess of 2,000 feet."

and

WHEREAS, the decision of the fire commissioner, dated April 4, 1938, reads as follows:

"In response to the request made in this office, we are forwarding this communication to be submitted to the Board of Standards and Appeals, as we have been informed that the board will accept a letter when an applicant has exceeded the time limit in which to file an appeal on a fire department order and this letter will certify that Order No. 10822-LC reading as follows was issued:

'Referring to your application for a permit to store, sell and use 75 reels of inflammable motion picture films in the building 203-5 East 26th street, Borough of Manhattan, you are hereby notified that such permit cannot be granted for the following principal reason:

Building is not equipped with an approved system of automatic sprinklers as per section C-19-116-O.A.

YOU ARE THEREFORE HEREBY ORDERED TO:

1. Discontinue the storage and use of inflammable motion picture films in excess of 2,000 feet.'"

and

WHEREAS, the building is two stories, 24 feet in height, 36½ ft. by 24 ft. in area, of nonfireproof construction, located in a business use B area district, erected approximately in 1870 and occupied since 1930 as follows: Basement—storage of mechanical equipment, no persons; 1st floor—office, 10 persons; 2nd floor—office and film storage, 12 persons, for which no certificate of occupancy has been issued; and

WHEREAS, the applicant contends that two approved 75 reel film cabinets have been installed on premises, all films on the premises are in I.C.C. containers and are always kept in cabinets while on the premises; that not more than one reel will be exposed at any one time; film is left by public carriers and removed from the premises daily. It is proposed to tap the approved sprinkler system in the building at No. 201 East 26th street, which is under common ownership with the building in question for a source of supply for the sprinkler head in the film storage cabinets.

Resolved, that the decision and the order of the fire commissioner, No. 10822-LC, be and they hereby are *modified* and that the appeal be and it hereby is *granted on condition* that there may be not over thirty (30) one-thousand foot reels in approved I.C.C. containers, provided same are stored in approved film cabinets located on the second floor, as indicated on plans filed with this appeal; that these film cabinets shall be protected by sprinkler heads which may be fed from the water supply taken through the basement or cellar of the adjoining building of the sprinkler system as approved for the stairhall, and that no nitro-cellulose film shall be stored, handled openly or exposed on the premises.

245-38-A.

APPLICANT—Lorber Lands, Inc., owner.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—79-01 35th avenue, northeast corner of 79th street (Block No. 1266, Lot No. 38), Jackson Heights, Borough of Queens.
APPEARANCES—
For Applicant: Benjamin Lorber.
For Administration: L. H. Reilly, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross 4
Negative 0
Absent 0

THE RESOLUTION—

(245-38-A)

WHEREAS, Lorber Lands, Inc., applicant and owner, filed on April 8, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, affecting premises 79-01 35th avenue, northeast corner of 79th street (Block No. 1266, Lot No. 38), Jackson Heights, Borough of Queens; and

WHEREAS, the decision of the borough superintendent on N. B. Application No. 1643-37, dated April 6, 1938, reads as follows:

"15. Fire-escape located in outer court at rear east—no fire passage leading directly to street provided."

and

WHEREAS, the proposed building will be six (6) stories, 64 ft. in height, 100 by 105 ft. in area; of non-fireproof construction; located in a residence "C" area district and occupied as a Class "A" multiple dwelling; and

WHEREAS, the applicant contends that the proposed structure is on a corner plot, facing two streets, with a 10 ft. deep yard for a distance of 60 ft. from building line on 79th street, and from that point, continued 42 ft. 4 in. in depth instead of 15 ft. 8 in. minimum depth, required by section 26, subdivision 3A and 3B Multiple Dwelling Law. This yard leading into an outer court on side lot line 15 ft. in width instead of 7 ft. 10 in. minimum width required by section 26, and instead of a minimum width of 10 ft. as per section 145, Multiple Dwelling Law. In this outer court a fire-escape is proposed with landing at 2nd story, whence in case of fire egress can be had through yard to street on a level surface; and

WHEREAS, in the opinion of the board, the exit from the bottom of the fire escape in the court through the side court to the street can be considered "direct" and in compliance with the requirements of section 26, subdivision I and section 145.

Resolved, that the decision of the superintendent of buildings, acting on N. B. Applic. No. 1643-37, Objection 15, be and it hereby is *reversed* so as not to require a fire passage through the building to 35th avenue, provided the free and unobstructed access through the courts to 79th street is maintained as indicated on plans.

227-38-A.

APPLICANT—Robert D. Kohn, for R. H. Macy & Co., Inc., lessee.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—1317-1329 Broadway, 149-167 West 34th street, 441-459 Seventh avenue and 148-164 West 35th street (Block No. 810, Lot Nos. 1, 12 and 50), Borough of Manhattan.
APPEARANCES—
For Applicant: John J. Knight.
For Administration: Fred Dahlem, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross 4
Negative 0
Absent 0

THE RESOLUTION—

(227-38-A)

WHEREAS, Robert D. Kohn, for R. H. Macy & Co., Inc., lessee, filed on April 5, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, affecting premises 1317-1329 Broadway, 149-167 West 34th street, 441-459 Seventh avenue and 148-164 West 35th street (Block No. 810, Lot Nos. 1, 12 and 50); Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent on Alteration Application No. 903-38, dated March 30, 1938, reads as follows:

"Comply with 6.4.1.9 Bldg. Code and Administrative Code C26-292.0 (i) for openings in floors for escalators, viz.—Not more than two adjoining stories in any structure may be connected by an open well, unenclosed stairway or escalator."

and

WHEREAS, the building is 19 stories (286 ft. 9 in.) in height, 680 ft. by 197 ft. 6 in. in area; of fireproof construction; equipped with a standpipe and a sprinkler system; located in a business use district; erected in 1898, 1921, 1928 and 1930; occupied throughout as a department store, in accordance with Certificate of Occupancy No 19040-33; and

WHEREAS, the applicant contends that the building is sub-divided into two fire areas; that a Central Station fire alarm and watchman service is maintained; that the escalators on the 4th and 8th floors are at present enclosed with metal kiosks with sidelights and double-acting doors, held open by means of fusible links and chains; side lights and doors are glazed with ¼ in. polished wire glass; it is proposed to remove these kiosks and replace same by means of a fireproof balustrading finished with plaster on two sides; that the wall opening provided with a rolling shutter in a horizontal position at top of balustrading, manually

operated by means of a suitable chain; the wall opening below shall be protected by a steel flame baffle 18 in. below the general ceiling level; that the opening shall be additionally protected by means of a sprinkler water curtain with heads located approximately 5 ft. 0 in. o.c. around the perimeter of the opening; an automatic electrical device shall be installed that will stop the operation of the escalator upon closing of the shutter; that in a sprinklered building the protection afforded by the proposed alteration is at least equal or superior to that of the existing construction.

Resolved, that the decision of the borough superintendent, dated March 30, 1938, in acting on Alt. Applic. No. 903/38, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* permitting the removal of the existing kiosks previously installed in connection with existing escalators on the 2nd floor adjacent to column 54, on the 4th and 8th floors on up and down escalators between columns 145 and 146 and 155 and 156, as indicated on plans filed with this appeal marked "received April 5, 1938" and to substitute therefore fireproof balustrade with a steel roller shutter at each opening affected, so arranged as to be readily operated by hand by means of a chain permanently secured by heavy rings to the bottom rail of the shutter and supported on hook brackets so as to be at all times readily available; that this chain shall weigh not less than ¼ lb. per running foot; that on all shutters directly above the bottom rail there shall be painted in black letters not less than 3 in. in height the words "close shutter to floor" with an arrow pointing downwardly; that there shall be erected around the floor opening at each escalator affected by this appeal, steel baffle plates extended downwardly not less than 2 ft. and erected within 2 ft. of the floor opening continuously around such opening; that outside of such baffle plates and within 2 ft. thereof there shall be constructed and maintained a sprinkler curtain with sprinkler heads not nearer than 2 ft. from the baffle plate and spaced 4 ft. apart; that these sprinkler heads shall be in addition to the present sprinkler system in the building; that wherever a sprinkler head herein required is nearer than 4 ft. to another head a metal reflector shall be installed at each such head to prevent water cooling; that as a part of the regularly required fire alarm and fire drill system, at least 4 employees regularly located near each escalator opening shall be instructed so that upon the sounding of the alarm they shall see that the roller curtain is immediatcly closed; that the closing of the curtain shall automatically stop all escalators; that this modification is granted only so long as this building is occupied as Macy's Department Store and only so long as fire-extinguishing equipment and maintenance of exits are to the satisfaction of the administrative offcial having jurisdiction.

252-38-A.

APPLICANT—William J. Boegel, for Roman Catholic Parish of Holy Child, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—111-10 86th avenue, southeast corner of 111th street (Block No. 189, Lot No. 1), Richmond Hill, Borough of Queens.

APPEARANCES—

For Applicant: William J. Boegel.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE RESOLUTION—

(252-38-A)

WHEREAS, William J. Boegel, for Roman Catholic Parish of the Holy Child, owner, filed on April 11, 1938, an appeal from a decision of the borough superintendent, affecting premises 111-10 86th avenue, southeast corner of 111th street (Block No. 189, Lot No. 1), Richmond Hill, Borough of Queens; and

WHEREAS, the decision of the borough superitendent on Alteration Application No. 9772-37, dated April 7, 1938, reads as follows:

"Amendment rejected; construction as shown on plan contrary to section 72, sub-section 1.B of Old Code."

and

WHEREAS, the building is 2 stories and basement in height, 105 ft. by 59.6 ft. in area; of non-fireproof construction; erected in 1916; located in residence "C" area district and occupied as follows: Basement—playroom and kitchen; 1st floor—classrooms and offices; 2nd floor—classrooms; it is proposed to erect a 3rd story on the existing building for classroom occupancy; and

WHEREAS, the applicant contends that the present building is built with brick walls and the 1st floor, 2nd floor and roof slabs are of fireproof construction; that for the sake of economy and more especially so that the work may be completed during the vacation period, it is proposed to construct the roof of new third floor with clear-span steel girders, steel joists and cement planks; that the steel girders will be protected with ⅜ in. rib wire lath and cement plaster and steel joints, protected on top with cement planks and on the bottom with ⅜ in. rib wire lath plaster of gypsum pre-cast tile; that steel joists may be used in public buildings up to 40 ft. 0 in. in height; the new roof on this building will be 42 ft. 6 in. above first floor level and 47 ft. 6 in. above terrace.

Resolved, that the decision of the borough superintendent, dated April 7, 1938, in acting on Alt. Applic. No. 9772-37, be and it hereby is *modified,* and that the appeal be and it hereby is *granted* permitting the additional height as proposed, *on condition* that no part of the building shall be more than 49 ft. above grade and the roof construction shall be either class 1 or class 2 construction, as provided in the new Code.

442-37-A.

APPLICANT—Ivan E. Maginn, for Fred Kannen, Inc., lessee.

SUBJECT—Appeal from decisions of the commissioner of buildings.

PREMISES AFFECTED—132-138 Fourth avenue and 78 East 13th street, southwest corner (Block No. 564, Lot No. 45), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal dismissed as without basis.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE RESOLUTION—

(442-37-A)

WHEREAS, Ivan E. Maginn for Fred Kannen, Inc., lessee, filed on September 10, 1937, an appeal from decisions of the commissioner of buildings, affecting premises 132-138 Fourth avenue and 78 East 13th street, southwest corner (Block No. 564, Lot No. 45), Borough of Manhattan; and

WHEREAS, the decision of the commissioner of buildings, dated September 3, 1937, on Alt. App. No. 1815-1937, reads as follows:

"1. Hazardous to pedestrians to use building of premises as a gasoline station in the opinion of this department. Request denied. Reconsideration denied.

5. Obtain curb cuts, have same recorded on this application."

and

WHEREAS, the decision of the commissioner of buildings, dated July 13, 1937, in acting on Drop Curb Application No. 109-1937, reads as follows:

"2. Proposed driveways from street into proposed garage is considered as being hazardous to pedestrians and conflicts with section 184 of the code of ordinances."

and

WHEREAS, the premises in question, located in an unrestricted use district, consist of a plot fronting 100 ft. on Fourth avenue and 99 ft. 6¾ in. on East 13th street, upon which is erected a two-story non-fireproof building, formerly occupied as a post office. It is proposed to alter the existing building by removing the easterly 26 ft. 4½ in. and to install gasoline tanks and pumps in connection with the operation of a gasoline selling station, storage garage, lubritorium and offices; two 30 ft. curb cuts are proposed on the Fourth avenue frontage and one 30 ft. curb cut on East 13th street; and

WHEREAS, the applicant contends the acting of the building commissioner is arbitrary, unreasonable, unjust and illegal; the premises in question are located in an unrestricted district and the owner is deprived of the use of his property; that the commissioner of buildings is without power to deny a building permit for premises in an unrestricted area; that a garage and service station at the southwest corner of 13th street and Fourth avenue, Manhattan, is not hazardous to pedestrians; that a dropped curb permit No. 17897, issued May 24, 1917, has been granted for premises on Fourth avenue, adjoining the premises in question and in many other sections of the city where pedestrian traffic is heavier than in front of the premises in question; and

WHEREAS, it appears that the applications in the building department have been withdrawn.

Resolved, that the appeal be and it hereby is *dismissed* as without basis.

343-37-A.

APPLICANT—Benjamin N. Brody, for Banner Mfg. Co., Inc., lessee.

SUBJECT—Application for consideration—reopening and extension of time—re appeal from an order of the fire commissioner.

PREMISES AFFECTED—37-47 Preston court, north side, 287.85 ft. west of East 56th street (Block No. 7949B, Lot No. 223), Borough of Brooklyn.

APPEARANCES—

For Applicant: Benjamin N. Brody.

ACTION OF BOARD—Appeal reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE RESOLUTION—

(343-37-A)

WHEREAS, Benjamin N. Brody for Banner Mfg. Co., Inc., lessee, filed July 6, 1937, an appeal from an order of the fire commissioner affecting premises: 37-47 Preston court, north side, 287.85 ft. west of East 56th street (Block No. 7949B, Lot No. 223), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner No. 71329-LC, dated June 4, 1937, reads as follows:

"Remove from the premises and discontinue the further manufacture, storage and sale of combustible mixtures known as 'Anti-Freeze' and 'General Motors Anti-Freeze,' for the reason that the manufacture and storage of a combustible mixture on the premises where dry goods or other materials of a highly inflammable nature are manufactured, stored or sold is a violation of subdivision F, section 131, chapter 10, Code of Ordinances, New York.

A report from the testing laboratory (May 18, 1937) shows 'Anti-Freeze' a combustible mixture, flash point 108 degrees F and 'General Motors Anti-Freeze' a combustible mixture, flash point 104 degrees F."

and

WHEREAS, the building in question is 95 ft. by 45 ft. in area, 2 stories and basement (30 ft.) in height, non-fireproof construction, located on lot, 140 ft. by 178 ft. in area, in an unrestricted district, erected in 1931 and used as at present since January, 1937; OCCUPIED as follows: Cellar—storage of Anti-Freeze mixture, 4 persons; 1st floor—storage of tin cans and paper cartons, 4 persons; 2nd floor—storage of fibre matting and manufacture of auto seat covers, 8 persons; for which Certificate of Occupancy No. 64518 was issued June 12, 1931, as follows: Cellar—testing and storage rooms; 1st floor—120 lbs., light manufacturing; 2nd floor—120 lbs., light manufacturing; one male employee in entire building; and

WHEREAS, this appeal was granted by the board, November 3, 1937, on certain conditions and applicant requested an extension of time.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board of November 3, 1937 and amended January 11, 1938, so far as it has reference to completion of work, so that as amended the resolution shall read:

Resolved, that the order of the fire commissioner, No. 71329-LC, be and it hereby is *modified*, and that the appeal be and it hereby is *granted on condition* that all of the materials of an inflammable nature shall be stored in the basement toward the easterly end and that this portion of the basement shall be separated from the balance of the basement by a fire-retarded partition erected approximately 30 ft. westerly from the easterly exterior wall and continuously from the northerly wall of the building to the southerly and that the ceiling within this space shall be fire-retarded in accordance with the rules of the Board of Standards and Appeals; that any openings in this partition shall be protected with approved automatic, self-closing underwriter's fire doors; that no filling, packaging or storing of inflammable material shall take place elsewhere in the building than within this enclosure; that such portable fire-fighting appliances shall be installed as the fire commissioner shall direct; that in all other respects, all laws, rules and regulations applicable to the occupancy of this building shall be complied with; that all permits shall be obtained and all work shall be completed within *three* months from the date of this action.

58-38-A.

APPLICANT—Waldorf Systems Incorporated, lessee.

SUBJECT—Application for consideration—reopening and amendment—re appeal from an order of the fire commissioner.

PREMISES AFFECTED—722-728 Lexington avenue, west side, 120 ft. 5 in. south of East 59th street and 131-133 East 58th street (Block No. 1313, Lot Nos. 13, 14, 15 and 16), Borough of Manhattan.

APPEARANCES—

For Applicant: John F. Faulkner and Henry Jackson.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross 4
Negative 0
Absent 0

THE RESOLUTION—

(58-38-A)

WHEREAS, Waldorf System Incorporated, lessee, filed on February 1, 1938, an appeal from an order and a decision of the fire commissioner, affecting premises 722-728 Lexington avenue, west side, 120 ft. 5 in. south of East 59th street, and 131-133 East 58th street (Block No. 1313, Lot Nos. 13, 14, 15 and 16), Borough of Manhattan; and

WHEREAS, this appeal was granted by the board February 8, 1938, on certain condition and applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on February 8, 1938, only so far as it has reference to existing door opening from restaurant to public hall, so that as amended the resolution shall read:

"*Resolved,* that the order of the fire commissioner, No. 9471-LC, Item 1, and his decision dated January 31, 1938, be and they hereby are *modified* and that the appeal be and it hereby is *granted on condition* that the total amount of refrigerant, consisting of sulphur dioxide and freon shall at no time exceed 100 pounds nor shall any machine have a total capacity of more than 18 pounds of refrigerant; that refrigerating machines shall be located in the cellar, as indicated on plans filed with this appeal, and properly guarded by railings or grills; that the door opening from this cellar Space A to the first floor shall have a fireproof self-closing door at the foot of the stairway; that the existing door opening from the rear of the restaurant to the public hall *on the 1st story* shall be so *maintained* so as to permit exit in case of emergency *and may be used as entrance and exit from restaurant at all times.*"

VARIATIONS OF LABOR LAW

220-38-S.

APPLICANT—Cross & Brown Co., for Jacob Ruppert Realty Corp., owner.
SUBJECT—Variation of the labor law as cited in an order of the commissioner of buildings and a decision of the borough superintendent of buildings.
PREMISES AFFECTED—15-19 East 26th street, north side, 120 ft. west of Madison avenue and 10-14 East 27th street (Block No. 856, Lot No. 11), Borough of Manhattan.
APPEARANCES—
For Applicant: Edward E. Bloodgood.
For Administration: Fred Dahlem, Department of Housing and Buildings.
ACTION OF BOARD—Laid over to May 17, 1938, 2 P. M., on request of applicant's representative.

225-38-S.

APPLICANT—Richard Steinberg, for Stouffer Fifth Avenue, Inc., lessee.
SUBJECT—Variation of the labor law as cited in an order and a decision of the Board of Health of the Department of Health.
PREMISES AFFECTED—538-540 Fifth avenue, west side, 50 ft. south of West 45th street (Block No. 1260, Lot No. 38), Borough of Manhattan.
APPEARANCES—
For Applicant: Richard Steinberg.
For Administration: A. E. Abrahamson and Elias Kashel, Department of Health.
ACTION OF BOARD—Laid over to April 19, 1938, at 2 P. M. on request of Department of Health's representative.

226-38-S.

APPLICANT—Concetta Tomasi, lessee.
SUBJECT—Variation of the labor law as cited in a decision of the Board of Health of the Department of Health.
PREMISES AFFECTED—586 East 187th street, south side, 51.24 ft. west of Arthur avenue (Block No. 3065, Lot No. 41), Borough of The Bronx.
APPEARANCES—
For Applicant: Alfred Patrigio.
For Administration: A. E. Abrahamson and E. Kashel, Department of Health and George H. Craig, Tenement House Department.
ACTION OF BOARD—Laid over to April 19, 1938, at 2 P. M. for report from Department of Health's representative.

500-37-S.

APPLICANT—Elco Brush Works, Inc., owner.
SUBJECT—Application for consideration—reopening and extension of time—re variation of the labor law as cited in an order of the commissioner of buildings.
PREMISES AFFECTED—27-35 Sheriff street and 55 Delancey street, southwest corner (Block No. 337, Lot No. 56), Borough of Manhattan.
APPEARANCES—
For Applicant: Benjamin Elfenbein.
ACTION OF BOARD—Application for reopening, withdrawn.

THE VOTE TO WITHDRAW REQUEST TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross 4
Negative 0
Absent 0

APPLIANCES SUBMITTED FOR APPROVAL

175-38-SA.

APPLICANT—George E. Teasdale, owner.
SUBJECT—Teasdale & Edwards Incinerator Dust Extractor—approval of.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.
THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross 4
Negative 0
Absent 0

THE RESOLUTION—

(175-38-SA)

WHEREAS, George E. Teasdale, owner, filed March 15, 1938, an application with the Board of Standards and Appeals for approval of his device known as the "Teasdale and Edwards Incinerator Dust Extractor"; and

WHEREAS, this device was referred to the engineer of the board for test and report; and

WHEREAS, the report of the engineer and committee of the board was substantially as follows:

This device consists of a No. 20 gauge sheet metal duct with 2 ventilators, one inside the other, designed to fit over the chimney of the incinerator. A deflector causes the rising fly ashes and burnt paper, etc., to be caught in a downward current of air which is caused by a suction opening in the side of the chimney from the duct to the inside of the flues. This fly ash, etc. is deposited in a can located in a metal closet at bottom of the flue, all as shown on diagrams submitted.

An inspection and test was made of this device at 320 West 90th street, Manhattan, and it was found to

work satisfactorily, reducing fly ash by approximately 25 per cent.

It is recommended that this device be approved as conforming to the requirements of section C26-698.0 of the administrative code, which prohibits the discharge of solids, etc. from incinerator chimneys and the device accomplishes this purpose.

It is recommended that this device be approved for use with incinerators in New York City.

(Sgd.) CHARLES M. BLUM,
Commissioner.
LESLIE V. HUBER,
Engineer.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the "Teasdale and Edwards Incinerator Dust Extractor" for use in New York City on chimneys from incinerators, when constructed and installed in accordance with above report, *on condition* that the device shall bear a label permanently affixed thereto in a position where it can be easily read—reading:

NOTICE
APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City
WITH INCINERATORS UNDER C26-698.0
CAL. No. 175-38-SA.

201-38-SA.

APPLICANT—General Electric Company, owner.

SUBJECT—General Electric Oil Burner, Type DB-2, approval of.

APPEARANCES—
For Applicant: B. Kiley.

ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE RESOLUTION—

(201-38-SA)

WHEREAS, the General Electric Co., owner, filed March 28, 1938, an application with the Board of Standards and Appeals for approval of their device known as the General Electric Oil Burner, Type DB-2; and

WHEREAS, this device was referred to the engineer of the board for test and report; and

WHEREAS, the report of the engineer of the board, supplemented by that of the representatives of the Division of Combustibles of the Fire Department, was substantially as follows:

This burner is of the pressure atomizing type, and is designed for use in conversion type installations. It is similar in all respects to the burner already approved under Calendar No. 228-33-SA, and consists of the following assembly:

A horizontal radial fan; GE rotary self-priming pump; GE 1/20 H.P. motor; GE 3/6 to 1 gallon per hour nozzle. Pressure regulating valve is incorporated in the pump assembly.

Ignition—Electric; GE transformer being used.

Controls—A pressuretrol and flame detector, manufactured by the General Electric Company. These controls are actuated by means of a Telechron motor.

The controls were tested with a cold combustion chamber and oil supply shut off, and it was found that same functioned as designed. The oil supply was then turned on and the burner put into a normal operation. During the period of test there were no flare backs due to faulty ignition, and the flame was clean and free of smoke. Examination of the combustion chamber showed no undue carbon deposits.

As a result of this inspection and test, it is recommended that the General Electric Oil Burner, Type DB-2 be approved for domestic use, with fuel oil not heavier than No. 4 U. S. Dept. of Commerce standards, when installed in accordance with the rules adopted by the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby approve the device known as General Electric Oil Burner, Type DB-2 for use in domestic installation with fuel oil not heavier than No. 4 U. S. Dept. of Commerce standards on condition that the installation shall conform to the oil burner rules of the Board of Standards and Appeals and that the device shall bear a label permanently affixed thereto reading:

NOTICE
APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. NO. 201-38-SA.

MATERIALS SUBMITTED FOR APPROVAL

The following application has been referred to the engineer of the board for report:

222-38-SM—Woodseal Insulating Lath manufactured by Adolf H. Morner.

229-38-SM.

APPLICANT—Ebsary Gypsum Co., Inc., owner.

SUBJECT—Approval of Ebsary Plasterboard and Lath—Plain or Perforated 3/8 inch thick, manufactured by Ebsary Gypsum Co., Inc.

ACTION OF BOARD—Appliance approved.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Ross	4
Negative	0
Absent	0

THE RESOLUTION—

(229-38-SM)

WHEREAS, Ebsary Gypsum Co., Inc., owner, filed April 7, 1938, an application with the Board of Standards and Appeals for approval of the material known as the Ebsary 3/8-in. plasterboard and lath—plain and perforated; and

WHEREAS, this material was submitted to the engineer of the board for test and report; and

WHEREAS, the report of the committee and engineer of the board was as follows:

REPORT OF COMMITTEE
April 11, 1938.

Cal. No. 229-38-SM.

Approval of Ebsary Plaster Board and Lath, Plain and Perforated.

Approval is requested for the use of Ebsary Plaster Board and Lath, known as "EBSARY LATHERITE", which is manufactured with and without perforations. The approval requested is for use as a substitute for wood lath under Section C26-458.0 Combustible Lath of the Administrative Code (8.4.10.2, Building Code).

It is recommended that Ebsary Board and Lath, Plain and Perforated, known as "EBSARY LATHRITE", be approved for use under the aforementioned section of the Administrative Code, provided that it is installed in accordance with the requirements of Section C26-462.0 Plaster Board and other Slab Plaster base of the Administrative Code (former number 8.4.10.6, Building Code).

(Sgd.) BERNARD A. SAVAGE,
Commissioner.
LESLIE V. HUBER,
Chief Engineer.

Resolved, that the Board of Standards and Appeals does

MINUTES

hereby *approve* the material known as Ebsary 3/8 in. Plasterboard and Lath, plain and perforated (Ebsary Lathrite), as a substitute for wood lath under section C26-458.0 of the Administrative Code, *on condition* that the material be installed in accordance with the requirements of section C26-462.0 of the Administrative Code and that the material be stamped on each unit manufacture:

Approved by the Board of Standards and Appeals for use in New York City under sections C26-458.0.
Cal. No. 229-38-SM

Adjourned, 5:15 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, March 22, 1938, as they appeared in Bulletin No. 13, Vol. XXIII are hereby corrected to read as follows:

THE RESOLUTION—

(78-38-SA)

WHEREAS, the Whitehall Equipment Co., Inc., filed February 9, 1938, an application with the Board of Standards and Appeals for approval of their device known as the Weco Flush Fill Pipe Terminal for Fuel Oil; and

WHEREAS, this device was submitted to the engineer of the board for test and report; and

WHEREAS, the report of the engineer of the board was as substantially as follows:

> This device is a semi-steel casting containing 30% semi-steel mixture, 1½% of molybdenum, ½ of 1% nickel and the balance grey iron. The device is plated with cadmium.
>
> It is recommended that this device be approved for use with fuel oil when installed in accordance with the oil burner rules and when complying with the certain requirements."

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Weco Flush Fill Pipe Terminal, when installed in accordance with the Oil Burner Rules of the Board of Standards and Appeals and the following requirements:

> The fill pipe terminal body shall be of semi-steel, containing 30% semi-steel mixture 1½% of molybdinum, ½ of 1% of nickel and the remainder grey iron heavily plated with cadmium. All threading shall be done before plating.
>
> The fill pipe terminal shall be provided with at least three (3) lugs on the outside, so that the fill pipe terminal can be imbedded in concrete or masonry to prevent the terminal from being loosened from the fill line or in lieu thereof the fill pipe terminal shall be fastened to the fill line by means of an Allen or similar set screw.
>
> The outer flange of fill pipe terminal shall be provided with letters not less than ½ in. in height and raised 1/16 in. reading "Fuel Oil" and with the calendar number under which the fill pipe terminal was submitted for approval in smaller letters.
>
> The fill pipe terminal shall have not less than ten machine-cut threads on the nipple end and not less than seven on the seal-cap.
>
> An oil-proof gasket shall be provided, inserted in a groove in the nipple end of the fill pipe terminal, so that it cannot readily be removed, in order to render the fill pipe terminal vapor proof at all times when not in use.
>
> That the seal cap shall be of cast brass or cast bronze.

*Correction—The word "molybdenum" spelled correctly in line 10 of resolution.

NOTICE

FORMS FOR NOTICES TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication in this BULLETIN of the calendars of the board, each case being set down by Calendar Number and premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the offices of the board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the board is to dispose of all cases promptly, for the reason that the pendancy of an appeal or application ties the hands of the administrative official in enforcing his order; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

OIL BURNER RULES

[217-21-SR]

NOTICE—In this publication of these Rules, a new decimal numbering system has been employed, but for convenience, the former designations are also shown in brackets.

RULES COVERING THE INSTALLATION AND USE OF OIL BURNING EQUIPMENT AND THE STORAGE OF OILS USED IN CONNECTION THEREWITH

Adopted by the Board of Standards and Appeals June 15, 1934, Amended July 12, 1935, January 28, 1936, and December 4, 1936.

(Superseding Fuel Oil Rules adopted by the Board of Standards and Appeals, November 6, 1919; amended January 6, 1922; January 18, 1924; October 19, 1926; September 11, 1928; January 11, 1929; March 20, 1931; May 12, 1931; November 24, 1931; May 10, 1932; June 24, 1932, and November 4, 1932).

Authority: Section 718 A of the Charter of the City of New York to carry into effect the provisions of Chapter X, Code of Ordinances.

Rule 1. Scope.

[a] 1.1 No person shall install oil-burning, or oil-storage equipment for use within the City of New York except as provided in these rules.

[b] 1.2 These rules shall not apply to gas companies storing or using oil in the manufacture of illuminating gas for public use.

Rule 2. Definitions.

2.1 For the purpose of these rules the following terms shall be interpreted in accordance with these definitions:

2.2 APPROVED: Shall mean devices hereafter approved by the Board of Standards and Appeals and also, when required by the Board of Standards and Appeals, approved, listed as standard, and/or labeled by any nationally recognized standard testing laboratory not operated for commercial profit, provided all such devices are installed in accordance with these rules. Such approval is subject to suspension or revocation for non-compliance with these rules. All devices approved by the Board of Standards and Appeals prior to the adoption of these rules shall be accepted.

2.3 AUTOMATIC PUMP: Shall mean an automatic transfer pump operating independent of the burner to provide a continuous supply of oil.

2.4 BURNER: A device designed for the purpose of burning oil.

2.5 COMMERCIAL INSTALLATIONS—Oil burner installations in buildings, other than dwellings when used for heating and generation of power for use on premises.

2.6 CONTROLS—Such electrical or mechanical devices as are installed for the purpose of providing safe and continuous operation.

2.7 DISCHARGE LINE: That portion of the line between the discharge outlet of the pump and the burner oil inlet connection.

2.8 DOMESTIC INSTALLATIONS—Oil burner installations installed in dwellings as defined in these rules.

2.9 DWELLINGS: Buildings used exclusively for dwelling purposes and occupied by one or two families, including convents, rectories and monasteries.

2.10 ELECTRICALLY GROUNDED: For protection against lightning shall mean storage tanks set directly in or on the ground and/or with underground piping connections. Where storage tanks without underground piping connections are built on bases above the surface of the earth, such storage tanks shall be grounded at two (2) points, 180° (degrees) apart as follows:

2.10.1 The conductor from tank to ground connection shall be of copper not smaller than No. 6 (.162″) A.W.G. wire, or pipe not less than one-half inch (½″) in diameter.

2.10.2 One end of conductor shall be permanently and electrically bonded to tank. The other end shall be bonded to a ground connection consisting of a water pipe or a rod, pipe or plate having a surface area of not less than one hundred and ninety (190) square inches, buried in moist earth not less than two feet (2′) below the surface of the earth.

2.11 FILL PIPE: That portion of the line between the fill pipe terminal and the fill pipe connection in the storage tank.

2.12 FIRE RETARDING MATERIALS:

2.12.1 One-half (½) inch plaster boards, or asbestos boards, or three-eighths (⅜) inch gypsum wall boards weighing not less than 16 pounds per square yard with pointed joints covered with No. 26 U. S. gauge sheet metal with one (1) inch lapped seams nailed to the wood beams when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are spaced more than sixteen (16) inches on centers, or

2.12.2 Two thicknesses of one-quarter (¼) inch asbestos boards laid with tight staggered joints and nailed to the beams, when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are more than sixteen (16) inches on centers, or

2.12.3 Metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) inch thick.

2.12.4 Note—All fire retarding material to be applied as required in rules for fire retarding material of the Board of Standards and Appeals.

2.13 GROUND: An electrical conductor having capacity to absorb current.

2.14 INDUSTRIAL INSTALLATIONS: Oil burner installations for industrial purposes.

2.15 OIL: Any liquid mixture, substance or compound derived from petroleum, including kerosene and fuel oil as defined in the Code of Ordinances, Chapter X, Article 1, Section 1.

2.16 OIL BURNING EQUIPMENT: Any device including burners, oil burning heaters, internal combustion engines used for heating, power or other purposes designed for and/or using oil as defined in these rules.

2.17 OIL LEVEL INDICATING DEVICE: A means by which the level of the oil in a storage tank may be indicated.

2.18 OVERFLOW PIPE: A pipe which conveys, by gravity, the oil from the maximum level of an auxiliary tank to the storage tank or from the pump to the storage tank.

2.19 PERMANENT DEFORMATION: Wherever phrase, "without permanent deformation," is used in these rules it shall mean that the tanks or containers shall, after release of test pressure, resume their original size and shape.

2.20 PERMIT: Shall mean permit for storage of oil.

2.21 PORTLAND CEMENT CONCRETE: Shall mean a mixture of one (1) part cement and not more than two and one-half (2½) parts sand and five (5) parts of coarse aggregate and complying in all other respects with the requirements of the Code of Ordinances, Chapter V, Article 2, Section 28.

2.22 PREHEATER: A device designed for heating oil for the purpose of decreasing the viscosity.

2.23 RELIEF VALVE: A valve held shut by a spring or other means of automatically relieving pressure in excess of its setting.

2.24 RELIEF LINE: That portion of the line between the bypass connection of the relief valve and the supply line or storage tank.

2.25 REMOTE CONTROL: A hand, electric, or mechanically-operated device to shut off the oil supply. A thermostat is not acceptable as a remote control.

2.26 SCAVENGING LINE: A line installed to permit the removal of water or foreign matter from a storage tank.

2.27 SHOP FABRICATED: Shall mean completely built in the shop of the tank manufacturer.

2.28 SHUT-OFF VALVE: A device that can be actuated to prevent the flow of liquid in a line of pipe.

2.29 STORAGE CONTAINER: Any container for oil connected to a burner or oil-burning heater and having a capacity of ten (10) gallons or less.

2.30 STORAGE TANK: Any container for oil having a capacity of two hundred and seventy-five (275) gallons or more, having a fill line and vent line connected thereto.

2.31 STORAGE TANK, AUXILIARY: Any container for oil having a capacity of not over 60 gallons and used as an intermediary tank for gravity feed and equipped with an automatic or manually operated pump.

2.32 SUPPLY LINE: That portion of the line between the storage tank and the pump oil inlet connection. Where a pump is not used, it shall be that portion of the line between storage tank and burner and burner oil inlet connection.

2.33 TEST WELL: An opening in the top of the storage tank or a straight pipe connected to such opening through which a gauge stick may be inserted into the storage tank.

2.34 TRANSFER PUMP: An oil pump that is not an integral part of the burner and which is installed between storage tank and burner.

2.35 VENT PIPE: That portion of the line between vent pipe terminal and vent pipe connection in the storage tank.

Rule 3. Oil Permitted.

[a] 3.1 Oil permitted under these rules shall be any liquid mixture, substance, or compound derived from petroleum, shale oil, coal tar, and the liquid products thereof, and shall have a flash point not lower than 100 degrees Fahrenheit when tested in a Pensky-Martens closed cup tester (American Society for Testing Materials Method D93-22) and marketed under the following commercial grades:

Range Oil	SP.	Gr.	(A. P. I.)	40–44°
No. 1 Fuel Oil	"	"	"	36–40°
No. 2 " "	"	"	"	32–36°
No. 3 " "	"	"	"	28–32°
No. 4 " "	"	"	"	24°+
No. 5 " "	"	"	"	18°+
No. 6 " "	"	"	"	10°+

[b] 3.2 The use of crankcase refuse oil as fuel oil is strictly prohibited.

Rule 4. Burners.

[a] 4.1 Burners, including oil-burning heaters, shall be as approved, provided with suitable safeguards to prevent abnormal discharge of oil.

[b] 4.2 Approval of burners or oil-burning heaters designed for installation with storage of not more than six (6) gallons shall include approval of storage containers and limitations of installation. If more than six (6) gallons' storage is desired for such burners or oil-burning heaters, a storage tank shall be installed as provided for in these rules. Portable containers of not more than six (6) gallons' capacity may be filled from such storage tanks by means of an approved hand pump located above the top of the tank.

[c] 4.3 The requirements of these rules shall not apply to the use and installation of portable burners not requiring a connection to a flue where such burners are of the type commonly used for household purposes including oil stoves, oil heaters and oil lamps equipped with a woven wick, nor do the requirements of these rules apply to such portable apparatus such as blow torches soldering pots, tar heaters, snow melters, etc.

Rule 5. Material and Construction of Tanks.

5.1 Cylindrical Tanks (except vertical tanks located outside of buildings above ground).

[a] 5.1.1 All tanks for the storage of fuel oil shall be built of steel plates made by the open hearth process and known to the trade as "tank steel." Such plates shall be free from physical imperfections, such as laminations, cracks, mill scale, etc. All steel must be new in good condition and free from rust. The thickness of steel required and the size and spacing of rivets shall be as stated in the table given below.

[b] 5.1.2 All tanks must be welded or riveted and caulked, or riveted and welded. Flanges or other pipe connections may be welded. All caulking shall be done with round nose tools and without injury to the plates. Filler of any kind between plates is prohibited.

[c] 5.1.3 Thickness of cylindrical tanks, except tanks of 275 gallons capacity or less:

Tanks 36 in. in diameter and less—¼ in. shell, ¼ in. heads.

Tanks 37 to 72 in. in diameter—¼ in. shell, 5/16 in. heads.

Tanks 73 to 120 in. in diameter—5/16 in. shell, ⅜ in. heads.

Tanks over 120 in. in diameter to be of ⅜ in. steel and to be stiffened by angle rings or equivalent members so as to retain their cylindrical form.

[d] 5.1.4 All cylindrical, oval or abround storage tanks shall have dished heads with a curvature the radius of which is not greater than the diameter of the tank. Dished heads shall be formed with an adequate cylindrical extension rim to provide welding or riveting surface. Should flat heads be used they must be braced in the same manner as described for the bracing of flat sides of rectangular tanks.

[e] 5.1.5 Diameter and spacing of rivets:

Riveting in single lap seams shall not exceed a pitch as follows:

In shell ¼ in. thick, ⅝ in. in diameter rivets 2¼ in. pitch.

In shell 5/16 in. thick, ⅝ in. in diameter rivets 2⅜ in. pitch.

In shell ⅜ in. thick, ¾ in. in diameter rivets 2½ in. pitch.

5.2 Rectangular Tanks.

[a] 5.2.1 All rectangular tanks shall be built of steel plates of the quality required for cylindrical tanks, and of a thickness of not less than 5/16 of an inch.

[b] 5.2.2 Corners may be made up by bending the plates or by use of angles.

[c] 5.2.3 Rivets in seams shall be ⅝ of an inch in diameter and spaced not more than 2¼ inches center to center.

[d] 5.2.4 All flat surfaces of rectangular tanks are to be braced. Bracing shall be done either by using structural steel members which will act as girders and which will safely carry the load with a factor of safety of five (5), or by using bars from side to side, end to end and top to bottom of the tanks as the case may be.

[e] 5.2.5 When structural steel members are used such as angle, channels or beams, etc., the distance from center to center of the rivet lines on these members must not be in excess of twenty-four inches, and the rivet spacing must be such that it will develop the full strength of the members. In no case shall the rivets be in excess of six (6) inches center to center on these members.

[f] 5.2.6 When structural steel reinforcing members are tied together with braces in order to reduce the effective length, the braces shall not be stressed higher than nine thousand (9,000) pounds per square inch taken in the minimum net section.

[g] 5.2.7 If structural steel members are omitted and the sides of the tank are braced by means of rods or bars, these members should not be spaced farther apart than twenty-four (24) inches center to center in all directions. The unit stress permitted in these members shall not be in excess of nine thousand (9,000) pounds per square inch on the minimum net section.

[h] 5.2.8 The connection between these members and the sides of the tank must in all cases be such that it will develop the full net sections of the bars so that the bar will break before the connection will let go.

5.3 All Tanks Except Vertical Above-Ground Storage Tanks.

[a] 5.3.1 All storage tanks for oil of two hundred and seventy-five (275) gallons' capacity or less shall have a minimum thickness of shell and head plates of U. S. Standard 10 gauge (.134"). Auxiliary storage tanks of 60 gallons or less shall be similarly constructed but need not be of a gauge thicker than U. S. Standard No. 14.

[b] 5.3.2 At time of installation all storage tanks shall bear a permanently fixed plate, spot-welded or equivalent, bearing the name of tank manufacturer, the gauge of material and capacity of tank. All shop fabricated storage tanks shall be installed without structural alteration.

[c] 5.3.3 All openings shall be through the top of the storage tank except that 275-gallon storage tanks may be provided with a three-quarter inch (¾") opening for gravity discharge and a one-inch (1") opening in the bottom for cleaning and protection against corrosion.

[d] 5.3.4 All buried storage tanks shall have a thorough coating on the outside of hot tar, asphaltum, or other equivalent rust-resisting material. All such tanks shall be electrically grounded.

[e] 5.3.5 Manholes; where used for oils having a viscosity less than 500 sec. Saybolt Universal at 100° F. shall have manhole covers bolted and air tight; where used for oils having a viscosity greater than 500 sec. Saybolt Universal at 100° F. (No. 5 or No. 6 Commercial Standard grades) shall have manhole covers bolted or otherwise secured to the tanks and kept hydrostatically tight at all times.

5.4 Vertical Storage Tanks Over 1,000 Gallons Capacity Located Outside of Building Above Ground.

[a] 5.4.1 Vertical tanks located outside of building above ground shall be built of steel plates of the quality required for cylindrical tanks.

[b] 5.4.2 The minimum thickness of shell or bottom plates shall be ¼ inch and the minimum thickness of roof plates ⅛ inch.

The thickness of shell plates shall be figured in accordance with the following formula:

$$t = \frac{P \times r \times F}{T \times E}$$

P equals head pressure at bottom of ring under consideration.

R equals radius of shell in inches.

F equals factor of safety (taken as 5).

T equals tensile strength of plate in pounds per square inch (55,000 pounds per square inch).

E equals efficiency of vertical joint in ring under consideration (calculations to be based on formulas as given in Bulletin No. 14 of the New York State Industrial Commission).

[c] 5.4.3 Roof plates shall have single riveted watertight seams and the roof shall be built to shed water. Bottom plates shall have single lap riveted seams. Shell plate seams shall be designed with proper efficiency to meet requirements of above formular for shell plates.

[d] 5.4.4 In all cases, steel tanks for the storage of fuel oil must be built metal to metal. No filler of any kind will be permitted.

5.5 Storage Containers.

[a] 5.5.1 Storage containers for oil of six (6) gallons capacity or less used in connection with burners or oil-burning heaters shall be designed to withstand a hydrostatic pressure test of five (5) pounds per square inch without permanent deformation, rupture or leakage and shall be approved as provided in Rule 4.2. Glass storage containers shall not exceed three gallons capacity, protected with a metal jacket provided with hand grips and designed to be rigidly fastened to stand or wall and shall be approved as provided in Rule 4.2.

Rule 6. Location of Tanks.

6.1 Inside of Buildings.

[a] 6.1.1 Storage tanks having a capacity of two hundred and seventy-five (275) gallons and auxiliary tanks may be installed above ground in or on the lowest story of a building, provided such tanks shall be mounted on substantial incombustible supports, with tank permanently attached thereto, and located not less than seven feet (7′), measured horizontally from any furnace or source of exposed flame unless tank is protected as provided for in Rule 6.1.2. Such storage tanks inside buildings shall be not less than two hundred and seventy-five (275) gallons' capacity and not more than one such tank shall be connected to one burner. Not more than two (2) two-hundred-and-seventy-five (275) gallons storage tanks shall be installed in a building above ground without protection as provided for in Rule 6.1.2.

[b] 6.1.2 Storage tanks having a capacity of more than two hundred and seventy-five (275) gallons, when installed inside of buildings, shall be located in or on the lowest floor level and all portions of such tanks above the floor shall be protected by a continuous jacket of not less than four inches (4″) of Portland cement concrete reinforced with not less than No. 20 steel wire gauge wire cloth 2″ x 2″ mesh, and extending at least four inches (4″) beyond the horizontal outline of tank in all directions, with weep holes along the bottom one inch in diameter not more than 3 ft. apart.
Each storage tank may be placed in an enclosure having masonry walls not less than eight inches (8″) in thickness and of dimension not less than fifteen inches (15″) greater on all sides than the outside dimensions of the storage tank. The walls of the enclosure shall be carried up to a height not less than two feet (2′) above the top of the tank. Fireproof access door or doors shall be installed in the enclosure for every twenty-five feet (25′) along the longest interior wall of such enclosure, and an additional access door shall be installed in every additional ten feet (10′) along such wall above the point where the enclosure has a capacity equal to the tank. The ceiling above the tank enclosure shall be either fireproof or fire-retarded.

[c] 6.1.3 The capacity of individual storage tanks located inside of buildings shall not exceed twenty thousand (20,000) gallons.

[d] 6.1.4 All storage containers used in connection with burners or oil-burning heaters shall be installed in a substantial and workmanlike manner with rigid metal fasteners to wall or floor and protected against mechanical injury.

6.2 Outside of Buildings, Below Ground.

[a] 6.2.1 Storage tanks located outside of buildings, below ground, shall be buried with the top of the tank not less than two feet (2′) below the surface of the ground. Tanks shall be placed on firm soil and shall be surrounded by clean sand or well tamped earth, free from ashes or other corrosive substance, and free from stones larger than will pass through a one-inch (1″) mesh. When necessary to prevent floating, tanks shall be securely anchored.

[b] 6.2.2 Along the line of subways no tank shall be placed within twenty (20′) feet of any wall, separating a building from the subway, and, if practicable, tanks shall be placed in a lower position than the roadbed of the subway, except as may be modified in specific instances by the Board of Standards and Appeals.

[c] 6.2.3 No tank shall be buried so as to be nearer than 3 feet to any foundation wall.

[d] 6.2.4 All buried storage tanks larger than two hundred and seventy-five gallons, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two (2) coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust resisting material. All tanks shall be electrically grounded.

6.3 Outside of Buildings, Above Ground.

[a] 6.3.1 Storage tanks located outside of buildings above ground shall be not less than one and one-quarter (1¼) tank diameters and in no case less than ten feet (10′) from the line of adjoining property, the nearest building or adjacent tank. Such tanks shall be electrically grounded. The maximum capacity of individual tanks located outside of buildings above ground shall be fixed by the following schedule:

If distant 25 feet from line of adjoining property which may be built upon	16,000 gallons
If distant 30 feet.....	24,000 "
If distant 40 feet.....	36,000 "
If distant 50 feet.....	48,000 "
If distant 60 feet.....	60,000 "
If distant 75 feet.....	96,000 "
If distant 85 feet, or more	100,000 "

[b] 6.3.2 Each such storage tank shall be protected by an embankment or a dyke. Such protection shall have a capacity of not less than one and one-half (1½) times the capacity of the tank so surrounded and shall be at least four feet (4′) high but in no case higher than one-fourth (¼) the height of the tank when the height of the tank exceeds sixteen feet (16′). Embankments or dykes shall be made of earthwork with clay core; or of masonry, or of impervious reinforced concrete. Earthwork embankments shall be firmly and compactly built of good earth, free from stones, vegetable matter, etc., and shall have a flat section at the top of not less than three feet (3′) and a slope of at

least one and one-half (1½) to two (2) on all sides. Concrete or masonry dykes shall be so designed as to safely carry the entire volume of the oil in the tank so surrounded. Embankments or dykes shall be continuous and unpierced. See Chapter 10, Section 111, Code of Ordinances, for required fire extinguishing system.

[c] 6.3.3 All above ground storage tanks larger than two hundred and seventy-five (275) gallons, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two (2) coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust resisting material. All tanks shall be electrically grounded.

Rule 7. Piping.

7.1 Installation of Piping.

[a] 7.1.1 Piping shall be run in a substantial and workmanlike manner. Exposed piping shall be protected against mechanical injury and shall be securely supported with rigid metal fasteners or hangers. All pipes connected to buried tanks except test well piping shall be provided with double swing joints at tank.

[b] 7.1.2 Only new standard full-weight iron, steel or brass pipe, or new extra-heavy copper brass or aluminum alloy tubing, properly marked and duly approved, may be used. Drawn metal tubing when used for conveying oil, shall be adequately protected. Such tubing shall be used only in the same room in which the burner is installed. Drawn tubing when used in domestic installations shall be not less than three-eighths inch (⅜″) inside diameter. Soldered connections are prohibited. Tubing shall be submitted for approval.

[c] 7.1.3 Overflow pipes where installed shall not be smaller in size than the supply pipe.

7.2 Relief Valves.

[a] 7.2.1 Where a shut-off valve is installed in the discharge line from an oil pump a relief valve shall be installed in the discharge line between the pump and the first shut-off valve.

[b] 7.2.2 Oil preheaters shall be provided with a relief valve to prevent excessive oil pressure.

[c] 7.2.3 Relief valves shall be set to discharge at not more than one and one-half (1½) times the maximum working pressure of the system. The discharge from relief valves shall be returned to storage tank or to the supply line. There shall be no shut-off valve in the line of relief.

7.3 Vent Pipe.

[a] 7.3.1 An open vent of iron or steel, without trap, and draining to the tank, shall be provided for each storage tank. The lower end of the vent pipe shall not extend through the top of the storage tank more than one inch (1″). Cross connection between vent pipe and fill pipe is prohibited.

[b] 7.3.2 Where a battery of storage tanks, designed to hold the same grade of oil, is installed, vent pipes may be run into a main header.

[c] 7.3.3 Vents shall be not less than one and one-quarter inches (1¼″) in diameter for storage tanks up to 1,100 gallons' capacity and not less than two inches (2″) in diameter for storage tanks of 1,100 gallons and more. Vents for auxiliary storage tanks shall not be less than ½ inch in diameter and may be run into the storage tank vent.

[d] 7.3.4 Vent pipes shall be provided with weatherproof hoods and shall terminate outside the building not less than two feet (2′) from any building opening and not less than five feet (5′) nor more than twelve feet (12′) above the fill pipe terminal. If the vent pipe terminal is not visible from the fill pipe terminal location, a one-inch (1″) line shall be connected to tank and shall parallel the fill pipe and terminate at the fill pipe terminal with unthreaded end. Such line shall be provided with a check valve set to prevent flow of surface water to storage tank.

7.4 Fill Pipes.

[a] 7.4.1 Fill pipe shall terminate outside the buildings with the fill pipe terminal located at or above grade at least five feet (5′) from any building opening or subway grating at or below the level of the fill pipe terminal. No fill pipe shall be less than 2 inches in diameter.

[b] 7.4.2 Each storage tank shall be provided with a separate fill pipe except where a battery of tanks is installed, containing the same grade of oil, a common fill and header pipe may be installed provided the area of each branch fill pipe and the header pipe is equal to the area of the fill pipe. Each branch fill pipe shall be provided with a shut-off valve.

[c] 7.4.3 Where the top of the storage tanks is above the fill pipe terminal the fill pipe shall be connected to the top of the tank and be provided with a shut-off valve and a swing check valve which shall be located at the fill pipe terminal.

[d] 7.4.4 All fill pipe terminals shall be of approved type constructed of a suitable material, provided with lugs for imbedding in concrete or in lieu thereof a set screw to fasten terminal to fill pipe. The outer flange of the fill pipe terminal shall be provided with letters reading "Fuel Oil" and the calendar number under which the fill pipe terminal has been approved. The fill pipe terminal shall be separately threaded to receive the seal cap and the fill pipe. The seal cap shall be suitably threaded and slotted for a special opening wrench. An oilproof gasket inserted in a groove in the fill pipe terminal shall be provided so as to render the fill pipe terminal leakproof. A strainer is not required but if used must be of not less than ⅛ inch mesh. Where there is a storage system of volatile inflammable oil and a storage system for fuel oil to be used in the same premises, the terminal of fuel oil fill pipe shall be provided with a left-handed thread, and the fill pipe fitting shall be of a different size than that required for the fill pipes to gasoline tanks.

7.5 Heating Coils in Storage Tanks.

7.5.1 All heating to reduce viscosity of oils in storage tanks shall be only by means of hot water or low pressure (ten (10) pounds per square inch maximum) steam coils.

7.6 Scavenging Line.

7.6.1 When a scavenging line is installed it shall terminate outside of the building and shall be capped oil tight when not in use.

Rule 8. Valves and Control of Oil Flow.

[a] 8.1 Each supply line from storage tanks of two hundred and seventy-five (275) gallons' capacity and from auxiliary storage tanks shall be provided with a shut-off valve at the tank and at the burner and when connected to burners designed for gravity feed, shall be provided with an approved constant level device.

[b] 8.2 Each supply line for storage tanks of more than two hundred and seventy-five (275) gallons' capacity, shall be provided with a shut-off valve at the burner and where the top of the tank is above the oil inlet connection to the burner and/or transfer pump, shall be provided with an approved anti-syphon device located at the highest point in supply line, except that where heavy oil (No. 6 Commercial Standard Grade) having a viscosity of one hundred (100) seconds or more Saybolt Furol at one hundred and twenty-two degrees Fahrenheit (122° F.) is used, the anti-syphon device shall not be required.

[c] 8.3 Except as may be modified in specific instances by the Board of Standards and Appeals, oil from storage tanks of two hundred and seventy-five (275) gallons' capacity or more may be delivered to burners installed above the lowest floor of a business building only under the following provisions:

8.3.1 Plans for such installations shall be submitted for approval to the administrative official having jurisdiction before such installation is made.

8.3.2 Such burners shall not be installed in any story of any building the floor of which is more than fifty feet (50') above the street level. Only one oil delivery line shall be installed for each floor.

8.3.3 Oil delivery lines to burners located above the lowest floor of a building shall not be larger than two inches (2") iron pipe size.

8.3.4 The pressure in oil lines to burners located above the lowest floor of a building shall not be more than is necessary to deliver oil to the burners and such pressure shall not in any case exceed thirty (30) pounds per square inch. With each automatic burner there shall be installed and maintained in good working order a set of suitable safety controls of the electric or mechanical type. The proper control for each burner is to be listed in the resolution under which the burner is approved. The controls are to provide the following functions:

Temperature control
Ignition "
Stack or
Combustion "
Pressure "
Gravity "

[d] 8.4 A remote control shall be provided whereby the flow of oil to any burner can be stopped, and such remote control shall be located outside the entrance to the room in which the burner is located and as close to such entrance as practical, except when outside location is impractical such control may be located immediately inside the room in which the burner is located if such location is accessible at all times. All such controls shall be legibly labeled "Remote Control for Oil Burner." On auxiliary storage tanks used with manually operated burners such remote control may be installed on feed lines between tank and burner.

[e] 8.5 Except as provided by Rule 4.2 of these rules for approved combination burner and storage container devices, pressure in storage tank or container for the purpose of discharging oil is prohibited.

[f] 8.6 In systems where either steam or air is used for atomizing the oil, the oil and the atomizing supply shall be interlocked, so that in case of the interruption of the atomizing supply, the supply of oil will immediately be cut off. Except that this requirement shall not apply to air and oil supply units directly connected to a common driver.

Rule 9. Oil Level Indicating Devices and Test Wells.

[a] 9.1 All tanks located inside of buildings shall be provided with an oil level in indicating device. Test wells shall not be permitted in tanks located inside of buildings. Unused tank openings shall be permanently sealed to prevent removal of plugs or cover.

[b] 9.2 Oil level indicating devices shall be constructed of substantial materials so designed that there can be no leakage of oil or oil vapor.

[c] 9.3 Test well shall be capped oil tight and kept closed when not in use.

Rule 10. Permits, Plans, Inspections and Tests of Storage Tanks and Piping.

10.1 Permits.

[a] 10.1.1 No oil installation of more than ten (10) gallons' capacity shall be operated until after a permit has been issued by the Fire Chief and Commissioner.

[b] 10.1.2 Applications for permit shall be made by the installer on forms furnished by the Fire Chief and Commissioner and shall provide for the location of the building in which the installation is to be made, name and address of owner and/or occupant, name and address of installer, make and approval number of burners, pumps and other devices, capacity number and location of storage tanks, together with approval of such proposed installation by the Commissioner of Buildings when required under Rule 10.2.

[c] 10.1.3 No permit shall be issued by the Fire Chief and Commissioner until the installation has been inspected by his representative.

10.2 Plans to be Filed Where Structural Considerations Are Involved.

10.2.1 Except for installations in dwellings as defined in these rules, the installer shall file with the Commissioner of Buildings plans showing the size and location of all storage tanks having a capacity greater than 275 gallons where such tanks are to be installed either inside of buildings in or below the lowest floor level or out-

side of buildings below ground. Plans, however, shall be filed where 275 gallon tanks are to be buried and for all multiple dwellings and for all places of public assembly. All plans, as in this section required, shall be certified to by the Commissioner of Buildings when approved by him as in compliance with all structural requirements, to the Fire Chief and Commissioner before any work is started and before the permit provided for in Rule 10.1 is issued.

10.3 Inspection and Tests of Installations of Storage Tanks and Piping.

[a] 10.3.1 Storage tanks not exceeding two hundred and seventy-five (275) gallons' capacity and all piping for oil connected thereto shall show no leakage when tank and all piping for oil is completely filled with oil when subjected to a test of 10 pounds per square inch for a period of ten (10) minutes.

[b] 10.3.2 Storage tanks of more than two hundred and seventy-five (275) gallons' capacity and all piping for oil connected thereto shall show no change in shape, rupture or leakage when subjected to a hydrostatic test with water or oil as follows:

10.3.2.1 Oval, obround, rectangular and specially shaped storage tanks and and piping connected thereto, twenty-five (25) pounds per square inch.

10.3.2.2 Cylindrical storage tanks and piping connected thereto, fifty (50) pounds per square inch.

Pressure shall be applied for a period of thirty minutes. When oil is used there shall be no fire or flame in the room or rooms in which the test is being conducted. All tests shall be conducted in the presence of a representative of the Fire Chief and Commissioner. The contractor shall furnish all necessary equipment for conducting tests, except gauges which shall be furnished by the administrative official. Such test may be made with oil in freezing weather for tanks located outside of building.

[c] 10.3.3 Defective tanks, if repaired by welding, shall have all oil removed and shall be purged of all explosive gases or vapors.

[d] 10.3.4 The anti-syphon devices, where used as provided for in these rules, shall be approved devices.

10.4 Fee for Permit and Test of Storage Tanks and Piping.

10.4.1 When application for permit is made, as provided for in Rule 10.1, a fee covering the permit, inspection and test of storage tank and piping shall be paid in accordance with the schedule given in the Code of Ordinances.

Rule 11. Inspection of Installations With Not More Than Six (6) Gallons' Storage Capacity.

11.1 All installations of burners with not more than six (6) gallons' storage capacity except where such installations are made in dwellings shall be reported by installer to the Fire Chief and Commissioner giving location of building in which installation is made, name and address of owner and/or occupant, name and address of installer and the make and approval number of burner. Such reported installations shall be inspected as required by Code of Ordinances.

Rule 12. Ventilation.

[a] 12.1 No burner shall be installed in any boiler, heater, range or stove unless such boiler, heater, range or stove be connected with a legal chimney, complying with Section 392, Article 19, Chapter V, of the Code of Ordinances.

[b] 12.2 Adequate ventilation, at least equivalent to area of the smoke pipe at the point where it enters the flue, shall be provided in all rooms in which burners are installed.

[c] 12.3 Dampers shall be so constructed that they cannot completely cut off the passage of flue gases at any time.

Rule 13. Automatic Pumps.

13.1 Automatic pumps, when not an integral part of the burner shall be of approved type, provided with automatic means for preventing continuous discharge of oil in case of pipe breakage.

Rule 14. Fire Protection.

[a] 14.1 The clear distance between smoke pipe connections, of any boilers, furnaces or other heating apparatus to flues, and combustible material shall not be less than eighteen (18) inches, except that this clearance may be reduced to nine (9) inches where a baffle consisting of not less than No. 29 gauge sheet metal backed by ¼ inch thick asbestos is placed two (2) inches above and extending along the entire length of the smoke pipe connections and twice the width thereof and such baffle is securely fastened from the ceiling with substantial hangers. In lieu of such baffle the combustible material may be covered with fire-retarding material as defined in these rules.

[b] 14.2 The clear distance between any non-insulated heat-producing parts of boilers, furnaces or other heating apparatus and combustible material shall not be less than twenty-four (24″) inches. Where such parts are insulated by two (2″) inches of asbestos, or equivalent, the clear distance shall be not less than twelve (12″) inches, or, in lieu of such insulation the combustible material shall be covered with fire-retarding material as defined in these rules extending 8 ft. in front and 4 ft. side and rear of the apparatus.

[c] 14.3 No combustible material shall be stored or maintained within five feet (5′) of heating apparatus, except where same is protected by fire retarding material.

[d] 14.4 Burners and all accessories, including tanks and piping, shall be maintained oil tight and kept clean at all times.

[e] 14.5 The floor beneath boiler or furnace and within five (5) feet in all directions shall be of fireproof construction.

[f] 14.6 Oil burning devices designed for installation with storage of not more than six (6) gallons shall be firmly anchored to the floor, set level, and the floor beneath the stoves or any such heating devices protected by a shield of ½″ asbestos or equiva-

lent extending at least twelve (12") inches beyond the outline dimension of such device where required within the specific approval of each burner.

[g] 14.7 Near each boiler or furnace of a fuel oil-burning unit there shall be kept ready for use fire extinguishing equipment of not less than two quart capacity approved as suitable for oil fires or not less than two pails of sand, the pails to have rounded bottom.

Rule 15. Instruction Cards and Certificate of Fitness.

[a] 15.1 Cards, giving complete instructions for the care and operation of the system shall be permanently fixed near the apparatus in readable condition. Where burners or oil-burning heaters designed for use with storage of not more than six (6) gallons' capacity are installed, there shall also be posted a copy of the specifications under which it was approved by the Board of Standards and Appeals in addition to the instruction card herein provided for.

[b] 15.2 All heating systems in which the oil is preheated or systems not fully automatic shall, when operating, be under the direct supervision of a person holding a certificate of fitness issued by the Fire Chief and Commissioner, except, that a person holding a certificate of fitness as a licensed engineer or as a licensed fireman under the provisions of Section 409 of the Charter of the City of New York, shall not be required to obtain such certificate.

Rule 16. Modification.

16.1 When, for any reason, it may be impracticable to comply strictly with the foregoing rules, the administrative official having jurisdiction shall have power to accept substitute methods provided the spirit and substance of these rules shall be complied with.

Rule 17. Existing Installations.

17.1 Oil burner systems heretofore installed and duly approved as complying with all laws and rules then applicable thereto shall be deemed acceptable, provided there have been no subsequent alterations to the apparatus, except as to Rule 15.2.

APPROVED APPLIANCES

APPROVED FUEL OIL PUMPS

Name of Pump	*Calendar No.*
American Marsh Duplex	638-25-SA
American Marsh Simplex	639-25-SA
Autopulse Electric Fuel Oil Pump	215-31-SA
Autopulse Electric Oil Pump Outfit, Model No. 1000	9-32-SA
Ballard Duplex Electric Driven Pump Set	1413-22-SA
Beach Russ Co. Rotary	1134-22-SA
Blackmer Rotary	935-24-SA
Blake & Knowles Horizontal Simplex Piston Pattern Pump	372-21-SA
Century Rotary	908-21-SA
Cook Electric Oil Pump	603-25-SA
Davidson	590-21-SA
Dean Bros. Durable Duplex	840-22-SA
DeLaval IMO Oil Pump	628-32-SA
Deming Double Oscillating Force Pump	458-27-SA
Deming Fuel Oil Pump	298-31-SA
Enterprise Oil Pump	11-28-SA
Exeter Rotary	507-22-SA
General Electric Oil Pump	475-32-SA
Goulds Hand Rotary	1133-25-SA
Goulds Rotary Oil Pump	437-31-SA
Goulds Triplex Plunger	257-22-SA
Hardinge Fuel Oil Pump	813-25-SA
Kinney Rotating Plunger Pump	503-24-SA
Koerting Gear Pump	1264-25-SA
Kraissl Fuel Oil Pump	60-28-SA
Leiman Rotary	95-24-SA
Marsh Fuel Oil Pump	1050-23-SA
McGowan Horizontal Duplex Fuel Oil Pump	936-23-SA
M. D. Rotary	52-27-SA
Milwaukee Piston Rotating Port Pump	763-25-SA
Monroe Oil Pump	658-26-SA
National Transit Rotary Pump for Gasoline and Fuel Oil	175-35-SA
Northern Rotary	1396-24-SA
Pascoe Pump Set	1029-26-SA
Petro-Nokol Industrial Oil Pump	570-32-SA
Quiet May Gerotor Pump	267-32-SA
Quimby Screw Pump	1193-21-SA
Range-O-Matic Oil Pump, Model 50 and Suction Model	102-35-SA
Ray Rotary	588-25-SA
Rotary Pressure Pump	1060-25-SA
Rotary Vacuum Pump	513-25-SA
Samson Magnetic Fuel Oil Pump	163-34-SA
S. B. U. Pumps, Models A, B, C and D	410-32-SA
Sundstrand Fuel Unit (Pump), Models 7-OB and 77-OB	199-36-SA
Tate-Jones	492-21-SA
Teesdale Automatic Booster Fuel Oil Pump	1279-25-SA
Tuthill Model B Fuel Oil Pump	60-28-SA
Tuthill Fuel Oil Pump, Models L, LD and 30-LE Fuelstat	568-30-SA
Union Steam Pump for Fuel Oil	705-30-SA
Viking	438-21-SA
Warren Oil Pump	1169-23-SA
Wayne Oil Pump & Fan Set	1155-25-SA
Webster Fuel Oil Pump, Types A, Q and T	23-34-SA
Worthington Duplex Double-Acting Steam Pump	184-22-SA
Worthington Show Model Duplex	194-22-SA

APPROVED APPLIANCES

Burners for Domestic and Commercial Use

Name of Burner	*Calendar No.*
A. B. C. Oil Burner	1295-24-SA
A. B. C. Oil Burner, Type H	684-29-SA
Ace Rotary Oil Burner	47-35-SA
Acme Automatic Oil Burner (Gun Type) Model A-1	112-36-SA
Acme Oil Burner, Models BO-1 and BO-2	132-34-SA
Aetna Automatic Oil Burner	1547-23-SA
Air-Blast Oil Burner	579-32-SA
Airnoil Burner	175-37-SA
Airtemp Oil Burner, Models B-6 and C-6	139-36-SA
Airtemp Oil Burner, Models D, F and G	88-34-SA
Alladin Oil Burner	298-26-SA
Alexander Oil Burner	65-28-SA
Alida Oil Burner	124-34-SA
Alida-Remington Oil Burner	124-34-SA
Alpine Oil Burner, Models A and H	110-36-SA
American Blue Flame and Sun Flame Oil Burning Heaters, Models No. 73, 86, 88, 92, 93, 94, 95, 96, 4512, 4518, 4528, 4538, 4562, 4563, 4573, 4578, 4588, 4688, 4678, 4668, 4666, 4683, 4663, 4653, 4673, 4674, 4664, 4612, 4618, 4628, 4638, 4788, 4778, 4768, 4783, 4763, 4753, 4773, 4712, 4718, 4721 and 4738	298-33-SA
Aristocrat Oil Burner	222-35-SA
Associated Oil Burner	178-35-SA
Auto Heat Oil Burner	284-33-SA
Autocrat Oil Burner, Model B-1	297-31-SA
Automatic Airless Oil Burner, Model No. 1	53-34-SA
Baker Automatic House Heating Burner	1323-22-SA
Baker Oil Burner, Model L, Gun Type	404-29-SA
Baker Perkins Atomizing Type, Mechanical Draft Oil Burner, Types C and CD	329-35-SA
Ballard Baby Grand Oil Burner	447-32-SA
Ballard Oil Burner, Models B-A, 1, 2, 3 and 4	447-32-SA
Ballard Super Domestic Oil Burner	939-24-SA
Bauer Oil Burner	129-37-SA
Bayard Domestic Fuel Oil Burner	1184-22-SA
Benat Oil Burner, Models A, B and E	23-37-SA
Berggren Oil Burner	764-26-SA
Bethlehem-Doe Oil Burner, Models CE, FE, F, G and H	116-37-SA
Bethlehem-Hering Oil Burner, Models CE, FE, F, G and H	116-37-SA
Bethlehem Steam Atomizing Fuel Oil Burner	485-32-SA
Bettendorf Automatic Oil Burner, Models D, F and G	88-34-SA
Bettendorf "Double Heat" Automatic Oil Burner, Models MV and MW	505-37-SA
Bettendorf High Pressure Oil Burner	479-31-SA
Bettendorf Oil Burner	731-28-SA
Bettendorf Oil Burner, Model H.B	498-32-SA
Bock Oil Burner, Models A, B, C and D	123-31-SA
Bock Oil Burner, Models WH-3, WH-5, WH-6 and WH-8	102-34-SA
Borden Oil Burner, Model B	29-37-SA
Braden Automatic Fuel Oil Burner	322-30-SA
Branford Oil Burner	36-31-SA
Branford Oil Burner, Model "A"	461-32-SA
Brighton Oil Burner	372-33-SA
Bullet Automatic Oil Burners, Models A and B	195-33-SA
Caloroil Burner, Type AA	1361-24-SA
Camel Automatic Oil Burner, Model 30, Types A. B and C and Models J and A.S	229-32-SA
Capitol Oil Burner, Models A, B and E	23-37-SA
Carboradiant Oil Burner, Models V & VS	16-31-SA
Carboradiant Oil Burner, Model VSS	49-32-SA
Carborundum Burner	571-29-SA
Carrier Oil Burner, Models CE, FE, F, G and H	116-37-SA
Cardinal Oil Burner, Model C	50-37-SA
Carter-Korth Oil Burner, Model "P"	389-32-SA
Carter-Korth Oil Burner	54-30-SA
Carter Oil Burner, Models, 4X, 5X, 6X and 10X	117-34-SA
Ceco Oil Burner	354-35-SA
Central Oil Burner, Models 4X, 5X, 6X and 10X	117-34-SA
Century Oil Burner	157-28-SA
Century Pressing Machine Oil Burner, Models U1 and U2	25-37-SA
Challenger Kleen Heat Burner, Series No. 100	813-28-SA
Challenger Oil Burner, Model "A"	86-34-SA
Chalmers-Ace (Rotary) Oil Burner	47-35-SA
Chalmers Automatic Oil Burner, Models D1 and D2	608-32-SA
Citro Oil Burner, Models A and B	86-36-SA
Clark Domestic Gun Type Oil Burner, Models EJ-1 and EJ-2	579-37-SA
Clark Horizontal Rotary Oil Burner	618-37-SA
Commonwealth Automatic Oil Burner	348-28-SA
Concord Burner	108-35-SA
Conservoil Burner, Models H-1C and H-1F	155-37-SA
Continential Oil Burner, Models A, B and C	146-31-SA
Cook's Automatic Oil Burner	955-27-SA
Cope-Swift Safety Automatic Oil Burner	354-31-SA
Craftsman Oil Burner	222-35-SA
Crano Oil Burner, Models H-IC and H-IF	155-37-SA
Crater Automatic Oil Burner	34-34-SA
Crescent Oil Burner	222-29-SA
Crescent Type M Size I Oil Burner and Models 8, 18 and 28	592-31-SA
Creveling Oil Burner, Models A, B and E	23-37-SA
Crown Oil Burner, Type XA	426-29-SA
Crystal Blue Flame Oil Burner	423-29-SA
Dahl Vaporizing Oil Burner	915-26-SA
D'Elia Oil Burner	155-31-SA
Delco Heat Oil Burner	420-31-SA
DeWalt Oil Burner	541-31-SA
Diesel-American Oil Burner, Model D-A-1	6-37-SA
Diesel Oil Burner	354-35-SA
Dist-o-matic Oil Burner	663-28-SA
Doe Oil Burner	317-31-SA
Doherty Oil Burner	943-26-SA
Draft-Rite Oil Burner	178-35-SA
Dupont Oil Burner	248-36-SA
Easternoil Automatic Oil Burner, Models A, B and C	600-31-SA
Econ-O-Heat Oil Burner, Model E	130-37-SA
Economy Oil Burner, Type A-1	45-31-SA
Edison Oil Burner, Models A, B and E	23-37-SA
Eisler Automatic Oil Burner	481-27-SA
Elec-tro-matic Oil Burner, Type 151	125-33-SA
Electrol Automatic Oil Burner and Models BB, C, EA and TCV	259-25-SA
Ember-Glo Oil Burner	462-32-SA
Empire Oil Burner	222-35-SA
Enterprise Rotary Fuel Oil Burner	1149-27-SA
Enterprise Steam Atomizing Burner	15-33-SA
Enterprise Type Junior "W" Oil Burner, Models 1, 2 and 3	225-32-SA
Espo Oil Gas Burner	1431-23-SA
Esso Oil Burner, Models E.B. 1 and 2	520-31-SA
Esso Oil Burner, Models E.B. 3, 4 and 5	109-31-SA
Evenheet Oil Burner	554-32-SA
Everedy Oil Burner	102-33-SA
Fairfield Oil Burner	584-31-SA
Faultless Oil Burner	493-24-SA
Fine-Glo Oil Burner	178-35-SA
Flex-O-Gas Oil Burner for Pressing Machine, Model T-2	125-36-SA
Fluid Heat Domestic Oil Burner, Type O	1094-27-SA
Fluid Heat (Gun Type) Oil Burner, Model P	134-35-SA
Fluid Heat Oil Burner	361-32-SA
Forsdraft Oil Burner	41-34-SA

APPROVED APPLIANCES

Name of Burner	*Calendar No.*
Foster Oil Burner	715-26-SA
Franklin Domestic Oil Burner	560-26-SA
Freeport-Silent Service Oil Burner, Models 5, 10 and 30	97-33-SA
Fuelo Oil Burner	47-30-SA
Gar Wood Oil Burner	373-30-SA
Gar Wood Oil Burner, Models K, K-3500, T and W	481-32-SA
General Automatic Oil Burner, Model A	60-36-SA
General Electric Fuel Oil Burner	434-32-SA
General Electric Oil Burner, Type DA-2	228-33-SA
General Electric Oil Burner, Type DB-2	201-38-SA
Ghapco Steam Generator	348-31-SA
Gilbarco-Ballard Heavy Oil Burner, Models BM, DM, FM, HM, BS, DS, FS, HS, BA, DA, FA, HA, BPM, DPM, FPM, HPM, BPS, DPS, FPS, HPS, BPA, DPA, FPA, HPA, BPW, DPW, FPW, HPW, BPH, DPH, FPH and HPH	1493-22-SA
Gilbarco G.B.O. Oil Burner	282-33-SA
Gilbarco Industrial Burner	350-32-SA
Gilbarco Oil Burner, Models G.B. 1 and 2	520-31-SA
Gilbarco Oil Burner, Models G.B. 3, 4 and 5	109-31-SA
Gilbert & Barker Flexible Flame Burner	109-31-SA
Gilbert & Barker Junior Flexible Flame Domestic Oil Burner	520-31-SA
Gilbert & Barker Oil Burner, Model S-1	282-33-SA
Gilbert-Bethlehem Oil Burner, Models CE, FE, F, G and H	116-37-SA
Gill Oil Burner	1231-23-SA
Gold Star Oil Burner, Models F, S, J and J-1	166-33-SA
Goodrich Oil Burner, Models G-0, G-1, G-2 and G-3	441-31-SA
Goodspeed Automatic Oil Burner	957-27-SA
Goodspeed Oil Burner, Nozzle Type 2	346-33-SA
Gould Automatic Oil Burner	178-35-SA
Grant Oil Burner	382-26-SA
Grant Oil Burner, Model "C"	232-32-SA
Hardinge Oil Burner	813-25-SA
Hardinge Oil Burner, Model 23	33-33-SA
Harris Fuel Oil Burner	690-30-SA
Hart Automatic Oil Burner	1162-24-SA
Hart Automatic Oil Burner, Model Series "DO"	595-29-SA
Hart Oil Burner, Model "H"	221-33-SA
Haywood Oil Burner (Vertical Rotary), Models AG, BG, CG, DG, AP, BP, CP and DP	696-30-SA
Hayward Oil Burner, Model 2000	118-35-SA
Heat King Oil Burner, Model 2	98-35-SA
Heat-O-Matic Oil Burner	178-35-SA
Heat-Pak Oil Burner, Models 35 and Compact	237-36-SA
Heatiator Oil Burner	1346-23-SA
Heil Combustion Fuel Oil Burner	1105-22-SA
Heil Combustion Fuel Oil Burner, Type B	295-29-SA
Henjes Oil Burner, Models 1G, 2G, 3G, 4G and 5G	265-37-SA
Herco Oil Burner, Models R15 and R35	21-36-SA
Hercules Oil Burner	510-29-SA
Hercules Oil Burner, Models H, HF and Type H, 1937 Model	309-33-SA
Hercules Oil Burner, Models M 1200 and M 1800	486-32-SA
Herman Nelson Conversion Oil Burner	144-36-SA
Hillcrest Oil Burner, Models A, B and E	23-37-SA
Hipoint Oil Burner, Models A-2, B-2 and C-2	11-36-SA
Hofmann Automatic Fuel Oil Burner, Model 41	274-35-SA
Holby Type A Fuel Oil Burner	688-29-SA
Holland Gun Type Oil Burner	225-37-SA
Holland Type "F" Oil Burner	237-34-SA
Home-Utility Oil Burner, Models A and H	110-36-SA
Homer Domestic Oil Burner	1211-25-SA
Homestead Oil Burner, Model E	176-36-SA
Hupp Oil Burner, Models H, U, P and PP	10-34-SA
Ideal Oil Burner, Models A, B and E	23-37-SA
Imperial Oil Burner	187-33-SA
Improved Kres-Kno Oil Burner and Model MD	591-29-SA
Inferno Oil Burner	82-33-SA
International Mechanical Draft Oil Burner	372-30-SA
International Oil Burner	1305-24-SA
Jacobsen Balanced Oil Burner, (Model V-1)	333-33-SA
Johnson Improved Rotary Fuel Oil Burner	938-22-SA
Joyce Oil Burner	852-26-SA
K. F. C. Oil Burner	846-25-SA
Kaytown Quiet Automatic Oil Burner, Models A, B and C	146-31-SA
Kelco Oil Burner	237-33-SA
Kelvinator Oil Burner	339-31-SA
Kelvinator Oil Burner, Model K	105-34-SA
KeWaNee Oil Burner, Model "C"	518-32-SA
Kingsco Oil Burner, Model E	130-37-SA
Kingsway Century Oil Burner, Models F and G	369-33-SA
Kingsway Silent Automatic Oil Burner, Model A-1	216-36-SA
Kleen Heet Oil Burner	62-24-SA
Kleen Heet Oil Burner, Type 902	99-35-SA
Kleen Heet Oil Burner, Type R	49-33-SA
Korth Oil Burner, Models G and S	136-34-SA
Kreager Oil Burner	367-30-SA
Kres-Kno Oil Burner	443-28-SA
Kres-Kno Pressing Machine Burner, Model MD, sizes KRF and KRF-1	354-34-SA
Laco Oil Burner, Model NL	670-30-SA
Laco Oil Burner, Models F, JF, BF and D	226-33-SA
Lange Economical Oil Burner	355-33-SA
Lawrence May Oil Burner	1034-27-SA
Leader Bake Oven Oil Burner	384-36-SA
Leader Oil Burner	425-31-SA
Leiman Brothers Fuel Oil Burner	314-30-SA
Liberty Automatic Heater	129-28-SA
Liberty Pressure Oil Burner	75-34-SA
Lochinvar Oil Burning Unit	142-36-SA
Lonergan Automatic Oil Burner	208-33-SA
Luxor Heat Oil Burner	322-30-SA
Lynn Power Oil Burner, Models 1, 2 and 3	166-34-SA
"M W" Domestic Oil Burners, Models Nos. 25, 26, 65, 66, 307, 308, 309, 400 and 800	341-32-SA
M. W. Emancipator Oil Burner	102-33-SA
M. W. Oil Burning Water Heater	737-29-SA
M. W. Water Heater, Model 20-D	365-34-SA
Magna Fuel Oil Burner	197-33-SA
Majestic Oil Burner	693-30-SA
Major Oil Burner, Models H, U, P and PP	10-34-SA
Marr Oil Burner, Model H, Type R	765-26-SA
Master Fuel Oil Burner	350-32-SA
Master Gulf Oil Burner, Models A, B and E	23-37-SA
Master-Kraft Oil Burner	83-33-SA
May Oil Burner	68-24-SA
May Oil Burner, Type BB	46-34-SA
Mayfield Oil Burner	568-31-SA
Mayflower Oil Burner	124-29-SA
McIlvane Oil Burner	544-29-SA
Melco Automatic Oil Burner, Type "A"	1032-25-SA
Merco Oil Burner	637-29-SA
Mercurol Oil Burner, Models 4X, 5X, 6X and 10X	117-34-SA
Metered Heat Oil Burner, Model G	136-34-SA
Metro-Pressure Oil Burner, Models A, B and C	146-31-SA
Micron Oil Burner	345-34-SA
Midget Oil Burner	155-34-SA
Midget Pressing Machine Oil Burner	122-35-SA
Mid-West Oil Burner, Models 106, 108, 208, 211, 311 and 114	327-31-SA
Minneapolis Automatic Oil Burner	34-34-SA

APPROVED APPLIANCES

Name of Burner	*Calendar No.*
Mohawk Oil Burner, Models A and H	110-36-SA
Monitor Oil Burner	202-34-SA
Morgan Oil Burner, Models A and H	110-36-SA
Morrissey Oil Burner	673-27-SA
Morrissey Oil Burner, Models MA-2, MA-3, MA-4, SP-1, SP-2, SP-3, and MP-1	359-33-SA
Morse Conical Type Steam Atomizing Burner	938-25-SA
Morse Fan Tail Type Steam Atomizing Burner	939-25-SA
Morse Fuel Oil Burner	820-23-SA
Moto-Heat Oil Burner	195-32-SA
Motorless Oilheat Burner, Models 7, 9, 11, 13 and 15	628-23-SA
Monsette Oil Burner	887-25-SA
Nabco Oil Burner	287-37-SA
Nairoil Oil Burner, Type R, Model E	13-35-SA
National Airoil High Pressure Burner	185-29-SA
National Airoil Low Pressure Burner	186-29-SA
National Airoil Type D-R Rotary Oil Burner	548-31-SA
National Devices Oil Burner	184-36-SA
National Oil Burner, Model E-J	360-34-SA
National Rotary Oil Burner	836-25-SA
Nesbitt Oil Burner, Models F, JF, BF and D	226-33-SA
New Perfection Oil Burner, Type "C"	518-29-SA
New Process Oil Burner	1071-27-SA
Nichols-McCann-Harrison Burners	255-31-SA
Noiseless Nokol Model G Oil Burner	801-28-SA
Noiseless Nokol Rotary Oil Burner, Model R	584-28-SA
Nokol Automatic Burner	1078-24-SA
Norge Oil Burner, Models N5, N8, N68 and N88	345-31-SA
Norge Oil Burner Models N8, N18 and N28.	226-34-SA
Norge Oil Burner, Models N8-8C and N13-8C	543-37-SA
Norge Water Heater, Models 23 and 45	365-34-SA
Nu-Way Oil Burner	773-26-SA
Oilbuilt Burner	85-33-SA
Oliver Oil Gas Burner, No. 30-A	1359-24-SA
Orco Oil Burner, Model A-1	216-36-SA
Oronoque Oil Burner	394-30-SA
Orr Fuel Oil Burner	113-26-SA
Pacific Oil Burner	343-35-SA
Packard Fuel Oil Burner	77-34-SA
Paragon Oil Burner, Model A-25	248-37-SA
Paragon Oil Burner, Models R-15 and R-35	21-36-SA
Paramount Oil Burner	1193-25-SA
Paramount Oil Burner, Model A	617-30-SA
Pascoe Oil Burner	1029-26-SA
Penn Automatic Oil Burner, Gun Type	250-37-SA
Penn Rotary Oil Burner	236-35-SA
Peoples Silent Oil Burner, Models O and G	313-35-SA
Perfect Automatic Oil Burner, Models DL-7, DL-8, DL-10, 0-5, 0-7, 0-8 and 0-10	264-35-SA
Perfect Automatic Oil Burner (Gun Type), Model A-1	112-36-SA
Perfect-Pantex Oil Burner	271-33-SA
Perfex Airnoil Burner	175-37-SA
Petro Domestic Burner	161-26-SA
Petro Model T Oil Burner	451-31-SA
Petro Model W Oil Burner	452-31-SA
Petro Burner, Model O	78-28-SA
Petro Burner, Model P-2	735-30-SA
Petro Oil Burner, Model W-2	244-33-SA
Petro Oil Burner, Models W-1 and W-1½	245-33-SA
Petro Oil Burner, Models D-10, D-11, D-12, D-13, D-14 and D-15	40-31-SA
Petroleum Heat & Power Company Fuel Oil Burner Model W-AH	614-32-SA
Philco Oil Burner, Models AM and B	27-37-SA
Pioneer Automatic Oil Burner	1259-27-SA
Precision Oil Burner, Model W	137-37-SA
Preferred Oil Burner (Manual Operation), Model D. O.	253-35-SA
Pressure Oil Burners, Models A B and C	146-31-SA
Presto Automatic Oil Burner	294-34-SA
Prize Automatic Oil Burner, Models A, B and C	600-31-SA
Progressive Oil Burner, Models G4, G5, G6 and G7	411-32-SA
Progressive Press Machine Oil Burner, Models PMB and PMBS	**224-34-SA**
Public Service Oil Burner, Models R-15 and R-35	21-36-SA
Pyrolene Oil Burner	184-36-SA
Quiet Ballard Automatic Oil Burner	660-30-SA
Quiet Heet Oil Burner	49-36-SA
Radiant Oil Burner, Models 1G, 2G, 3G, 4G and 5G	265-37-SA
Rasol Oil Burner	108-34-SA
Ray Rotary Fuel Oil Burner, Types A and B	504-23-SA
Ray-Dio Sunshine Oil Burner, Model C, sizes 12, 14 and 16	368-34-SA
Rayfield Oil Burner	504-26-SA
Real Host Oil Burner	38-34-SA
Re-Ly-On Oil Burner	745-26-SA
Remington Domestic Oil Burner, Type B	532-31-SA
Remington Oil Burner	891-26-SA
Rexoil Domestic and Industrial Fuel Oil Burner	667-28-SA
Reynolds Automatic Oil Burner, Model R-G.	440-37-SA
Reynolds Oil Burner, Model GC	266-34-SA
Richfield Oil Burner, Pressure Gun Type	73-36-SA
Richmond Gravity Fuel Oil Burner	1193-22-SA
Rickard Oil Burner	1011-27-SA
Ritz Oil Burner, Model A	378-36-SA
Rohr Schanck Fuel Oil Burner	583-21-SA
Rotoflame Gem Oil Burner	187-33-SA
Round Oak Oil Burner	343-35-SA
Ryan & Scully Commercial and Domestic Oil Burner	304-32-SA
S. & K. Mechanical Fuel Oil Burner	1115-22-SA
S & K Wide Range Fuel Oil Burner	10-33-SA
S-K Oil Burner, Models F and G	369-33-SA
S. T. Johnson Co. B.H. Oil Burner	517-37-SA
S. T. Johnson Co., Type 30-A, Rotary Fuel Oil Burner	197-32-SA
S. T. Johnson Co., Type 30-H, Rotary Fuel Oil Burner	198-32-SA
S. T. Johnson Oil Heat Servant	157-34-SA
Sachem G.B.O. Oil Burner	282-33-SA
Schulse Home Oil Burner	1487-23-SA
Scott-Newcomb Pioneer Oil Burner, Models C, CA, CJ, CV and SN Junior	436-32-SA
Sealdheet Oil Burner, Model SH	160-36-SA
Security Oil Burner	56-28-SA
Shepard Oil Burner	563-30-SA
Shill Oil Burner	315-30-SA
Shur-Heat Oil Burner. Models R-15 and R-35	21-36-SA
Silent-Auburn Fuel Oil Burner, Models A, B, C, O, A1 and AA	461-31-SA
Silent Automatic Oil Burner	458-26-SA
Silent Automatic Burner, Model "B"	709-30-SA
Silent Automatic Burner, Model "E"	710-30-SA
Silent Flame Oil Burner, Model M	172-37-SA
Silent Flash Oil Burner. Model C1	38-33-SA
Silent Glow Mid-West Oil Burner for Pressing Machines, Model 106	328-37-SA
Silent Glow Oil Burner, Model G	600-30-SA
Silent Glow Oil Burner, Models 600, 800, 1000, 1200, 1800, 2800, 3800, 6800 and 8800.	345-31-SA
Silent Glow Oil Burner, Model 1300	12-37-SA
Silent Glow Oil Burner for Pressing Machines, Models 600 and 800	327-37-SA
Silent Heet Oil Burner, Models A, B and E	23-37-SA
Silent Heet Oil Burner, Model C	96-36-SA
Silent Paramount Oil Burner, Models F and G	369-33-SA
Simplex Domestic Oil Burner, Type P.A.	446-30-SA

APPROVED APPLIANCES

Name of Burner	*Calendar No.*
Simplex Domestic Type "S.P." Oil Burner..	145-31-SA
Simplex Horizontal Rotary Oil Burner, Types H, H.E.G. and H.E.G.-H.....	367-36-SA
Simplex Turbine Fuel Oil Burner, Models C.O.G. and M.O.G.....	1203-22-SA
Socony Arrow Oil Burner.....	1191-24-SA
Standard Automatic Oil Burner, Type 14-G.	536-31-SA
Standard Automatic Oil Burner, Type 11-G.	537-31-SA
Standardyne Oil Burner.....	34-34-SA
Stephens Oil Burner, Models Nos. 1 and 2....	146-33-SA
Sterling Oil Burner	322-30-SA
Stromberg Oil Burner, Models A, B and E...	23-37-SA
Stuhler Oil Burner.....	618-27-SA
Stuhler Oil Burner, Model R.....	84-36-SA
Summerheet Oil Burner.....	581-26-SA
Sundstrand Automatic Oil Burner.....	755-26-SA
Sundstrand Purmaco Automatic Oil Burner, Models A-2, 4-B, C-5, A-3U, 3K, B-5U, B-5K and C-6U.....	658-30-SA
Sunflower Model S-1 Oil Burner.....	657-29-SA
Sunflower Oil Burner, Model S-2.....	587-30-SA
Sun-Glo Oil Burner, Models A, B and E.....	23-37-SA
Sun Heat Oil Burner.....	603-29-SA
Sun-Ray Fuel Oil Burner.....	106-33-SA
Sunway Oil Burner.....	624-30-SA
Super Automatic Oil Heater Model SSH...	715-29-SA
Super Automatic Zephyr Oil Burner, Model A	463-31-SA
Superb Oil Burner, Models A and B.....	86-36-SA
Superfex Oil Burner, for Warm Air Furnaces	400-32-SA
Superheet Oil Burner, Model D.....	254-33-SA
Superior Oil Burner, Models A and H.....	110-36-SA
Supreme Oil Burner, Model G.....	136-34-SA
Sword Automatic Oil Burner.....	951-25-SA
Syncro-Flame Oil Burner, Models R and RH	139-35-SA
Tabor Automatic Oil Heater, Type "D".....	778-28-SA
Thermoil Oil Burner, Model G1.....	324-36-SA
Thompson-Gould Oil Burner	178-35-SA
Thoroburn Oil Burner, Model A-1-16-G.....	269-33-SA
Timken Oil Burner, Model 20.....	287-28-SA
Timken Rotary Oil Burner.....	297-29-SA
Timken Silent Automatic Heater (Water Heater Unit) Models 40-A and 50-B....	121-35-SA
Timken Silent Automatic Oil Burner, Model G	266-34-SA
Todd Mechanical Oil Burner, Type Hex-Press	177-35-SA
Todd Rotary Burner, Models A, B and C...	454-25-SA
Todd Spiro Oil Burner.....	470-31-SA
Todd Spiro Burner (pump type).....	94-32-SA
Toridheet Oil Burner	63-28-SA
Toridheet Oil Burner, Model G.....	17-35-SA
Tri-Aire Oil Burner, Model C-3.....	188-36-SA
Trojan Domestic and Industrial Fuel Oil Burner	667-28-SA
Tropic Heat Oil Burner, Model G.....	136-34-SA
Twin City-on-the-Door Oil Burner.....	129-27-SA
U and S Oil Burner for Pressing Machine, Models A, B and C.....	331-36-SA
Uni-Lec-Tric Oil Burner.....	498-29-SA
United States Gun-type Oil Burner.....	222-35-SA
United States Oil Burner.....	620-28-SA
Universal Fuel Oil Burner.....	6-24-SA
Universal Oil Burner.....	584-31-SA
Vapomatic Oil Burner.....	275-34-SA
Vaporoil Burner	44-32-SA
Vesta Oil Burner.....	451-26-SA
Victor Oil Burner.....	612-30-SA
Victory Oil Burner.....	320-30-SA
Viking Oil Burner.....	396-32-SA
Vitro-Heet Oil Burner, Model MD.....	591-29-SA
Vitro-Heet Pressing Machine Burner, Model MD, sizes KRF and KRF-1.....	354-34-SA
Volcano Automatic Oil Burner.....	556-29-SA
Volcano Automatic Oil Burner, Models EW, EW-1, EW-2 and E	341-33-SA
Volcano Automatic Oil Burner, Models D, H and K	234-37-SA
Warner Oil Burner, Model A.....	16-34-SA
Wayne Oil Burner.....	1155-25-SA
Wayne Domestic Oil Burner, Model K.....	115-32-SA
Wayne S-2 Domestic Oil Burner.....	115-32-SA
Weco Multi Oil Burner, Low Pressure Type.	24-36-SA
Wheco Oil Burner.....	108-34-SA
White Flame Oil Burner.....	357-35-SA
White Heat Oil Burner.....	232-36-SA
Williams Oil-O-Matic Oil Burner, Models J, JJ, Junior, K, KA, KB, and R.....	918-22-SA
Windsor Oil Burner, Models A-3U, B-5U and C-6U	658-30-SA
Winslow Kleen Heet Burner, Models 805 and 820	19-25-SA
Wisconsin Fuel Oil Burner, Models O, A and B	32-33-SA
Wizard Automatic Oil Burner.....	181-33-SA
York Automatic Oil Burner.....	44-29-SA
York Bake Oven Oil Burner.....	384-36-SA
York Horizontal Rotary Oil Burner (Type AP)	56-36-SA
York-Lalor Oil Burner	261-37-SA
Yorktown Oil Burner.....	166-33-SA
Yorktown Oil Burner, Model A.....	3-35-SA
Zenith Oil Burner.....	270-34-SA

APPROVED APPLIANCES

APPROVED FIRELINE HOSE VALVES

TYPE A—150 LBS. WATER WORKING PRESSURE

May be installed on all 4-inch and 6-inch systems and on uppermost stories on 8-inch systems

Name	*Calendar No.*
Fairbanks Company	81-20-SA
Walworth Company	899-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.....	1307-27-SA
Croker National Fire Prev. Eng. Co.....	304-28-SA
Jenkins Brothers	779-28-SA
W. D. Allen Mfg. Co.....	890-28-SA
John Simmons Co.....	209-29-SA
Grinnell	651-30-SA
Elkhart	14-31-SA

TYPE B—250 LBS. WATER WORKING PRESSURE

May be installed on all standpipe systems

Name	*Calendar No.*
New York Brass Foundry Co. (Stillbech)...	53-21-SA
Walworth Company	900-27-SA
W. D. Allen Mfg. Company.....	1151-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.....	1307-27-SA
Jenkins Brothers	780-28-SA
Croker National Fire Prev. Eng. Co.....	970-28-SA
Fairbanks Company	268-29-SA
Pratt & Cady	231-30-SA
Elkhart	15-31-SA

APPROVED APPLIANCES

APPROVED RANGE OIL BURNERS AND SPACE HEATERS

Name of Burner	*Calendar No.*
A.B.C. Range Burner Assemblies, Models AS-4, AS-6, AD-6, AS-9 and A-3798 Water Heater Assembly	250-34-SA
Aetna Range Oil Burner	29-35-SA
Aetna Water Heater, Models 6, 7, 9 and 47 W.H.T. and 15 and 16 W.H.T.	148-37-SA
Air-O-Flame Space Heater, Models 108 and 810 (pot type)	190-35-SA
Air-O-Flame Space Heater, Models 71, 91, 1572 and 1582 (sleeve type)	206-35-SA
Air-O-Flame Range Burner	236-34-SA
American Beauty Heater (Pot Types), Models 1P61, 1P62, 1P91 and 1P92	224-36-SA
Ameroil Oil Burner for Stoves and Ranges	592-32-SA
Biltwell Range Oil Burner, Models B-1 and B-2	196-34-SA
Bland Range Oil Burner	234-34-SA
Blue Glow Range Oil Burners, Models Supreme and DeLuxe	308-34-SA
Brigham Range Oil Burner	217-35-SA
Caloroil Range Oil Burner	172-34-SA
Champion Range Oil Burner, Models A and B	291-34-SA
Cole Hot Blast Oil Burning Stove, Model No. 912	207-35-SA
Coleman Oil Burning Circulating and Space Heater, Model 825	308-36-SA
Diamond Range Oil Burner	325-34-SA
Easyway Range Oil Burner, Models D27, DC27, G27 and NG27	157-35-SA
Easyway Space Heater, Models CRL19, CRN17, CSP27 and CSP19	158-35-SA
Easyway Water Heater, Models H.W.1 and H.W.2	159-35-SA
Ellington Range Oil Burner, Square Circulating Heater and Round Circulating Heater	351-34-SA
Ellington Range Oil Water Heater, Models M and J	40-35-SA
Evur-Ready Range Oil Burner, Models Leader, Standard and DeLuxe	311-34-SA
Fairfax Range Burner	302-34-SA
Florence Oil Heater, Models KC-9, GC-6, GC-7, GS-27, CH-9, CH-27, CH-28, CH-29, RH-7 and RH-9	62-33-SA
Florence Oil Space Heater, Models PH-28, PH-8, PC-8, PC-28, PR-10, PR-81 and PR-82	172-35-SA
Florence Range Burners	219-34-SA
Fox Range Oil Burner	200-34-SA
Hi-Heat Range Burner, Models A and De-Lux	323-34-SA
Hupp Range Oil Burner, Models S.D. and C.D.	309-34-SA
Ker-Oil Automatic Water Heater	263-35-SA
Kerogas Bowl Type Space Heater, Models 300-300-A, 303-303-A, 310-310-A, 315-315-A and 320-320A	266-35-A
Kerogas Hot Blast Oil Heater, Models 210, 135, 110, 207 and 115	339-34-SA
Kolrid Range Burner	48-34-SA
Kres-Kno Range Oil Burner, Model MD. Sizes KR, KRF, KRF-1 and 1R	355-34-SA
Lochinvar Automatic Oil Burning Water Heater	143-36-SA
Lonergan Automatic Hot Water Heater	179-35-SA
Lonergan Oil Burning Heater, Models F-2, F-3, C-4, R-1 and R-2	263-34-SA
Loyalty Range Burner	302-34-SA
Lynn-Range Burner, Models Junior, Lypre and DeLuxe	238-33-SA
M.W. Bake Oven Range Burner, Model 448 and M.W. Core Oven Range Burner, Model 450	367-34-SA
M.W. Circulating and Radiant Heaters, Models 501, 601, 701 and 801	366-34-SA
M.W. Oil Burning Range, Commercial Models 152 and 251 and Domestic Models 101-G and 126-B	364-34-SA
Majestic Range Oil Burner, Models 27B and 27T	180-35-SA
Majestic Space Heater, Models 247T and 248.	181-35-SA
Majestic Water Heater, Models 255A and 255B	182-35-SA
Matchless Self-Lighting Range Oil Burner	410-37-SA
Moderne Range Oil Burner, Models Regular, Junior and Firenew	357-34-SA
National Range Oil Burner	361-34-SA
Nesco Circulating Heater, Models 041, 41, 042 and 42	264-36-SA
No-Wyck-Koaless Range and Stove Oil Burner	251-34-SA
Norge Space Heater, Models 75, 50, 37 and 37-R	366-34-SA
Octo Range Oil Burner	410-37-SA
Odin Beauty (Space Heater), Models 61, 62, 91 and 92	233-35-SA
Odin Beauty Heater (Pot Types), Models 1P61, 1P62, 1P91 and 1P92	224-36-SA
Putnam Range Oil Burner	54-35-SA
Quaker Burnoil Stove	11-31-SA
Quick Meal Range Burner	304-34-SA
Quick Meal Space Heater, Models 5672-0, 5671-13, 5671-33 and 5671-35	306-34-SA
Quick Meal Water Heater, No. 5681-0	305-34-SA
Ray-Dio Sunshine Range Oil Burner, Models A, Daisy and Water Heater	32-31-SA
Sachem Oil Space Heater, Models GB-811, GB-815, GB-1011, GB-1015 and GB-1315.	56-37-SA
Samco Oil Space Heater, Models 1108 and 1110	73-37-SA
Sears Roebuck Oil Burning Water Heater, Hercules Model No. 2544	303-36-SA
Serv-Well Range Oil Burner, Models 27B and 27T	165-35-SA
Serv-Well Space Heater, Models 247T and 248	166-35-SA
Serv-Well Water Heater, Models 255A and 255B	167-35-SA
Silent Glow Range Oil Burner	172-34-SA
Silent Glow Si-Glo-Lo Oil Space Heater, Models 15, 35, 60 and 80	24-37-SA
Silent Heet Oil Burner for Ranges and Stoves	592-32-SA
Smith-Whaley Range Oil Burner, Models SW-1 and SW-2	196-34-SA
Speedy Hot Oil Space Heater, Models GB-811, GB-815, GB-1011, GB-1015 and GB-1315	56-37-SA
Superfex Oil Burning Heater, Models 1031, 1032, 1035, 1036, 1107, 1108, 1109, 1110, 1117, 1118, 1119 and 1120 and Superfex Heat Projector, Models 1051, 1052, 1053 and 1054	491-31-SA
Toridheet Range Water Heater, Models 222, 232 and 242	65-35-SA
Tower Range Oil Burner	126-33-SA
Vap-R-Oil Oil Burner for Ranges and Stoves	592-32-SA
Victor Circulating Fuel Oil Heater, Models VCH-27, VCH-19 and VCH-17	243-36-SA
Victor Range Oil Burner, Models VJ-275, VJ-195 and VO-275	329-34-SA
Viking Pot Type Space Heater, Models 120, 165 and 170	310-35-SA
Viking Range Oil Burner and Range Oil Burning Heater, Models 20, 30, 60, 65, 70 and 80	333-34-SA
Viking Range Water Heater, Models 222, 232 and 242	65-35-SA
Vitro-Heet Range Oil Burner, Model MD, sizes KR, KRF, KRF-1 and 1-R	355-34-SA

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BULLETIN
OF THE
BOARD OF STANDARDS AND APPEALS
CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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DIRECTORY

BOARD OF STANDARDS AND APPEALS
HARRIS H. MURDOCK, Chairman
BERNARD A. SAVAGE
CHARLES M. BLUM
CHIEF JOHN J. MCELLIGOTT
EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.
TELEPHONE—WORTH 2-0184.
OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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The Hearing Calendar.

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Minutes of Regular Meeting, April 19, 1938, at 2 P. M., Affecting Calendar Numbers 493-37-BZ, 497-37-BZ, 78-33-BZ, 53-38-BZ, 4-38-BZ, 592-24-BZ, 159-36-BZ, 352-29-BZ, 151-35-BZ, 100-19-BZ, 67-37-BZ, 198-38-A, 202-38-A, 242-38-A, 253-38-A, 254-38-A, 256-38-A, 257-38-A, 262-38-A, 263-38-A, 264-38-A, 265-38-A, 266-38-A, 267-38-A, 160-38-S, 225-38-S, 226-38-S, 327-31-SA, 265-37-SA, 49-38-SA and 213-38-SA.

Correction Affecting Calendar Number 559-37-BZ.

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Paint, Varnish and Lacquer Spraying Rules.

Approved Paint, Varnish and Lacquer Spraying Equipment,

Fire Drill Rules.

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*

CALENDAR

DOCKET

New Cases Filed up to April 19, 1938

Cal. No. *Department* *Premises Affected*

257-38-A.....H.B.Q.....58-01 Flushing avenue, northeast corner of Rust street (Block 2682, Lot 1), Maspeth, Borough of Queens, N.B. 2090-38.

258-38-A.....F.D.....250 Myrtle avenue, south side, 90 ft. east of Ashland place and 99-113 Ashland place (Block 2068, Lot 12), Borough of Brooklyn, 74628-L.C.

259-38-SM.....H.B.....Ceco Steel Joists, Manufactured by Ceco Steel Products Corp., Material.

260-38-SA.....H.B.....The Marco Automatic Stage Ventilator or Skylight, Appliance.

261-38-BZ.....H.B.B.....1381 - 1383 Flatbush avenue, northwest corner of East 26th street (Block 5227, Lot 1), Borough of Brooklyn, N.B. 16447-37.

262-38-A.....H.B.Q.....73-04 177th street, southwest corner of 73rd avenue and 73-08 177th street, west side, 50 ft. south of 73rd avenue (Block 7164, Lot 1), Jamaica, Borough of Queens, N.B. 1959-38.

263-38-A.....H.B.Q.....73-07 and 73-11 177th street, east side, 45 ft. and 85 ft. south of 73rd avenue (Block 7166, Lots 2 and 3), Jamaica, Borough of Queens, N.B. 2419-38.

264-38-A.....H.B.Q.....73-03 177th street, southeast corner of 73rd avenue (Block 7165, Lot 1), Jamaica, Borough of Queens, N.B. 1956-38.

265-38-A.....H.B.Q.....75-19 181st street, east side, 770 ft. south of 75th avenue (Block 7196, Lot 2), Jamaica, Borough of Queens, N.B. 2249-38.

266-38-A.....H.B.Q.....75-85 181st street, northeast corner of Union turnpike (Block 7196, Lot 1), Jamaica, Borough of Queens, N.B. 2259-38.

267-38-A.....H.B.Q.....75-82 181st street, northwest corner of Union turnpike and 75-86 181st street, west side, 40 ft. north of Union turnpike (Block 7195, Lots 2 and 3), Jamaica, Borough of Queens, N.B. 2258-38.

268-38-A...T.H.D. & H.B...160 East 117th street, south side, 60 ft. east of Lexington avenue (Block 1644, Lot 50), Borough of Manhattan, Order & Decision.

269-38-A.....H.B.Bx.....872 East 164th street, southwest corner of Stebbins avenue (Block 2690, Lot 144), Borough of The Bronx, B.N. 302-38.

270-38-SA.....H.B.....Bidoro Vacuum Breaker, Type D (Plumbing Device), Appliance.

271-38-S..D.B.B. & H.B.B..196-204 Wallabout street, south side, 248 ft. 10 in. west of Lee avenue (Block 2263, Lot 31), Borough of Brooklyn, 20174-L.D. & Decision.

272-38-S..D.B.B. & H.B.B...206-216 Wallabout street, south side, 123 ft. 10 in. west of Lee avenue (Block 2263, Lot 31), Borough of Brooklyn, 19606-L.D. & Decision.

273-38-SA.....H.B.....Kinnear Steel Rolling Door, Manufactured by Kinnear Manufacturing Company, Inc., Appliance.

274-38-BZ....H.B.M.....102 Sherman avenue, north side, 100 ft. east of Dyckman street and 169-171 Dyckman street (Block 2224, Lots 45-48 and 53), Borough of Manhattan, Decision.

275-38-BZ.....H.B.M.....225-229 Sherman avenue and 531-537 West 207th street, southeast corner (Block 2223, Lots 1-4 incl.), Borough of Manhattan, Decision.

276-38-A.....H.B.M.....145-155 West 47th street, north side, 240 ft. east of Seventh avenue and 148-154 West 48th street (Block 1000, Lot 11), Borough of Manhattan, Alt. 967-38.

277-38-A.....H.B.Q.....251-01 Jamaica avenue, northeast corner of 251st street (Block 8669, Lot 26), Bellerose, Borough of Queens, N.B. 2510-38.

278-38-BZ.....H.B.Q.....110-20 to 110-24 Rockaway Beach boulevard, north side, 1242 ft. east of Beach 116th street (Block 598, Lot 61), Rockaway Beach, Borough of Queens, Alt. 1790-38.

279-38-A.....F.D.....346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block 451, Lot 25), Borough of Brooklyn, 73879-L.C. & Decision.

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280-38-A.....F.D.....162-10 Jamaica avenue, south side, 70 ft. east of 162nd street, 92-15 Union Hall street and 92-14 New York boulevard (Block 1052, Lots 4, 6, 13 and 79), Jamaica, Borough of Queens,
71392-L.C. & Decision.

281-38-SA.....F.D.....Teesdale Oil Pump, Types S, 2S and 4S, Appliance.

282-38-A-WF..H.B.Q.....40-02 National avenue and 102-26 Roosevelt avenue, southwest corner (Block 1974, Lot 3), Corona, Borough of Queens, Alt. 1800-38.

283-38-A.....H.B.B.....1045 Sutter avenue and 514 Shepherd avenue, northwest corner (Block 4036, Lot 35), Borough of Brooklyn,
Alt. 3284-38.

284-38-A.....F.D.....44-48 East 14th street, south side, 49 ft. 9 in. west of Broadway and 45-51 East 13th street (Block 565, Lots 11, 13 and 14), Borough of Manhattan,
10239-L.C. & Decision.

285-38-BZ.....H.B.B.....210-218 Furman street, west side 449 ft. 2 in. north of Montague street (Block 199, part of Lot 3), Borough of Brooklyn,
Alt. 3092-38.

286-38-A.....F.D.....1115-1119 Bedford avenue, east side, 75 ft. north of Monroe street (Block 1812, Lot 4), Borough of Brooklyn,
74639-L.C.

287-38-A.....F.D.....235 West 23rd street, north side, 347 ft. west of Seventh avenue (Block 773, Lot 24), Borough of Manhattan, 12299-C.

288-38-BZ.....H.B.B.....602-622 Brightwater court, 601-643 Riegelman Boardwalk, 3153-3173 East Sixth street and 3288-3310 Coney Island avenue (entire block) (Block 7284-10, Lots 2271 and 2275), Borough of Brooklyn,
Applic. 2392-38.

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78-33-BZ.....H.B.M.....452-460 West 167th street, south side, 119 ft. 3⅞ in. east of Amsterdam avenue (Block 2111, part of Lot 92), Borough of Manhattan, Decision.

53-38-BZ.....H.B.Q.....1838-1842 George street and 1002-1004 Forest avenue, southeast corner (Block 3575, Lots 31 and 33), Ridgewood, Borough of Queens,
Alt. 300-38.

DESIGNATIONS: **H.B.**—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

CERTIORARI ORDER SERVED ON BOARD OF STANDARDS AND APPEALS

On April 14, 1938, petition and order of certiorari served on Board by Samuels & Samuels, attorneys, for Eva Rosenbush, owner, in re decision of February 8, 1938, denying gasoline station in business district, under section 21, Cal. No. 419-37-BZ, premises 110-02 to 110-18 Astoria boulevard S. E. corner 110th street, Corona, Borough of Queens.

RULES

	Last Publication in Bulletin
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Concrete Rules (Hydrated Lime)...Aug.	3, 1937—Vol. 22, No. 31
Elevator Rules .....Mar.	3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors).....June	15, 1937—Vol. 22, No. 24
Factory Exit Rules.....Apr.	12, 1938—Vol. 23, No. 15
Fire Alarm Rules (Interior).....Apr.	5, 1938—Vol. 23, No. 14
Fire Drill Rules.....April	26, 1938—Vol. 23, No. 17
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Smoking in Factories, Rules for....Apr.	12, 1938—Vol. 23, No. 15
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Standpipe Fireline Rules.....June	8, 1937—Vol. 22, No. 23
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Tank Trucks, Gasoline, etc.....Nov.	24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)..Apr.	10, 1923—Vol. 8, No. 15

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Fuel Oil Burners for Industrial Use.Jan.	25, 1938—Vol. 23, No. 4
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Paint, Varnish and Lacquer Spraying Equipment .....April	26, 1938—Vol. 23, No. 17
Range Oil Burners and Space Heaters ..... Apr.	19, 1938—Vol. 23, No. 16

APRIL 26, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, April* 26, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 110-38-BZ—Application, February 21, 1938, under section 21 of the building zone resolution, of William Miltenberger, applicant, on behalf of Estate of Lucie M. Stearns, owner, to permit in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop; premises East

CALENDAR

side of Jerome avenue, 232.38 ft. south of East Tremont avenue (Block No. 2853, Lot No. 15), Borough of The Bronx.

CAL. NO. 522-37-BZ—Application, November 3, 1937, under sections 7c and 21, of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Meeker Oil Company, Inc., owner, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a gasoline service station; premises 2458-2470 Cropsey avenue, northwest corner of Bay 38th street (Block No. 6928, part of Lot No. 1), Borough of Brooklyn.

CAL. NO. 150-37-BZ—Application, April 3, 1937, under section 7h of the building zone resolution, of John F. Ellison, applicant and lessee, on behalf of Lourose Realty Corporation, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution, reopened and restored to calendar April 5, 1938); premises 255-263 Ralph avenue, northeast corner of Marion street (Block No. 1513, Lot Nos. 1, 3 and 4), Borough of Brooklyn.

CAL. NO. 152-37-BZ—Application, April 3, 1937, under section 7h of the building zone resolution, of Michael Falzarano, applicant and lessee, on behalf of Bessie Greenwald, I. Rosenwasser and N. Glantz, owners, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution, reopened and restored to calendar April 5, 1938); premises 9508-9530 Church avenue, southeast corner of East 96th street (Block No. 4716, Lot Nos. 42 to 50 inclusive), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

APRIL 26, 1938, 2 P. M.

Appeals from Administrative Orders

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

187-38-A-WF—99-19 to 99-21 Northern boulevard, northwest corner of 100th street (Block No. 1429, Lot Nos. 34 and 35), Corona, Borough of Queens.

244-38-A—1083-1087 Willoughby avenue, north side, 100 ft. west of Wilson avenue (Block No. 3196, Lot No. 38), Borough of Brooklyn

Variation of Labor Law.

40-38-S—284-300 Sheffield avenue, southwest corner of Belmont avenue (Block No. 3753, Lot No. 9), Borough of Brooklyn.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, April* 26, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 345-32-BZ—Application of Alphonsus Casey, applicant, on behalf of Patrick J. Reilly, owner, reopened February 23, 1938, for consideration as to extension of permit —re Application, previously granted on condition, under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station for a temporary period; premises north side of 47th avenue, 91 ft. east of Cross Island boulevard (Block No. 1299, part of Lot No. 105), Bayside, Borough of Queens.

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MAY 3, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May* 3, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 116-38-BZ—Application, February 24, 1938, under section 7h of the building zone resolution, of Benjamin N. Brody, applicant, on behalf of Veronica Realty Corporation, owner, to permit, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles; premises 312-338 West 59th street, south side, 114 ft. 10½ in. west of Broadway (Block No. 1049, Lot Nos. 44-56 inclusive), Borough of Manhattan.

CAL. NO. 62-38-BZ—Application, February 2, 1938, under sections 7a and 21 of the building zone resolution, of Albert E. Wheeler, applicant, on behalf of Louis Roth, owner, to permit in a residence use district the erection and maintenance

CALENDAR

of a building to be used as office and store room (tinsmith and roofing shop); premises 5672 Riverdale avenue, east side, 218.67 ft. south of West 259th street (Block No. 3423A, Lot No. 129), Borough of The Bronx.

CAL. NO. 374-37-BZ—Application, July 21, 1937, under section 21 of the building zone resolution, of Ruth Jakobi, applicant and owner, to permit in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop; premises 818 East 182nd street, south side, 31.58 ft. west of Southern boulevard (Block No. 3111, part of Lot No. 59), Borough of The Bronx.

CAL. NO. 143-38-BZ—Application, March 7, 1938, under section 21 of the building zone resolution, of Samuel Rosenblum, applicant, on behalf of Northwest Building Corporation, owner, to permit in a residence use district the erection and maintenance of a business building (stores); premises 1486-1492 Ocean avenue and 1913-1929 Avenue J, northwest corner (Block No. 6712, Lot Nos. 1, 4 and 6), Borough of Brooklyn.

CAL. NO. 181-38-BZ—Application, March 14, 1938, under sections 7a and 21 of the building zone resolution, of Leonard A. Swarthe, applicant, on behalf of Horace Smith, owner, to permit in a business use district the alteration and conversion of occupancy of part of an existing garage for more than five (5) motor vehicles (previously acted upon by the board) so as to include a gasoline service station: premises 410 City Island avenue, northeast corner of Ditmars street (Block No. 5645, Lot No. 1), Borough of The Bronx.

CAL. NO. 379-33-BZ—Application of Edward T. Curran, applicant, on behalf of Andrew Haurylak, owner, reopened and restored to the calendar March 22, 1938, under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station and also a motor vehicle repair shop (previously withdrawn, also, previously denied for a gasoline service station); premises 79-08 Astoria boulevard and 23-49 79th street, southeast corner (Block No. 1032, Lot No. 54), East Elmhurst, Borough of Queens.

CAL. NO. 228-38-BZ—Application, April 6, 1938, under sections 7c and 21 of the building zone resolution, of Henry V. Murphy, applicant, on behalf of Roman Catholic Diocese of Brooklyn, owner, to permit in a residence use district the extension in height of an existing office building (Chancery for Roman Catholic Diocese of Brooklyn); premises 73-79 Greene avenue and 380-384 Clermont avenue, northwest corner (Block No. 2121, Lot No. 41), Borough of Brooklyn.

CAL. NO. 532-32-BZ—Application of Sidney L. Strauss, applicant, on behalf of Frank Fischer, owner, reopened April 12, 1938, for consideration as to extension of time to obtain permits and to complete work (time having expired by limitation due to property condemnation for approach to Triborough Bridge) re Application, previously granted on condition, under sections 7a and 21 of the building zone resolution, permitting in a business use district the change in area and construction of a gasoline service station (granted by the board on March 14, 1933): premises 31-04 Astoria avenue and 25-25 31st street, southeast corner (Block No. 620, Lot Nos. 24 and 25), Astoria, Borough of Queens.

HARRIS H. MURDOCK, *Chairman*

MAY 3, 1938, 2 P. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, May* 3, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 324-37-BZ—Application, June 29, 1937, under section 21 of the building zone resolution, of Joseph M. Lonergan, applicant, on behalf of Mathilda Litchman and Bruno Bernabo, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4727-4729 Third avenue, west side and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent, applicants, on behalf of Maude B. Mowry, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

CAL. NO. 497-37-BZ—Application, October 20, 1937, under section 7h of the building zone resolution, of Daniel Ginsberg, applicant, on behalf of William Losak, lessee, for Jacob Litvin and Anna Litvin, owners, to permit in a business use district the parking and storage of more than five (5) motor vehicles for a period of two (2) years in addition to the existing use of the premises for the sale of used cars; premises 1203-1235 East New York avenue, northeast corner of Ralph avenue and Union street (Block No. 1477, Lot No. 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

MAY 10, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May* 10, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 53-38-BZ—Application of Halsey, McCormack and Helmer, Inc., applicants, on behalf of Ridgewood Savings Bank, owner, reopened April 19, 1938 under new proposal, under sections 7b and 7c of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of an extension to an existing business building (Bank); (previously denied); premises 1838-1842 George street and 1002-1004 Forest avenue, southeast corner (Block No. 3575, Lot Nos. 31 and 33), Ridgewood, Borough of Queens.

CAL. NO. 128-38-BZ—Application, March 1, 1938, under section 21 of the building zone resolution, of Julius S. Rapson, applicant, on behalf of Beaudel Brothers, owners, to permit in a business use district the erection and maintenance of a gasoline service station and, also, a motor vehicle repair shop; premises 240-18 South Conduit avenue, southeast corner of Memphis avenue and southwest corner of Memphis avenue and 241st street (Block No. 4840, part of Lot No. 245), Rosedale, Borough of Queens.

CAL. NO. 127-38-BZ—Application, March 1, 1938, under section 21 of the building zone resolution, of James Russell Ashley, applicant, on behalf of Elmtree Realty Company, owner, to permit in a business use district the erection and maintenance of eight (8) buildings to be occupied by garage for forty (40) automobiles; premises 195-201 West 237th street, northeast corner of Broadway (Block No. 3270, Lot No. 40), Borough of The Bronx.

CAL. NO. 170-38-BZ—Application, March 10, 1938, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Benjamin Levinson and Maxwell R. Ginsberg, owners, to permit in a business use district the erection and maintenance of a gasoline service station (part of plot in question previously denied for use as gasoline service station); premises 201-02 to 201-14 47th avenue, 47-02 to 47-06 202nd street, southwest corner and 201-01 to 201-13 Rocky Hill road, northwest corner of 202nd street (Block No. 5560, Lot Nos. 1 and 3), Bayside, Borough of Queens.

CAL. NO. 60-37-BZ—Application of Philip T. Coffey, applicant and owner, reopened February 1, 1938, under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously denied, including the residence use district); premises 32-05 Newtown avenue and 28-54 33rd street, northwest corner (Block No. 619, part of Lot No. 1), Astoria, Borough of Queens.

CAL. NO. 335-37-BZ—Application, July 1, 1937, under sections 7f and 21 of the building zone resolution, of Samuel Reice, applicant, on behalf of Edgar H. Myers, owner, to permit in a business use district the maintenance of a junk yard; premises 1040-1056 Rockaway avenue, west side, 140 ft. south of Linden boulevard (Block No. 3643, part of Lot No. 40), Borough of Brooklyn.

CAL. NO. 100-38-BZ—Application, February 17, 1938, under section 7h of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Three Eighty-Three Realty Corporation, owner, to permit in a retail use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 11-17 West 35th street, north side, 200 ft. west of Fifth avenue and 12-14 West 36th street, south side, 219 ft. west of Fifth avenue (Block No. 837, Lot Nos. 31, 32, 33, 34, 54 and 55), Borough of Manhattan.

CAL. NO. 613-37-BZ—Application, December 21, 1937, under sections 7h and 21 of the building zone resolution, of William C. Sommerfeld, applicant, on behalf of Three Bees, Inc., owner, to permit in a business use district the parking and storage of more than five (5) motor vehicles; premises 234-242 West 124th street, south side, 375 ft. west of Seventh avenue (Block No. 1929, Lot Nos. 49 to 52), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

MAY 17, 1938, 2 P. M.

Variations of Labor Law

220-38-S—15-19 East 26th street, north side, 120 ft. west of Madison avenue and 10-14 East 27th street (Block No. 856, Lot No. 11), Borough of Manhattan.

160-38-S—3869 Broadway, west side, 75 ft. north of West 161st street (Block No. 2137, part of Lot No. 18), Borough of Manhattan.

225-38-S—538-540 Fifth avenue, west side, 50 ft. south of West 45th street (Block No. 1260, Lot No. 38), Borough of Manhattan.

Copies of the Official Directory of the City of New York for the year 1938 (The Little Green Book), containing the latest authentic information in relation to City, State and Federal Departments, Bureaus, Offices and Courts, are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50 cents; by mail, three cents per copy must be added for postage.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, APRIL 19, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the regular meeting of the board held on Tuesday morning, April 12, 1938 and the minutes of the regular meeting of the board held on Tuesday afternoon, April 12, 1938, except as to Cal. No. 559-37-BZ, were approved as printed in Bulletin No. 16, Vol. XXIII.

BUILDING ZONE CASES

1059-17-BZ.

APPLICANT—Jacob I. Goodstein, for Comprehensive Omnibus Corporation, owner.

SUBJECT—Application reopened September 22, 1937 (re decision of the acting borough superintendent of buildings) under section 21 of the building zone resolution, to permit partly in a business use district and partly in an unrestricted use district the alteration of a garage for more than five (5) motor vehicles (previously granted by the board on condition), so as to modify the conditions and to permit a vehicular entrance to Madison street.

PREMISES AFFECTED—68 Madison street, south side, 100 ft. 2 in. east of Oliver street and 46-48 Oliver street (Block No. 278, Lot No. 48), Borough of Manhattan.

APPEARANCES—

For Applicant: Jacob H. Zamore, Jacob I. Goodstein and William Bondy.

For Opposition: Maud Hass, Robert B. St. Angelo and John Gatto.

For Administration: Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Resolution amended.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(1059-17-BZ)

WHEREAS, Jacob I. Goodstein, for Comprehensive Omnibus Corporation, owner, filed September 22, 1937, an application under the building zone resolution to permit partly in a business use district and partly in an unrestricted use district, the alteration of a garage for more than five (5) motor vehieles (previously granted August 21, 1917 by the board on condition), so as to modify the conditions and to permit a vehicular entrance to Madison street; premises: 68 Madison street, south side, 100 ft. 2 in. east of Oliver street and 46-48 Oliver street (Block No. 278, Lot No. 48), Borough of Manhattan; and

WHEREAS, a public hearing was held on this applieation by the Board of Standards and Appeals, at its regular meeting, April 19, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps aceompanying the building zone resolution show that Madison street is in a business and unrestricted use district; Oliver street is an unrestricted and residence use district and Catherine street is in a business use district; and

WHEREAS, the decision of the acting borough superintendent, rendered January 10, 1938, re Alteration 2851-37, reads:

"3. Construction of vehicular entrance and exit on Madison street violates the condition imposed by the Board of Appeals (see Cal. 1059-17-BZ).

5. Location with respect to school, should comply with seetion 21, Building Zone Resolution."

WHEREAS, the existing building is of non-fireproof construction, one story in height, with a frontage of 43 ft. 9 in. on Madison street, 34 ft. 7 in. on Oliver street and a distance of 139 ft. 11 in. along the south lot line. The easterly portion of the existing public garage extends into the business use district for a distance of approximately 43 ft., the remainder is in an unrestricted use district. It is proposed to construct a vehicular exit and entrance from the garage to Madison street; and

WHEREAS, the garage was erected in compliance with the resolution adopted August 21, 1917; and

WHEREAS, the use of the building has recently been changed from a public garage to a private garage for storing buses operating under franchise from the City; and

WHEREAS, it appears that an entrance door for buses from Madison street is a necessity and will result in less traffice congestion if permitted than if the existing door on Oliver street is the only means of entrance and exit; and

WHEREAS, the eonsensus of opinion of the objections appeared to be that the entrance might be permitted provided it was limited to entrance only and the door on Oliver street to exit only and provided that the building should not be enlarged and that the gasoline system should be relocated to avoid noise.

Resolved, that the resolution adopted by the board on August 21, 1917 be and it hereby is amended so that as amended it shall read:

"*Resolved*, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted on condition* that all walls, except those fronting on the two streets, shall be solid unpierced walls; that in addition to the existing vehicular doorway on Oliver street, an entrance may also be eonstructed on the Madison street section of the building, as indicated on plans marked 'received February 11, 1938,' provided that this entrance doorway shall not exceed 15 ft. in width and shall be used solely for the entranee of buses and that a curb cut opposite may be constructed, not exceeding 15 ft. in width; that the existing doors to Oliver street shall be used solely for the exit of buses; that the doors shall be marked with letters painted thereon to this effect; that the pumps for gasoline supply shall be moved away from the present location near Oliver street toward the center of the building, not nearer than 50 ft. to Oliver street or Madison street and the pump mechanism shall be made practically noiseless; that the capacity of the present garage shall at no time exeeed 35 buses; that this variation is granted on the consideration that no further request will be made for extension of the building in height or area and that all permits shall be obtained and all work completed within six months from the date of this resolution."

52-38-BZ.

APPLICANT—J. Nelson Cooper, for Lincoln Warehouse Corporation, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under seetions 7c and 21 of the building zone resolution, to permit in a residence use district the erection and maintenance of a garage for more than three (3) motor vehicles; to be used in conjunction with the warehouse located on the westerly portion of the plot.

PREMISES AFFECTED—1187-1201 Third avenue, east side, from East 69th street to East 70th street, 203 East 69th street and 204 East 70th street (Bloek No. 1424, Lot No. 1), Borough of Manhattan.

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APPEARANCES—
For Applicant: J. Nelson Cooper, Edward H. Robbins and James D. Wise.
For Opposition: Norman Weiner, Edward E. Deutsch, Eugene F. Erhardt, Edward Lender, W. Bowski, Josephine Kinzel, Edward H. Beck, Pauline N. Klika and Charles Mayer.
For Administration: Fred Dahlem, Department of Housing and Buildings.
ACTION OF BOARD—Application denied.
THE VOTE TO GRANT—
Affirmative 0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Absent 0

THE RESOLUTION—

(52-38-BZ)

WHEREAS, J. Nelson Cooper, for Lincoln Warehouse Corporation, owner, filed January 27, 1938, an application under the building zone resolution to permit in a residence use district the erection and maintenance of a garage for more than three (3) motor vehicles; to be used in conjunction with the warehouse located on the westerly portion of the plot; premises: 1187-1201 Third avenue, east side, from East 69th to East 70th streets, 203 East 69th street and 204 East 70th street (Block No. 1424, Lot No. 1), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 19, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that East 69th street and East 70th street are in residence and business use districts; and

WHEREAS, the decision of the commissioner of buildings, rendered March 22, 1938, re Alt. Applic. No. 4567-1937, reads:

"1. Contrary to section 3, Building Zone Resolution, to extend business use into a residential district, business use includes a garage for more than 3 motor trucks."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 200 ft. 10 in. on 3rd avenue and 128 ft. on East 69th and on east 70th streets; upon the 3rd avenue front of the plot there is located a 14 story storage warehouse, 200 ft. 10 in. by 100 ft. in area. It is proposed to erect upon the (vacant) easterly portion of the plot a one story structure 28 ft. by 200 ft. 10 in. in area to be used as a loading platform and for the storage of more than 3 motor vehicles (trucks used in the conduct of the owner's storage warehouse business). The east part of the plot extends into the residence use district for a distance of 28 ft. and the remainder is in a business use district; and

WHEREAS, the site under appeal was inspected by a committee of the board, prior to the hearing; and

WHEREAS, the objection raised by adjoining property owners as to the proposed addition for shipping platform and garage in this the residential area were deemed by the board to be well founded.

Resolved, that the decision of the acting borough superintendent be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

196-38-BZ.

APPLICANT—H. E. Gibbs, for Joseph A. Palma, President of the Borough of Richmond, for City of New York, owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under section 7d of the building zone resolution, to permit the erection in a residence use district of an electrically operated sewage pumping station.

PREMISES AFFECTED—494 Mason avenue, east side, 50 ft. north of Seaver avenue (Block No. 3711, Lot No. 3), Dongan Hills, Borough of Richmond.

APPEARANCES—
For Applicant: Harry E. Gibbs.
For Opposition: Vincent J. Di Stephino and Hugo Popper.
For Administration: John Davis, Department of Housing and Buildings.
ACTION OF BOARD—Application granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(196-38-BZ)

WHEREAS, H. E. Gibbs, for Joseph A. Palma, President, Borough of Richmond, for City of New York, owner, filed March 24, 1938, an application under the building zone resolution to permit in a residence use district the erection of an electrically operated sewage pumping station; premises 494 Mason avenue, east side, 50 ft. north of Seaver avenue (Block No. 3711, Lot No. 3), Dongan Hills, Borough of Richmond; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 19, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Mason avenue is in residence and business use districts; Slater boulevard is in a business use district and Seaver avenue is in a residence use district; and

WHEREAS, the decision of the commissioner of buildings, rendered March 10, 1938, reads:

"Your application New Building No. 549/1937, filed on October 5, 1937, by H. W. Ordeman, Consulting Engineer, Borough of Richmond, to erect a relay sewage pumping plant at premises No. 494 Mason avenue, east side, 50 ft. north of Seaview avenue, Borough of Richmond, is hereby disapproved, it being contrary to the Zoning Resolution, Article 2, Paragraph 4, Sections A (18) and B, to erect this type of building in a residence zone."

and

WHEREAS, the premises consists of a plot 60 ft. by 100 ft. in area upon which it is proposed to construct a one story brick and reinforced concrete structure 18 ft. 4 in. in height, 32 ft. 8 in. by 21 ft. in area to be used as a sewage pumping plant; and

WHEREAS, the site under appeal was inspected by a committee of the board, prior to the hearing; and

WHEREAS, the board deemed that this was a proper case in which to exercise its discretion to grant under section 7d of the building zone resolution so as to permit a necessary public improvement.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 7d thereof, to permit the construction of the pumping equipment and building as proposed, *on condition* that no additional building shall be erected on the site other than those shown on plans filed with this application and that upon completion, the plant shall be attractively landscaped and maintained in such condition; that all permits required shall be obtained and all work completed within one year from the date of this action.

Adjourned: 2:25 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, APRIL 19, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

493-37-BZ.

APPLICANT—Messrs. Nugent and Nugent, for Maude B. Mowry, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—71-20 to 71-32 Roosevelt avenue and 40-02 to 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

APPEARANCES—

For Applicant: Daniel F. Nugent, Sidney H. Kitzler and Maude B. Mowry.

For Opposition: Michael Meyerwitz, Joseph Smith, Emil Lefner and Anthony Equale.

ACTION OF BOARD—Laid over to May 3, 1938 at 2 P. M. to submit new plans.

497-37-BZ.

APPLICANT—Daniel Ginsberg, for William Losak, lessee, for Jacob Litvin and Anna Litvin, owners.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district the parking and storage of more than five motor vehicles for a period of two (2) years in addition to the existing use of the premises for the sale of used cars.

PREMISES AFFECTED—1203-1235 East New York avenue, northeast corner of Ralph avenue and Union street (Block No. 1477, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Paul Friedman.

For Opposition: Jerome N. Wanshel.

ACTION OF BOARD—Laid over to May 3, 1938 at 2 P. M., for report from Police Department.

78-33-BZ.

APPLICANT—H. L. Brandt, for Helen Mahoney, owner.

SUBJECT—Application for consideration—reopening and amendment—(re decision of the borough superintendent of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED — 452-460 West 167th street, south side, 119 ft. 3⅞ in. east of Amsterdam avenue (Block No. 2111, part of Lot No. 92), Borough of Manhattan.

APPEARANCES—

For Applicant: Harrison L. Brandt.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

53-38-BZ.

APPLICANT—Halsey, McCormack & Helmer, Inc., for Ridgewood Savings Bank, owner.

SUBJECT—Application for consideration—reopening under new proposal—re application (decision of the acting borough superintendent of buildings) under sections 7b and 7c of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of an extension to an existing business building (Bank); (previously denied).

PREMISES AFFECTED — 1838-1842 George street and 1002-1004 Forest avenue, southeast corner (Block No. 3575, Lot Nos. 31 and 33), Ridgewood, Borough of Queens.

APPEARANCES—

For Applicant: Walter J. Hess and Adolph Muller.

ACTION OF BOARD—Application reopened and set for hearing May 10, 1938 at 10 A. M.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

4-38-BZ.

APPLICANT—Thomas Dunn, for Bolton Cleaners and Dyers, Inc., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7a of the building zone resolution, to permit in a residence use district the extension of an existing dry cleaning establishment.

PREMISES AFFECTED—453 Bolton avenue, west side, 125 ft. south of Lacombe avenue (Block No. 3499, Lot No. 50), Borough of The Bronx.

APPEARANCES—

For Applicant: Thomas Dunn, Chas. Schindler, Fred Gerrion and Chas. Gluck.

For Opposition: Charles A. Canner, D. Murray, Joseph Sicelian and others.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(4-38-BZ)

WHEREAS, Thomas Dunn, for Bolton Cleaners & Dyers, Inc., owner, filed January 5, 1938, an application under the building zone resolution to permit in a residence use district the extension of an existing dry cleaning establishment; Premises: 453 Bolton avenue, west side, 125 ft. south of Lacombe avenue (Block No. 3499, Lot No. 5), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 19, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Bolton avenue, Underhill avenue and Lacombe avenue are all in both residence and business use districts; Sound View avenue is in a business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered March 9, 1938, re Alt. Applic. No. 115-38, reads:

"1. Extension of dry cleaning plant into residence

district contrary to article 2, section 6 of the Amended Building Zone Resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 50 ft. and a depth of 100 ft. Upon the rear of the plot there is located a one-story brick building 50 ft. by 20 ft. in area, occupied as a dry cleaning plant (for which a certificate of occupancy dated March 18, 1938 has been filed). It is proposed to add a one-story and basement brick extension (75 ft. by 50 ft. in area) to the existing building and to use the whole premises as a dry cleaning establishment; and

WHEREAS, the premises in question was inspected by a committee of the board, prior to the hearing; and

WHEREAS, the board deemed that this application did not warrant exercise of discretion under section 7-A of the Building Zone Resolution.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed* and that the application be and it hereby is *denied.*

592-24-BZ.

APPLICANT—Bernard A. Abrashkin, for Harry L. Alper, owner.

SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a business use district the alteration and change of occupancy of an existing public garage for more than five (5) motor vehicles, previously granted by the board, so as to permit the inclusion of a gasoline service station.

PREMISES AFFECTED—240-250 Empire boulevard, southwest corner of Rogers avenue (Block No. 1314, Lot No. 44), Borough of Brooklyn.

APPEARANCES—

For Applicant: Louis Blumberg.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Asssistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(592-24-BZ)

WHEREAS, this application affecting premises 240-250 Empire boulevard, southwest corner of Rogers avenue (Block No. 1314, Lot No. 44), Borough of Brooklyn, was granted by the board July 1, 1924, resolution amended February 10, 1928, November 27, 1934, January 22, 1935, February 11, 1936 and April 13, 1937, and applicant requests an extension of time to complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of July 1, 1924, as amended by resolution adopted on January 22, 1935, in view of statement by the owner's representative that plans have been filed and approved, to extend the time within which all work shall be completed to within six months from the date of this amended resolution; that other than as amended herein, the resolution adopted by the board, as amended January 22, 1935, shall be complied with in all respects.

159-36-BZ.

APPLICANT—Alurion Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the commissioner of buildings) under section 7h of the building zone resolution, permitting in a retail use district the use and maintenance of a plot of ground as a parking space for more than five (5) motor vehicles for a temporary period of two (2) years.

PREMISES AFFECTED—245-259 West 41st street, north side, 100 ft. east of Eighth avenue (Block No. 1013, part of Lot No. 3), Borough of Manhattan.

APPEARANCES—

For Applicant: Robt. J. Farrington, Jos. J. Johnson and John Sulton.

For Administration: S. L. Becker and Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Asssistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(159-36-BZ)

WHEREAS, Frank G. Colgan, for Alurion Realty Corp., owner, filed May 29, 1936, an application under the building zone resolution to permit in a retail use district the use and maintenance of a plot of ground as a parking space for more than five (5) motor vehicles for a temporary period of two (2) years; premises: 245-259 West 41st street, north side, 100 ft. east of Eighth avenue (Block No. 1013, part of Lot No. 3), Borough of Manhattan; and

WHEREAS, this application was granted by the board October 23, 1935 on certain conditions and owner requested an amendment of the resolution.

Resolved, that the resolution adopted by the board on October 23, 1936 be and it hereby is *amended,* so that as amended it shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the appliaction be and it hereby is *granted,* under section 7, subdivision H, permitting the premises under appeal to be used for a *period of two* (2) *years* for parking and storage of motor vehicles, *on condition* that the plot shall be levelled substantially to the grade of West 41st street and shall be covered with steam cinders, or similar material, properly bound to prevent dusting; that there shall be erected on the lot lines except where walls of adjacent buildings exist on the lot line, a substantial woven-wire fence not less than 6 ft. in height; that a similar fence shall be erected along the building line of West 41st street, with not over two openings therein, not exceeding 12 ft. in width each; that the curb cuts opposite such openings shall not exceed 15 ft. each; that during the period of this variance, the plot shall not be used for any other purpose than parking and storage herein permitted; that no building shall be erected on the property other than an office not exceeding 15 ft. in each direction and one story in height for use only as shelter for attendant and for toilet accommodations; and that there shall be no advertising of any nature permitted on the property other than the signs at the entrance, indicating the hereby permitted use.

Resolved further, that in the event the owner desires to occupy this plot for the parking of buses and operation of bus waiting room, such use may be permitted and the curb cuts may be relocated, as indicated on revised plan marked 'received April 12, 1938,' showing two curb cuts each, one 36 ft. in width to the west and one 36 ft. 5 in. to the east *on condition* that in all respects the requirements of the resolution adopted by the board on October 23, 1936 shall be complied with and any existing curb cuts, not including the new curb cuts as proposed, shall have curbs restored."

352-29-BZ.

APPLICANT—Leo Pincus, for Rose Chizner Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a garage for more than five (5) motor vehicles.

PREMISES AFFECTED—212-220 East 98th street, southwest corner of Kings highway (Block No. 4633, Lot No. 34), Borough of Brooklyn.

APPEARANCES—

For Applicant: Leo Pincus.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN FOR AMENDMENT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE VOTE TO REOPEN FOR EXTENSION OF TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(352-29-BZ)

WHEREAS, this application affecting premises 212-220 East 98th street, southwest corner of Kings highway (Block No. 4633, Lot No. 34), Borough of Brooklyn, was granted by the board June 30, 1936, resolution amended May 25, 1937 and owner requested an extension of time to complete work.

Resolved, that the resolution adopted by the board on June 30, 1936 as amended May 25, 1937, be and it hereby is *amended,* only so far as it has reference to the completion of the work, so that as amended this portion of the resolution will read:

"that in view of statement by the applicant that all permits have been obtained, that all work shall be completed within one year from the date of this action."

151-35-BZ.

APPLICANT—J. Joshua Goldberg, for Lena Traversi, owner.

SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the commissioner of buildings) under section 7c of the building zone resolution, permitting partly in a business use district and partly in a residence use district the alteration and extension of an existing moving picture theatre.

PREMISES AFFECTED—6502 18th avenue and 1788 65th street, southwest corner (Block No. 5553, Lot No. 40 and part of Lot No. 37), Borough of Brooklyn.

APPEARANCES—

For Applicant: J. Joshua Goldberg.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(151-35-BZ)

WHEREAS, this application affecting premises 6502 18th avenue and 1788 65th street, southwest corner (Block No. 5553, Lot No. 40 and part of Lot No. 37), Borough of Brooklyn, was granted by the board July 16, 1935 on certain conditions, time extended April 21, 1936, December 8, 1936 and October 9, 1937 and owner requests a further extension.

Resolved, that the resolution adopted by the board on July 16, 1935 be and it hereby is *amended,* only so far as it has reference to the completion of the work, so that as amended this portion of the resolution will read:

"that in view of the statement that permits have been obtained and work substantially completed, that all work shall be completed within three months from the date of this amended resolution."

100-19-BZ.

APPLICANT—Rite Fuel and Range Oil Coal Corporation, for The Grace P. Episcopal Church, owner.

SUBJECT—Application for consideration—reopening and amendment re decision of the acting borough superintendent of buildings to permit the installation of an additional oil tank—re application, previously granted on condition, under section 7g of the building zone resolution, permitting in a business use district the erection of a public garage.

PREMISES AFFECTED—602-606 Lorimer street, east side, 50 ft. north of Conselyea street (Block No. 2752, Lot No. 3), Borough of Brooklyn.

For Applicant: Lorenzo Caputo.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(100-19-BZ)

WHEREAS, this application affecting premises 602-606 Lorimer street, east side, 50 ft. north of Conselyea street (Block No. 2752, Lot No. 3), Borough of Brooklyn, was granted by the board March 11, 1919, and owner requests an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use dis-

trict regulations of the building zone resolution and that the application be and it hereby is *granted on condition* that there be no openings in either the side or rear walls or the roof within 30 ft. of the church building to the rear, except that fire exit may be installed in the rear wall of the structure by means of a self-closing fireproof door secured by a panic bolt and without knob or handle on the outside and the yard in rear is at all times to remain unoccupied and not encumbered with any material whatsoever.

Resolved further, that in the event that this garage is occupied exclusively by a tenant operating a fleet of trucks engaged in the distribution of fuel oil and similar products, that such use may be permitted and there also may be permitted the installation of a tank for the storage of fuel oil, not exceeding 1,080 gallons, *on condition* that such installation complies in all respects with Oil Burner Rules of the Board of Standards and Appeals; that this fuel oil tank shall be located at a point removed by at least 15 ft. from the existing 550 gallon gasoline tank.

67-37-BZ.

APPLICANT—Patrick Gallagher, owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the extension in area of an existing gasoline service station.

PREMISES AFFECTED—2561-2569 Ocean avenue, east side, 90 ft. south of Avenue U (Block No. 7353, Lot Nos. 68 and 70), Borough of Brooklyn.

APPEARANCES—

For Applicant: Patrick Gallagher.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(67-37-BZ)

WHEREAS, Patrick Gallagher, owner, filed February 19, 1937 an application under the building zone resolution to permit partly in a business use and partly in a residence use district the extension in area of an existing gasoline service station; Premises: 2561-2569 Ocean avenue, east side, 90 ft. south of Avenue U (Block No. 7353, Lot Nos. 68 and 70), Borough of Brooklyn; and

WHEREAS, this application was granted by the board May 4, 1937 on certain conditions and applicant requested an amendment of the resolution.

Resolved, that the resolution adopted by the board on May 4, 1937 be and it hereby is *amended,* so that as amended it shall read:

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 21, to permit the plot under appeal to be used as an extension to the existing gasoline station, legally established on Lot 68, *on condition* that the proposed accessory buildings to be erected shall not exceed one story in height and shall be constructed of fireproof materials except that the roof beams and roof boarding, door frames and the doors, window frames and sash may be of wood provided the roof is surfaced with non-flammable materials and that the ceiling throughout shall be fire retarded in accordance with the rules of the Board of Standards and Appeals; that the proposed accessory building shall be rearranged so that the entrance to greasing section shall be from north and the entrance to car washing section from the south; that the existing planting in the rear shall be maintained and there shall be additional planting toward the west of the proposed accessory building in the area immediately north of existing office; that no additional pumps shall be erected nearer than 15 ft. to the street line of Ocean avenue; that the existing curb cuts shown, namely, two (2) 13 ft. 6 in. in width and one (1) 20 ft. in width, shall not be increased; that in the event the adjoining lot to the south, now occupied by the owner, changes ownership, there shall be erected along the southerly lot line of Lot No. 68 a substantial fence or wall; that no unenclosed greasing equipment shall be installed or maintained; that no automobile repairing shall be carried on and no parking of cars other than those being serviced, except that the present two-car garage shown at the rear, legal permit for which has been issued by the commissioner of buildings, may be continued as a two-car garage; that no portable gasoline tanks shall be used on or from the premises; that signs shall be restricted to illuminated globes of the pumps and to flat signs attached to accessory building, excluding all temporary signs and roof signs, except that there may be erected within the building line a post standard for supporting a sign advertising only the brand of gasoline sold; that such sign shall not extend beyond the building line; that prior to the filing of plans with the commissioner of buildings, plans shall be filed with this board and approved by the chairman in behalf of the board; that such plans shall be filed and all permits obtained and work completed within one year from May 4, 1937.

Resolved further, that in the event the owner desires to eliminate all existing gasoline pumps and erect two pump islands, one island of three pumps and one island of two pumps, such islands to be not less than 12 ft. from the building line of Ocean avenue, such change from the plans as approved by the board on July 1, 1937, may be made *on condition* that in all other respects the work indicated on approved plan shall be carried out."

AREA FIXED

(568-37-BZ)

The board was requested to fix an area deemed affected and within which the applicant is to obtain duly acknowledged consents from the property owners, to permit under sections 7G and 21, in a business use district the erection and maintenance of a garage for more than 5 motor vehicles, and also, a gasoline service station, affecting premises 8917-8923 Flatlands avenue, southwest corner of Remsen avenue (Block No. 8010, Lot No. 1), Borough of Brooklyn.

The following area was approved:

Both sides of Flatlands avenue from a point 400 ft. north to a point 400 ft. south of premises in question; both sides of Remsen avenue, from a point 400 ft. east to a point 400 ft. west of premises in question and also, the north side of East 89th street from Flatlands avenue to a point 200 ft. west of Flatlands avenue.

APPEALS FROM ADMINISTRATIVE ORDERS

198-38-A.

APPLICANT—William Higginson & Son, for Bush Terminal Company, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—Southwest corner of 47th street and First avenue (Buildings Nos. 51 and 52); (Block No. 725, part of Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn on written request.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

202-38-A.

APPLICANT—Lama and Proskauer, for Jackson Service Station, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—13-24 to 13-26 Jackson avenue (124 Jackson avenue), southwest corner of 21st street (Van Alst avenue); (Block No. 58, Lot No. 9), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Administration: Inspector Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn to file new application.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

242-38-A.

APPLICANT—Morris Whinston, for William Epstein, lessee.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED — 70-05 Northern boulevard, northeast corner of 70th street (Block No. 1166, Lot No. 47), Jackson Heights, Borough of Queens.

APPEARANCES—

For Applicant: Morris Whinston.

For Administration: Inspector Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(242-38-A)

WHEREAS, Morris Whinston, for William Epstein, lessee, filed on April 8, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, affecting premises 70-05 Northern boulevard, northeast corner of 70th street (Block No. 1166, Lot No. 47), Jackson Heights, Borough of Queens; and

WHEREAS, the decision of the borough superintendent on N.B. Application No. 1911-38, dated April 7, 1938, reads as follows:

"1. Amendment does not include boring or test pit record showing nature of soil to satisfactory bearing material, as specified by Sec. 7.5.1.BC."

and

WHEREAS, the proposed building is to be one story (12 ft.) in height, 56 ft. by 20 ft. in area, of non-fireproof construction; located in an unrestricted use district; to be occupied for grease pits, office, motor vehicle repair shop, as an accessory to gasoline station existing on the premises; and

WHEREAS, the applicant contends that while the Department of Housing and Buildings claim that the ground is filled in, it has been so for about 15 years and is settled to such an extent that it is firm and is well able to support the superimposed load. The actual load bearing on the soil from the weight of the walls and roof is about 1,300 lbs. per sq. ft., and if the board will even permit a pressure of, say, ¾ of a ton per sq. ft. on this soil, the structure will be safe; and

WHEREAS, an inspection of these premises was made by a committee of the board.

Resolved, that the decision of the borough superintendent acting on Application No. 1911-38 (Item 1), be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that the loading on the soil shall not exceed 500 lbs. per superficial foot.

253-38-A.

APPLICANT—Post and McCord, for Private Garage Apartments, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—322-334 East 63rd street, south side, 200 ft. west of First avenue (Block No. 1437, Lot Nos. 35 to 41), Borough of Manhattan.

APPEARANCES—

For Applicant: Aubrey Weymouth and M. Harvey Smedley.

For Administration: Fred Dahlem, and Samuel Becker, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted.

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(253-38-A)

WHEREAS, Post and McCord, for Private Garage Apartments, Inc., owner, filed on April 11, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, Manhattan, affecting premises 322-334 East 63rd street, south side, 200 ft. west of First avenue (Block No. 1437, Lot Nos. 35 to 41), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, on Drop Curb Applic. No. 42—1938, dated April 1, 1938, reads as follows:

"1. The Lenox Hill Neighborhood Association maintains a kindergarten school at 316 East 63rd street.

"The parking or storage of more than five motor vehicles is contrary to Section 21 of the Zoning Resolution."

and

WHEREAS, the premises consist of a plot 175 ft. front by 100.5 ft. in depth, located in an unrestricted use district, which it is proposed to occupy for the parking and storage of more than five motor vehicles; and

WHEREAS, the applicant contends that the kindergarten of the Lenox Hill Neighborhood Association does not come within the purview of section 21 of the building zone resolution and in support of such contention files an opinion of Roberts B. Thomas, attorney; and

WHEREAS, in the opinion of the board, the school in question cannot be considered as coming within the purview of section 21.

Resolved, that the decision of the borough superintendent, acting on Drop Curb Application No. 42-38, be and it hereby is *reversed,* and that the application be and it hereby is *granted.*

MINUTES

254-38-A.

APPLICANT—J. Andre Fouilhoux, for Le Lycee Francais de New York, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—3-5 East 95th street, north side, 100 ft. east of Fifth avenue (Block No. 1507, Lot Nos. 5 and 7), Borough of Manhattan.

APPEARANCES—

For Applicant: J. Andre Fouilhoux, William Erb.

For Administration: Fred Dahlem and Samuel Becker, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(254-38-A)

WHEREAS, J. Andre Fouilhoux, for Le Lycee Francais de New York, owner, filed on April 11, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, Borough of Manhattan, affecting premises 3-5 East 95th street, north side, 100 ft. east of Fifth avenue (Block No. 1507, Lot Nos. 5 and 7), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated March 28, 1938, on Alt. App. No. 4015-37, reads as follows:

"7. Additional handrail must be installed on present exit stair. Reconsideration denied."

and

WHEREAS, the building in question is four stories and basement, 72 ft. 6 in. in height, 50 ft. by 91 ft. 8½ in. in area, of fireproof construction, equipped with a sprinkler system; located in a residence, B, 1½ times district; erected in 1913 as a one-family dwelling and proposed to be altered and occupied as follows: Cellar—kitchen and dining-room, 15 persons; 1st floor—offices, 50 persons; 2nd floor—offices, 50 persons; 3rd floor—classrooms, 30 persons; 4th floor—classrooms, 70 persons; roof—recreation, 25 persons; and

WHEREAS, the applicant contends that when the alteration application and plans were filed on October 27, 1937, special consideration was granted to use the existing stairs as an exit stair although the width is only 34 inches instead of 44 inches wide; that at that time no objection was raised as to the wall handrail; plans were approved and permit issued with cloth prints on December 8, 1937; the installation of this wall rail would further reduce the width of this stair; the work according to plans and applications was 100% completed at premises before this violation was issued.

Resolved, that the decision of the borough superintendent, acting on Alt. App. No. 4015-37 (Item 7), be and it hereby is *modified,* and the appeal be and it hereby is *granted,* so as to omit the additional hand rail required on the stairway constituting the secondary means of exit (formerly the service stairs) *on condition* that in all other respects the building code and all rules, laws and regulatoins as to the construction and occupancy of this building shall be complied with.

256-38-A.

APPLICANT—Frank J. Ross, for Pasquale Colesanti, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—935 Morris Park avenue, north side, 50 ft. west of Bogart avenue (Block No. 4124, Lot No. 37), Borough of The Bronx.

APPEARANCES—

For Applicant: Frank J. Ross.

For Administration: Inspector M. Harris, Department of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Absent 0

THE RESOLUTION—

(256-38-A)

WHEREAS, Frank J. Ross, for Pasquale Colesanti, owner, filed on April 12, 1938, an appeal from a decision of the Borough Superintendent, Department of Housing and Buildings, Bronx, affecting premises 935 Morris Park avenue, north side, 50 ft. west of Bogart avenue (Block No. 4124, Lot No. 37), Borough of The Bronx; and

WHEREAS, the decision of the Borough Superintendent, dated April 8, 1938, on Alt. App. 159-38, reads as follows:

"1. Newly created 1st floor living rooms opening upon newly created 4 ft. 0 in. by 32 ft. 0 in. inner court are unlawful. Sections 8 and 26 subdiv. 5 Multiple Dwelling Law. Note: Records of department show entire 1st floor now used as store."

and

WHEREAS, the building in question is two stories, 26 ft. in height, 25 ft. by 80 ft. in area, of nonfireproof constructed; located in a business use C area, 1½ times district; erected in 1928 and occupied as follows: Cellar—boilerroom and storage, 0 persons; 1st floor—store; 2nd floor—dwelling, two families, for which Certificate of Occupancy No. 279-29 was issued; and

WHEREAS, the applicant contends modification is requested so as to permit the lighting and ventilation of newly created first floor living rooms on new 4 ft. 0 in. by 32 ft. 0 in. inner court as existing living rooms on second floor open upon same size inner court which is lawful for existing rooms, pursuant to Section 173, Multiple Dwelling Law, which allows living rooms to open upon an inner court or shaft not less than 3 ft. 9 in. wide and 8 ft. 0 in. long which would only contain 30 sq. ft. which would be lawful for a five-story building; whereas the new inner court contains 128 sq. ft. is for a building which is only two stories in height; and

WHEREAS, the board deemed that this building cannot be classed as a converted dwelling, inasmuch as the first floor has not previously been occupied for residential use and that the building should be made to comply with the requirements of Section 8 and that to approve the existing court as meeting the requirements would be contrary to Section 26 of the Multiple Dwelling Law which, cannot be varied.

Resolved, that the decision of the borough superintendent be and it hereby is *affirmed,* and that the appeal be and it hereby is *denied.*

257-38-A.

APPLICAN—Melvina, A. C. Inc., lessee, for Bowne Park Realty Co., owner.

SUBJECT—Appeal from an order of the borough superintendent.

PREMISES AFFECTED—58-01 Flushing avenue, northeast corner of Rust street (Block No. 2682, Lot No. 1), Maspeth, Borough of Queens.

APPEARANCES—

For Applicant: Jack Schneider.

For Administration: Inspector Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(257-38-A)

WHEREAS, Melvina, A. C., Inc., lessee, by Jack Schneider, for Bowne Park Realty Co., owner, filed on April 13, 1938, an appeal from a decision of the borough superintendent affecting premises 58-01 Flushing avenue, northeast corner of Rust street (Block No. 2682, Lot No. 1), Maspeth, Borough of Queens; and

WHEREAS, the decision of the borough superintendent on New Building Application 2090-1938, reads:

"The erection of a frame grandstand within the Fire limits is contrary to Section 4.1.2 of Code."

and

WHEREAS, the premises in question consist of a plot 310 ft. by 480.33 ft., irregular in area, upon which it is proposed to erect a grandstand of frame construction, 16 ft. 4 in. by 128 ft. in area and 7 ft. in height; premises are located in an unrestricted "C" area one times district; and

WHEREAS, the applicant contends that playing baseball has been carried on in this locality for years and there has been no fire or accident during this time. At present there are wooden stands on the field that have been used last year and it is desired to improve these stands. There are no concessions or other booths under these stands. The area under these stands are always kept clean and clear of debris. A water line will be installed on both sides of these stands, easily accessable should a fire start. It is also intended to hang fire pails containing sand and water together with fire extinguishers at various intervals along stands so that they are easily reached by our ushers and other guardians on the field, in case of emergency. The stands are to have a capacity of 1,200 although our normal attendance is between 300 to 400 spectators except when playing Police or Fire Department teams as a special attraction the attendance reaches between 700 to 800. The Police Athletic League uses the field for its meets. The stands are surrounded by a corrugated sheet iron fence and located 700 ft. from nearest building on one side and surrounded entirely by empty lots on three other sides so that there is no fire hazard to neighboring buildings.

Resolved, that the decision of the borough superintendent, acting on App. No. 2090-1938, be and it hereby is *modified,* and the appeal be and it hereby is *granted,* so as to permit the erection of the proposed grandstand of frame construction, not to exceed the height and length as proposed, and to permit its maintenance *for a period of five* (5) *years* from the date of this action, *on condition* that the area under the stand shall not be used for concessions or any other use and shall be kept clean and clear of debris at all times; that the space under the stand shall be covered with steam cinders to a depth of not less than 4 in.; that a water line not less than one inch in diameter shall be maintained with a hose of sufficient length so that all parts of the grandstand can be covered by the hose stream; that such fire pails containing sand also pails containing water and such portable fire extinguishers shall be installed as the commissioner deems necessary; and that the stand be maintained safe and in good repair at all times.

262-38-A.

APPLICANT—Gross Morton Jamaica Estates Corp., owner.

SUBJECT—Appeal from decisions of the borough superintendent.

PREMISES AFFECTED—73-04 177th street and 73-08 177th street, southwest corner 73rd avenue (Block No. 7164, Lot No. 1 and 3), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George M. Gross.

For Administration: Inspector Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(262-38-A)

WHEREAS, Gross Morton Jamaica Estates Corp., applicant and owner, filed April 14, 1938, an appeal from decisions of the borough superintendent, affecting premises 73-04 177th street and 73-08 177th street, southwest corner of 73rd avenue and west side 177th street, 50 ft. south of 73rd avenue (Block No. 7164, Lot Nos. 1 and 3), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, on N.B. Applic. No. 1959-38, affecting west side of 177th street, 50 ft. south of 73rd avenue (Lot 3), dated April 8, 1938, reads as follows:

"The construction of a frame building in the fire limits is contrary to section 4.1.2 of the building code."

and

WHEREAS, the decision of the borough superintendent, on N.B. Applic. No. 1971-38, affecting southwest corner of 177th street and 73rd avenue (Lot 1), dated April 11, 1938, reads as follows:

"The construction of a frame building in the fire limits is contrary to section 4.1.2 of the building code."

and

WHEREAS, the premises consist of a plot 50 ft. front by 100 ft. in depth and a plot 40 ft. by 100 ft. in depth, upon which it is proposed to erect two frame buildings, one of which will be one story, 20 ft. in height and one two stories, 23 ft. in height and one of which will be 23 ft. by 26 ft. in area and the other 27 ft. by 42 ft. in area, located in a business use "D" area district and occupied as one family residences; and

WHEREAS, the applicant contends that the area in which this building is to be located, is rural in character, and no business structure is within considerable distance of the proposed dwelling; that the use of the street for business purposes is impracticable, inasmuch as there are sufficient business streets in the neighborhood to serve any residential area; that to leave the spot unbuilt, would constitute a detriment and eyesore to the neighborhood for many years to come, for the plot may never have any commercial value; that since the applicant does not own the street for its entire length, it is impossible in a short time, to obtain any change of zone; that it is unwise to leave an undeveloped fringe of business property surrounding a residential community which remains barren and unimproved, reflecting upon the property value of the adjacent residential district, to its detriment; that the income to the City in the way of taxes, is immediately enhanced by the construction of these buildings upon the premises, rather than for many years to remain unimproved; and

WHEREAS, the board deemed that the dwellings as proposed within the business "D" area and which are within the fire limits, provide a better condition as to fire protection because of the limitation to one family residential use and because of the substantial compliance with the more restrictive F area requirements.

Resolved, that the decisions of the borough superintendent, acting on Application No. 1959-38 and N. B. Application No. 1971-38, be and they hereby are *modified,* and the appeal be and it hereby is *granted,* to permit the erection of the buildings as proposed, *on condition,* that they shall be for residential purposes only, limited in occupancy to one family each, and shall comply with the zoning requirements for an "F" district, except that the buildings may exceed 18 ft. high up to plate line provided the height up to that point is not in excess of 25 ft.; that the 1st story of buildings shall be of masonry veneer and the roofs shall be natural slate; and except that the chimney breasts may extend into side yard areas for a distance

not over two feet in depth; and that the interior bearing partitions may be as permitted within an area outside the fire limits.

263-38-A.

APPLICANT—Gross Morton Jamaica Estates Corp., owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—73-07 177th street and 73-11 177th street, east side, 45 ft. south of 73rd avenue (Block No. 7166, Lot Nos. 2 and 3), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George M. Gross.

For Administration: Inspector Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(263-38-A)

WHEREAS, Gross Morton Jamaica Estates Corp., applicant and owner, filed April 14, 1938, an appeal from a decision of the Borough Superintendent, affecting premises 73-07 177th street and 73-11 177th street, east side, 45 ft. south of 73rd avenue (Block No. 7166, Lot Nos. 2 and 3), Jamaica, Borough of Queens; and

WHEREAS, the decision of the Borough Superintendent on N.B. Applic. No. 2419-38 and N.B. Applic. No. 2420-38, dated April 12, 1938, reads as follows:

"Contrary to Section 4.1.2 Building Code re. frame building within fire limits."

and

WHEREAS, the premises consist of a plot 80 ft. by 100 ft. in area, upon which it is proposed to erect two two-story frame buildings 27 ft. by 24 ft. in area, each located in a business use "D" area district; and

WHEREAS, the applicant contends that the area in which this building is to be located, is rural in character, and no business structure is within considerable distance of the proposed dwelling; that the use of the street for business purposes is impracticable, inasmuch as there are sufficient business streets in the neighborhood to serve any residential area; that to leave the spot unbuilt, would constitute a detriment and eyesore to the neighborhood for many years to come, for the plot may never have any commercial value; that since the applicant does not own the street for its entire length, it is impossible in a short time, to obtain any change of zone; that it is unwise to leave an undeveloped fringe of business property surrounding a residential community, which remains barren and unimproved, reflecting upon the property value of the adjacent residential district, to its detriment; that the income to the City in the way of taxes, is immediately enhanced by the construction of these buildings upon the premises, rather than for many years to remain unimproved; and

WHEREAS, the board deemed that the dwellings as proposed, within the business "D" area, which are within the fire limits, provide a better condition as to fire protection because of the limitation to one-family residential use and because of the substantial compliance with the more restrictive "F" area requirements.

Resolved, that the decision of the Borough Superintendent, acting on Application No. 2419-38 and N.B. Application No. 2420-38, be and it hereby is *modified,* and the appeal be and it hereby is *granted,* to permit the erection of buildings as proposed, *on condition* that they shall be for residential purposes only, limited in occupancy to one family each, and shall comply with the zoning requirements for an "F" district, except that the buildings may exceed 18 ft. high up to plate line provided the height up to that point is not in excess of 25 feet; that the 1st story of buildings shall be of masonry veneer and the roofs shall be natural slate; and except that the chimney breasts may extend into side yard areas for a distance not over two feet in depth; and that one of the required side yards for each building may be 4 ft. in width; and that the interior bearing partitions may be as permitted within an area outside the fire limits.

264-38-A.

APPLICANT—Gross Morton Jamaica Estates Corp., owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—73-03 177th street, southeast corner 73rd avenue (Block No. 7165, Lot No. 1), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George M. Gross.

For Administration: Inspector Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(264-38-A)

WHEREAS, Gross Morton Jamaica Estates Corp., applicant and owner, filed April 14, 1938, an appeal from a decision of the borough superintendent, affecting premises 73-03 177th street, southeast corner of 73rd avenue (Block No. 7165, Lot No. 1), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, on N.B. Applic. No. 1956-38, dated April 8, 1938, reads as follows:

"The construction of a frame building in the fire limits is contrary to section 4.1.2 of the BC."

and

WHEREAS, the premises consist of a plot 45 ft. by 100 ft. in area, upon which it is proposed to erect a two-story frame building 23 ft. in height, 25 ft. by 32 ft. in area, to be occupied as a one-family dwelling; and

WHEREAS, the applicant contends that the area in which this building is to be located, is rural in character, and no business structure is within considerable distance of the proposed dwelling; that the use of the street for business purposes is impracticable, inasmuch as there are sufficient business streets in the neighborhood to serve any residential area; that to leave the spot unbuilt, would constitute a detriment and eyesore to the neighborhood for many years to come, for the plot may never have any commercial value; that since the applicant does not own the street for its entire length, it is impossible in a short time, to obtain any change of zone; that it is unwise to leave an undeveloped fringe of business property surrounding a residential community, which remains barren and unimproved, reflecting upon the property value of the adjacent residential district, to its detriment; that the income to the City in the way of taxes, is immediately enhanced by the construction of these buildings upon the premises, rather than for many years to remain unimproved; and

WHEREAS, the board deemed that the dwelling as proposed, within the business "D" area, which is within the fire limits, provides a better condition as to fire protection because of the limitation to one-family residential use and because of the substantial compliance with the more restrictive "F" area requirements.

Resolved, that the decision of the Borough Superintendent, acting on N.B. App. No. 1956-38, be and it hereby is *modified,* and the appeal be and it hereby is *granted,* to permit the erection of a house as proposed, *on condition* that

it shall be for residential purposes only, limited in occupancy to one family, and shall comply with the zoning requirements for a "F" district, except that the set back on 73rd avenue may be 14 ft. and except that the building may exceed 18 ft. high up to plate line provided the height does not exceed up to that point and is not in excess of 25 ft.; that the 1st story of building shall be of masonry veneer and the roof shall be natural slate; and except that the chimney breast may extend into side yard areas for a distance not over two feet in depth; and that the interior bearing partitions may be as permitted within an area outside the fire limits.

265-38-A.

APPLICANT—Gross Morton Jamaica Estates Corp., owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—75-79 181st street, east side, 770 ft. south of 75th avenue (Block No. 7196, Lot No. 2), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George M. Gross.

For Administration: Inspector Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(265-38-A)

WHEREAS, Gross Morton Jamaica Estates Corp., applicant and owner, filed April 14, 1938, an appeal from a decision of the borough superintendent, affecting premises 75-79 181st street, east side, 770 ft. south of 75th avenue (Block No. 7196, Lot No. 2), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, on N. B. Applic. No. 2249-38, dated April 12, 1938, reads as follows:

"Contrary to section 4.1.2 Building Code re. frame building within the fire limits."

and

WHEREAS, the premises consist of a plot 40 ft. by 100 ft. in area, upon which it is proposed to erect a two-story frame dwelling, 23 ft. in height, 23 ft. by 26 ft. in area, located in a business use "D" area district, to be occupied as a one-family dwelling; and

WHEREAS, the applicant contends that the area in which this building is to be located, is rural in character, and no business structure is within considerable distance of the proposed dwelling; that the use of the street for business purposes is impracticable, inasmuch as there are sufficient business streets in the neighborhood to serve any residential area; that to leave the spot unbuilt, would constitute a detriment and eyesore to the neighborhood for many years to come, for the plot may never have any commercial value; that since the applicant does not own the street for its entire length, it is impossible in a short time, to obtain any change of zone; that it is unwise to leave an undeveloped fringe of business property surrounding a residential community, which remains barren and unimproved, reflecting upon the property value of the adjacent residential district, to its detriment; that the income to the City in the way of taxes, is immediately enhanced by the construction of these buildings upon the premises, rather than for many years to remain unimproved; and

WHEREAS, the board deemed that the dwelling as proposed, within the business "D" area, which is within the fire limits, provides a better condition as to fire protection because of the limitation to one-family residential use and because of the substantial compliance with the more restrictive "F" area requirements.

Resolved, that the decision of the borough superintendent, acting on N. B. Application No. 2249-38, be and it hereby is *modified,* and the appeal be and it hereby is *granted,* to permit the erection of a house as proposed, *on condition* that it shall be for residential purposes only, limited in occupancy to one family, and shall comply with the zoning requirements for an "F" district, except that the building may exceed 18 ft. high up to plate line provided the height up to that point is not in excess of 25 ft.; that the 1st story of building shall be of masonry veneer and the roof shall be natural slate; and except that the chimney breast may extend into side yard areas for a distance not over two feet in depth; and that the interior bearing partitions may be as permitted within an area outside the fire limits.

266-38-A.

APPLICANT—Gross Morton Jamaica Estates Corp., owner.

SUBJECT—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—75-85 181st street, northeast corner Union turnpike (Block No. 7196, Lot No. 1), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George M. Gross.

For Administration: Inspector Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(266-38-A)

WHEREAS, Gross Morton Jamaica Estates Corp., applicant and owner, filed April 14, 1938, an appeal from a decision of the borough superintendent, affecting premises 75-85 181st street, northeast corner of Union turnpike (Block No. 7196, Lot No. 1), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, on N. B. Applic. No. 2259-38, dated April 12, 1938, reads as follows:

"Contrary to section 4.1.2 Building Code re. frame building within the fire limits."

and

WHEREAS, the premises consist of a plot 54.86 ft. by 100 ft. in area, upon which it is proposed to erect a two-story frame building, 23 ft. in height, 25 ft. by 32 ft. in area, located in a business use "D" area district, to be occupied as a one-family dwelling; and

WHEREAS, the applicant contends that the area in which this building is to be located, is rural in character, and no business structure is within considerable distance of the proposed dwelling; that the use of the street for business purposes is impracticable, inasmuch as there are sufficient business streets in the neighborhood to serve any residential area; that to leave the spot unbuilt, would constitute a detriment and eyesore to the neighborhood for many years to come, for the plot may never have any commercial value; that since the applicant does not own the street for its entire length, it is impossible in a short time, to obtain any change of zone; that it is unwise to leave an undeveloped fringe of business property surrounding a residential community, which remains barren and unimproved, reflecting upon the property value of the adjacent residential district, to its detriment; that the income to the City in the way of taxes, is immediately enhanced by the construction of these buildings upon the premises, rather than for many years to remain unimproved; and

WHEREAS, the board deemed that the dwelling as pro-

posed, within the business "D" area, which is within the fire limits, provides a better condition as to fire protection because of the limitation to one-family residential use and because of the substantial compliance with the more restrictive "F" area requirements.

Resolved, that the decision of the borough superintendent, acting on N. B. Application No. 2259-38, be and it hereby is *modified,* and the appeal be and it hereby is *granted,* to permit the erection of a house as proposed, *on condition* that it shall be for residential purposes only, limited in occupancy to one family, and shall comply with the zoning requirements for an "F" district, except that the building may exceed 18 ft. high up to plate line provided the height up to that point is not in excess of 25 ft.; that the 1st story of building shall be of masonry veneer and the roof shall be natural slate; and except that the chimney breast may extend into side yard areas for a distance not over two feet in depth; and that the interior bearing partitions may be as permitted within an area outside the fire limits.

267-38-A.

APPLICANT—Gross Morton Jamaica Estates Corp., owner.

SUBJECT—Appeal from decisions of the borough superintendent.

PREMISES AFFECTED—75-86 181st street, northwest corner of Union turnpike (Block No. 7195, Lot Nos. 2 and 3), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George M. Gross.

For Administration: Inspector Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Asssistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(267-38-A)

WHEREAS, Gross Morton Jamaica Estates Corp., applicant and owner, filed April 14, 1938, an appeal from a decision of the borough superintendent, affecting premises 75-82 181st street and 75-86 181st street, northwest corner of Union turnpike (Block No. 7195, Lot Nos. 2 and 3), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, on N. B. Applic. No. 2417, dated April 12, 1938, reads as follows:

"Contrary to section 4.1.2 Building Code re. frame building within the fire limits."

and

WHEREAS, the decision of the borough superintendent, on N. B. Applic. No. 2258-38, dated April 12, 1938, reads as follows:

"Contrary to section 4.1.2 Building Code re. frame building within the fire limits."

and

WHEREAS, the premises consist of a plot 93.03 ft. by 100 ft. in area, upon which it is proposed to erect two two-story frame buildings, 23 ft. in height, one of which will be 25 ft. by 32 ft. in area and the other 23 ft. by 26 ft. in area, located in a business use "D" area district and to be occupied as one family dwellings; and

WHEREAS, the applicant contends that the area in which this building is to be located, is rural in character, and no business structure is within considerable distance of the proposed dwelling; that the use of the street for business purposes is impracticable, inasmuch as there are sufficient business streets in the neighborhood to serve any residential area; that to leave the spot unbuilt, would constitute a detriment and eyesore to the neighborhood for many years to come, for the plot may never have any commercial value; that since the applicant does not own the street for its entire length, it is impossible in a short time, to obtain any change of zone; that it is unwise to leave an undeveloped fringe of business property surrounding a residential community, which remains barren and unimproved, reflecting upon the property value of the adjacent residential district, to its detriment; that the income to the City in the way of taxes, is immediately enhanced by the construction of these buildings upon the premises, rather than for many years to remain unimproved; and

WHEREAS, the board deemed that the dwelling as proposed, within the business "D" area, which is within the fire limits, provides a better condition as to fire protection because of the limitation to one-family residential use and because of the substantial compliance with the more restrictive "F" area requirements.

Resolved, that the decisions of the Borough Superintendent, acting on N.B. Application No. 2417-38 and N.B. App. No. 2258-38, be and they hereby are *modified,* and the appeal be and it hereby is *granted,* to permit the erection of buildings as proposed, *on condition* that they shall be for residential purposes only, limited in occupancy to one family each, and shall comply with the zoning requirements for an "F" district except that the corner building may comply as to set back on Union turnpike front with "D" district requirements, and except that the buildings may exceed 18 ft. high up to plate line provided the height up to that point is not in excess of 25 ft.; that the 1st story of building shall be of masonry veneer and the roofs shall be natural slate; and except that the chimney breasts may extend into side yard areas for a distance not over two feet in depth; and that the interior bearing partitions may be as permitted within an area outside the fire limits.

VARIATIONS OF LABOR LAW

160-38-S.

APPLICANT—Joseph M. Lonergan, for Rio Caterers, Inc., lessee.

SUBJECT—Variation of the labor law as cited in a decision of the health commissioner.

PREMISES AFFECTED—3869 Broadway, west side, 75 ft. north of West 161st street (Block No. 2137, part of Lot No. 18), Borough of Manhattan.

APPEARANCES—

For Applicant: Joseph M. Lonergan.

For Administration: A. E. Abrahamson and E. Kushel, Department of Health.

ACTION OF BOARD—Laid over to May 17, 1938 at 2 P. M. to submit statement and plans.

225-38-S.

APPLICANT—Richard Steinberg, for Stouffer Fifth Avenue, Inc., lessee.

SUBJECT—Variation of the labor law as cited in an order and a decision of the Board of Health of the Department of Health.

PREMISES AFFECTED—538-540 Fifth avenue, west side, 50 ft. south of West 45th street (Block No. 1260, Lot No. 38), Borough of Manhattan.

APPEARANCES—

For Applicant: Richard Steinberg and M. Campiola.

For Administration: A. E. Abrahamson and E. Kushel, Department of Health.

ACTION OF BOARD—Laid over to May 17, 1938, at 2 P. M. for additional information.

226-38-S.

APPLICANT—Concetta Tomasi, lessee.

SUBJECT—Variation of the labor law as cited in a decision of the Board of Health of the Department of Health.

PREMISES AFFECTED—586 East 187th street, south side, 51.24 ft. west of Arthur avenue (Block No. 3065, Lot No. 41), Borough of The Bronx.

APPEARANCES—

For Applicant: Alfred Pateizeo.

For Administration: A. E. Abrahamson and E. Kushel, Department of Health.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(226-38-S)

WHEREAS, Concetta Tomasi, applicant and lessee, filed on April 5, 1938, an application for variation of the labor law as cited in a decision of the Board of Health, affecting premises 586 East 187th street, south side, 51.24 ft. west of Arthur avenue (Block No. 3065, Lot No. 41), Borough of The Bronx; and

WHEREAS, the decision of the Board of Health, dated March 8, 1938, (App. No. 4045), reads as follows:

"At a meeting of the Board of Health of the Department of Health of The City of New York, held March 8, 1938, application for Sanitary Certificate for a Cellar Bakery at 586 East 187th street, the Borough of Bronx, was denied."

and

WHEREAS, the building three stories, 36 ft. in height, 25 ft. by 56 ft. in area, of non-fireproof construction, erected approximately thirty years ago and occupied as follows: Cellar—bakery; 1st floor—store; 2nd floor—two families; 3rd floor—two families, for which Certificate of Occupancy No. 85-37 was issued December 30, 1937: and

WHEREAS, the applicant contends that the cellar bakery is 8 ft. 2 in. in the clear, the ceiling is located 7 in. below curb and the floor and bakery are 8 ft. 9 in. below rear yard; the bakery portion of the cellar is ventilated by windows and doors, as shown on plans filed with this application; that the bakery was constructed prior to January 1, 1913, and was in use until 1915, since which time the owner has not been in a position to use same. It is now requested that an exemption be made so that the bakery again be operated.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the labor law and that a certificate of exemption may be issued *on condition* that the existing structural conditions shall be maintained, except that Lally columns shall be installed to support the main longitudinal girder and that all plaster shall be properly patched; and that the conditions shall be maintained to the satisfaction of the Department of Health.

APPLIANCES SUBMITTED FOR APPROVAL

327-31-SA.

APPLICANT—Caloroil Corporation, for Silent Glow Mid-West Company, owner.

SUBJECT—Caloroil Horizontal Rotary Oil Burner, Models 1, 2, 3, 4, 5 and 6. (Approval of).

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(327-31-SA)

WHEREAS, Mid-West Oil Burner Manufacturing Co., owner, filed, June 29, 1931, a petition with the Board of Standards and Appeals for approval of their device known as the Mid-West Oil Burner, Models 106, 108, 208, 211, 311 and 114; and

WHEREAS, this device was approved by the board September 22, 1931, and applicant requested an amendment of the resolution to permit the marketing of the burner as the Caloroil Horizontal Rotary Oil Burner, Models 1, 2, 3, 4, 5 and 6; and

WHEREAS, this request was submitted to the engineer of the board for investigation and report; and

WHEREAS, the report of the engineer of the board supplemented by that of the Division of Combustibles of the Fire Department was substantially as follows:

These burners have already been approved under the name of Mid-West Oil Burner, Models 106, 108, 208, 311, 211 and 114, and are to be marketed now under the name of the Caloroil Horizontal Rotary Oil Burner, Models 1, 2, 3, 4, 5 and 6.

The burner selected for test purposes was Model 3. These burners are of the horizontal spinning cup type and consist essentially of the following assembly; electric motor, ranging from 1/20 to 1 H.P.; Viking Pump and Centrifugal type blower, and a spinning atomizing cup.

Controls consist of dual solonoid valves, manufactured by the Detroit Lubricator Company, one of which may be adjusted so that the burner may run on high and low flame; Detroit lubricator pressure regulating valve: Minneapolis Honeywell Protector-Relay R117-3 and Pressuretrol L-404.

Ignition—gas expanding pilot equipped with a Detroit Lubricator gas valve.

With a cold combustion chamber, Model 3 was operated and it was found that the controls shut the burner down in 45 and 43 seconds respectively.

As a result of this inspection and test, it is recommended that the Mid-West Oil Burner, Models 106, 108, 208, 311, 211 and 114, be permitted to be marketed under the name of the Caloroil Horizontal Rotary Oil Burner, Models 1, 2, 3, 4, 5 and 6 for the use of fuel oil not exceeding No. 5, U. S. Department of Commerce standards and when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Mid-West Oil Burner, Models 106, 108, 208, 211, 311 and 114, for use in domestic, commercial and industrial installations, when installed in accordance with the Oil Burner Rules of the Board of Standards and Appeals and in conformity with the report of the chief of the bureau of fire prevention.

Resolved further, that this device may also be marketed under the name Caloroil Horizontal Rotary Oil Burner, Models 1, 2, 3, 4, 5 and 6, when installed in accordance with above report and *on condition* that under whichever name marketed, the device shall bear a label permanently affixed thereto reading:

APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. NO. 327-31-SA.

265-37-SA.

APPLICANT—Radiant Utilities Corp., owner.

SUBJECT — Application for reopening—amendment re Radiant Oil Burner, Models 1G, 2G, 3G, 4G and 5G.

APPEARANCES—

For Applicant: Jacob G. Goldberg.

ACTION OF BOARD—Application reopened and resolution amended.

MINUTES

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO AMEND—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(265-37-SA)

WHEREAS, the Radiant Utilities Corp., owner, filed June 7, 1937, an application with the Board of Standards and Appeals for approval of their device known as the Radiant Oil Burner, Models 1G, 2G, 3G, 4G and 5G; and

WHEREAS, this device was submitted to the engineer of the board and the Division of Combustibles of the Fire Department for test and report; and

WHEREAS, report of the engineer of the board, supplemented by that of the representatives of the Division of Combustibles, was substantially as follows:

For the purpose of test, the Model 1G was selected. All these models are of the pressure atomizing gun type and the Model 1G consists of the following assembly: Leland 1/6 H.P. motor; Webster Fuel Unit consisting of pump, strainer and regulating valve; Sirocco type fan and a Monarch nozzle of a capacity of 1.35 to 2½ gallons per hour.

Controls—Minneapolis Honeywell Protecto-Relay R-117-3 and Pressuretrol L-404.

Ignition—Electro. Webster transformer 110 to 10,000 volts. All other models are the same as above, with the following exception:

Model 2G has a capacity of from 2 to 3½ gallons per hour, and the fan is 5 in. x 3 in., the same as the Model 1G.

Model 3G has a 1/6 H.P. Motor. Capacity of 3 to 10 gallons per hour, and the fan is 7½ in. x 4 in.

Model 4G is identical with the Model 3G with the exception that the capacity is from 5 to 10 gallons.

Model 5G has a ¼ H.P. Motor, Fan 5 in. x 8 in. and a capacity of from 5 to 14 gallons per hour.

The parts and operation of all these burners were examined. The burner under test, Model 1G, was operated with a cold combustion chamber, and on two successive tests the controls operated and shut the burner down in 90 and 92 seconds respectively. The same controls are used throughout on all five models.

The burner 1G was then put into normal operation for a period of one hour. During the period of test there were no flare backs due to faulty ignition. The controls functioned as designed, and examination of the electrodes and combustion chamber showed no undue carbon deposits.

As a result of this inspection and test, it is recommended that the Radiant Oil Burner, Models 1G, 2G, 3G, 4G and 5G be approved for domestic and commercial installations when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals when used with fuel oil not heavier than No. 3, U. S. Dept. of Commerce standards.

and

WHEREAS, this device was approved by the board June 29, 1937 on certain conditions and resolution amended October 26, 1937, to include the name Henjes Oil Burner and applicant requested permission to market the burner as the Lektro-matic Oil Burner, Models 1G, 2G, 3G, 4G and 5G.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Radiant Oil Burner, Models 1G, 2G, 3G, 4G and 5G for domestic and commercial installations when installed in accordance with the Oil Burner Rules of the Board of Standards and Appeals and with the above report and when used with fuel oil not heavier than No. 3 U. S. Dept. of Commerce standards *on condition* that there shall be permanently attached to each burner installed a label reading:

NOTICE

Approved by the

BOARD OF STANDARDS AND APPEALS

For use in New York City

UNDER CAL. No. 265-37-SA.

Resolved further, that the burner may also be marketed under the name Henjes Oil Burner, Models 1G, 2G, 3G, 4G and 5G, and the Lektro-matic Oil Burner, Models 1G, 2G, 3G, 4G and 5G, *on condition,* that under whichever name marketed, the burner shall comply with all the requirements of this resolution.

49-38-SA.

APPLICANT—Marius L. Bader, owner.
SUBJECT—Latham Automatic Oil Burner—Approval of.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.
THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(49-38-SA)

WHEREAS, Marius L. Bader, filed January 27, 1938, an application with the Board of Standards and Appeals for approval of their device known as the Latham Automatic Oil Burner; and

WHEREAS, this device was submitted to the engineer of the board for test and report; and

WHEREAS, the report of the engineer of the board supplemented by that of the Division of Combustibles of the Fire Department, was substantially as follows:

This oil burner is of the pressure atomizing gun type consisting of the following assembly; an Ohio 1/6 H.P. Motor; a Torrington Fan; a Monarch fuel unit, consisting of pump strainer and pressure regulating valve and a Monarch nozzle.

Ignition: Electric, Jefferson Transformer, 110-10,000 volts.

Controls: Minneapolis Honeywell; Pressuretrol L404 and Protectorelay R-117-3.

This oil burner is designed for use of number 1, 2 and 3 commercial grades of fuel oil and has a capacity of from 1.65 to 3 gallons per hour.

With a cold combustion chamber and the oil supply shut off, the oil burner was operated and on two successive tests the controls shut the burner down in 90 and 92 seconds respectively.

The oil burner was then put into normal operation and during the period of the tests there were no flarebacks due to faulty ignition. The flame was clean and free of smoke and an examination of the combustion chamber showed no undue carbon deposits.

As a result of this inspection and test, it is recommended that the Latham Automatic Oil Burner be approved for domestic and commercial use, with fuel oil not heavier than No. 3, U. S. Department of Commerce standards and when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Latham Automatic Oil Burner, for domestic and commercial installations, when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals, and when

used with fuel oil not heavier than No. 3, U. S. Dept. of Commerce standards, *on condition* that there shall be permanently attached to each burner installed a label reading:

NOTICE
Approved by the
BOARD OF STANDARDS AND APPEALS
For use in New York City
UNDER CAL. No. 49-38-SA.

213-38-SA.

APPLICANT—George E. Strehan for Benjamin Low, owner.

SUBJECT—"Low" Wind-operated Stationary Single and Dual Suction Type Ventilator—approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(213-38-SA)

WHEREAS, under date of March 30, 1938, George E. Strehan, Engineer for Benjamin Low, owner, filed an application with the Board of Standards and Appeals for approval of the device known as the "Low" Wind operated Stationary Single and Dual Suction Type Ventilator; and

WHEREAS, this device was submitted to the engineer of the board for test and report. The report of the engineer of the board is substantially as follows:

The "Low" ventilators are proposed for use under the requirements of sections 200 and 250 of the Multiple Dwelling Law which provide that in converted dwellings and old law tenements every bathroom or toilet compartment below the highest story of the building may be ventilated with a duct or metal flue, not less than one square foot in clear open cross-sectional area, protected at its upper end "by means of a wind-operated ventilator, which in the opinion of the department charged with the enforcement of this chapter, will permit a gravity flow of air and will in addition induce a positive flow of air upward whenever subjected to a wind velocity in excess of four miles per hour."

TYPE—The Low Ventilator is a stationary gravity type ventilator equipped with a single or double wind band to create single or dual syphonage of the air through the duct.

SIZE—It is manufactured in sizes to fit 12, 18, 24, 36 or 48 inch ducts, of either galvanized iron or copper of the following weights:

Duct Size Inches	Throat Dimension "T" Inches	Spacing of Vanes	Weight of Metal Galv. Iron Ga.	Copper Oz.
12	2¾	90°	24	16
18	4	60°	24	16
24	5½	45°	22	18
36	8⅛	45°	20	18
48	10¾	45°	18	20

JOINTS—The double deflector cone is secured to the radial vanes by means of a snap-lock joint soldered and all other connections are made with 1 in. lap of metal and cold driven 3-lb rivets all as indicated on the drawings submitted.

GRILLE—All ducts are provided at the ceiling of the compartment with a grille and counter-weighted dampers fitted with a fusible link to close automatically in case of fire.

APPLICATION—Where gravity operated ducts without mechanical ventilation are permissable under the requirements of section 200 and section 250, Multiple Dwelling Law.

TESTS—Two tests were conducted, one with a 12 x 12 in. metal duct 25 ft. in height and one with a 12 x 12 in. metal duct 15 ft. in height. By means of calibrated air meters of the fan type, the velocities of the wind on the roof and the vertical air currents were measured simultaneously, full details of which are in the complete report as a result of these tests. It is recommended that the Low Single and Dual Suction Type Ventilators be approved.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Low Single and Dual Suction Type Ventilators, constructed as specified and tested for use in New York City as required under the provisions of sections 200 and 250 of the Multiple Dwelling Law, as where similar devices may be required *on condition* that the device bear a label permanently affixed thereto reading:

NOTICE
Approved by the
BOARD OF STANDARDS AND APPEALS
For use in New York City
UNDER CAL. No. 213-38-SA.

Adjourned: 5:00 P. M.

EDWARD V. BARTON, Chief Clerk.

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication in this BULLETIN of the calendars of the board, each case being set down by Calendar Number and premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the offices of the board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the board is to dispose of all cases promptly, for the reason that the pendency of an appeal or application ties the hands of the administrative official in enforcing his order; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, April 12, 1938, as they appeared in Bullctin No. 16, Vol. XXIII are hereby corrected to read as follows:

THE RESOLUTION—

(559-37-BZ)

WHEREAS, Samuels & Samuels, for Fellman Realty Corporation, owner, filed November 29, 1937, an application under the building zone resolution to permit in a business use district for a temporary period of not more than two (2) years the parking and storage of more than five (5) motor vehicles; Premises: 5020-5036 Broadway, 3996-4010 Tenth avenue, 501-517 West 213th street and 500-518 West 214th street (Block No. 2231, Lot Nos. 1, 5, 13 and 17), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 12, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 10th avenue is in business and unrestricted use districts; Broadway is in business and residence use districts; West 214th street is in a business use district and West 213th street is in residence and business use districts; and

WHEREAS, the decision of the commissioner of buildings, rendered November 24, 1937, reads:

> "Your application for a certificate of occupancy for use of the above premises for the parking and storage for more than five motor vehicles has been denied as this occupancy is prohibited in a business district by article II, section 4a, subdivision 15 of the zone resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 237 ft. on West 214 street, 224.6 feet on Broadway, 339 feet on West 213th street and 199 feet 10 inches on 10th avenue. An irregular shaped gore on the West 213 street frontage of the plot is located in a residence use district; the remainder is in a business use district. There is a 2-story brick dwelling on the 10th avenue front of the plot; same to remain. Proposes to occupy the vacant area of the business use portion of the plot, for a temporary period of not more than 2 years, for the storage and parking of more than five motor vehicles; and

WHEREAS, the site under appeal was inspected by a committee of the board, verbal report of which recommended the granting of this application for a temporary period of two years; and

WHEREAS, the board deemed that this was a proper case to exercise its discretion under section 7, subdivision H of the building zone resolution and that no hardship existed to warrant the granting, under section 21 of the application.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 7H for a temporary period of two years from the date of this action, to permit a portion of the plot, known as lot 13, with a frontage of 200 ft. along 214th street and a depth of 99 ft. 11 in. along 10th avenue, to be occupied for the storage and parking of more than five motor vehicles, restricted to the pleasure car type, *on condition* that the area shall be leveled substantially to the grade of the surrounding streets and shall be surfaced with cinders or other suitable material, properly bound and rolled to prevent dusting and properly graded to provide surface drainage; that the existing fence along the street lines shall be entirely removed and a new substantial woven wire fence, not less than 6 ft. in height, shall be constructed continuously along 214th street and along 10th avenue, with no opening except to 10th avenue for a width not exceeding 20 ft. with a curb cut of similar width opposite; that along the interior line of the plot, as herein permitted, there shall be erected a similar fence or a substantial wooden fence; that during the term of this variance, the premises shall be used for no other purpose other than as herein permitted; that no signs shall be erected other than a small sign at the entrance, advertising the use and rates charged; that no additional building shall be erected on the premises except there may be a building not over one story in height, not over 150 sq. ft. in area, to be used as office and shelter for the attendant, near the entrance; that such portable fire-fighting appliances shall be installed as the commissioner shall direct; and that all permits shall be obtained and all work completed within three months from the date of this action.

* Correction—The word "no" inserted in line 47 of resolution.

APPROVED APPLIANCES

APPROVED FIRELINE HOSE VALVES

TYPE A—150 LBS. WATER WORKING PRESSURE

May be installed on all 4-inch and 6-inch systems and on uppermost stories on 8-inch systems

Name	*Calendar No.*
Fairbanks Company	81-20-SA
Walworth Company	899-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Croker National Fire Prev. Eng. Co.	304-28-SA
Jenkins Brothers	779-28-SA
W. D. Allen Mfg. Co.	890-28-SA
John Simmons Co.	209-29-SA
Grinnell	651-30-SA
Elkhart	14-31-SA

TYPE B—250 LBS. WATER WORKING PRESSURE

May be installed on all standpipe systems

Name	*Calendar No.*
New York Brass Foundry Co. (Stillbech)	53-21-SA
Walworth Company	900-27-SA
W. D. Allen Mfg. Company	1151-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Jenkins Brothers	780-28-SA
Croker National Fire Prev. Eng. Co.	970-28-SA
Fairbanks Company	268-29-SA
Pratt & Cady	231-30-SA
Elkhart	15-31-SA

MULTIPLE DWELLING LAW ON SALE

Copies of the Multiple Dwelling Law are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50c; by mail 54c.

Copies of the Supplemental Rules and Regulations of the Tenement House Department on Fire Retarding, Fire Escapes, Fire Stairs and Fire Towers are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 10c; by mail 12c.

RULES

RULES GOVERNING THE USE OF EQUIPMENT FOR SPRAYING OF PAINTS, VARNISHES, LACQUERS AND OTHER FLAMMABLE SURFACE COATINGS

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS JUNE 10, 1932 AND REVISED, JULY 16, 1937, EFFECTIVE AUGUST 16, 1937.

[353-30-SR]

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 718-A, subdivision 3 of Chapter XIV-A of the Charter of the City of New York for the carrying into effect the provisions of Chapter 10, Article XV of the Code of Ordinances.

Rule 1. Application.

1.1 No person, firm or corporation shall SPRAY, DIP or IMMERSE any article or thing within the City of New York with any flammable paints, varnishes, lacquers or any other inflammable or combustible substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes except in conformance with these rules, and under a permit issued by the Fire Chief and Commissioner. Where the quantity of spraying material used in a day does not exceed two (2) quarts, the Fire Chief and Commissioner may modify or waive these rules.

1.2 APPLICATIONS. Application for the required permit to store and use the above-mentioned articles shall be made to the Fire Chief and Commissioner on forms prescribed by him and shall contain such information as he may require. When a spray, dipping, immersing, storage or mixing room is to be installed, plans shall be filed with the Department of Buildings before a permit is issued.

1.3 RESTRICTIONS. No spraying, dipping or immersing of any article or thing within the City of New York with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes shall be permitted in any premises or portion thereof as follows:

1.3.1 Which is occupied as a Class A or B Multiple Dwelling or a dwelling for one or two families.

1.3.2 Which is artificially lighted by any means other than electricity.

1.3.3 Which is heated by other than the use of steam or hot water circulating systems.

Rule 2. Definitions.

2.1 The term "SPRAY or SPRAYING SPACE," "DIPPING SPACE or IMMERSING SPACE" when used in these rules shall mean that portion of the premises used for the actual work of spraying, dipping or immersing any article or thing with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds, commonly used for painting, varnishing, staining or similar purposes in any booth or room approved.

2.2 The term "CABINET BOOTH" when used in these rules shall mean a compartment with a back, top and two sides equipped with air exhaust facilities, located within a room or any portion of any premises where spraying with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.3 The term "CANOPY BOOTH or HOOD" when used in these rules shall mean an installation consisting of a metal canopy or hood, without any side or end panels enclosing the object sprayed and an air exhaust system under which spraying with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.4 The term "TUNNEL BOOTH" when used in these rules shall mean a compartment consisting of two sides and top, equipped with an air exhaust system in which spraying with any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.5 The term "SPRAY ROOM" when used in these rules shall mean a fully enclosed room approved for such use in which any article or thing is sprayed by any flammable paints, varnishes, lacquers or any other flammable substances. mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.6 The term "DIPPING ROOM" when used in these rules shall mean a fully-enclosed room approved for such use in which any article or thing is dipped, spread or immersed in any flammable paints, varnishes, lacquers or any other flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes is carried on.

2.7 The term "FIREPROOF or FIRE-RESISTING PARTITIONS" used in these rules shall mean the standards set in the Labor Law and the Rules of the Board of Standards and Appeals for factory buildings. All openings in this type of partition shall only be equipped with self-closing, fireproof doors.

2.8 The term "STORAGE ROOM" when used in these rules shall mean a fully-enclosed room used for the storage and mixing of any inflammable paints, varnishes, lacquers or any flammable substances, mixtures or compounds commonly used for painting, varnishing, staining or similar purposes.

2.9 The term "CERTIFICATE OF FITNESS" when used in these rules shall mean the written permission granted by the Fire Chief and Commissioner to an individual to supervise and handle spraying, dipping and immersing materials and equipment, in accordance with the provisions of Chapter 10, Article 15 of the Code of Ordinances and these Rules.

2.10 The term "PERMIT" when used in these rules shall mean the written permission issued to a person, firm or corporation by the Fire Chief and Commissioner, to store and use materials covered by Chapter 10, Article 15 of the Code of Ordinances and these Rules.

Rule 3. Ventilation.

3.1 Spraying or dipping spaces shall be ventilated when in operation so that the movement of air shall be at least one hundred (100') linear feet per minute in the breathing zone of the operator and be of sufficient capacity to prevent the accumulation of mist or vapors.

3.2 Air shall be admitted to the spraying, dipping or immersing spaces in an amount equal to the capacity of the fan or fans and in such a manner as to avoid short-circuiting the path of air in the working zone of such spaces. Exhaust fans shall be kept running constantly while spraying or mixing and for a sufficient length of time thereafter to exhaust all vapors, fumes or residues of spraying materials from the spray booth or spray room.

3.3 EQUIPMENT. Motors shall be located outside of spraying, dipping or immersing spaces except as provided in Rule 4.

Rule 4. Specifications for Spray Booths, Spray Rooms and Dip Rooms.

4.1 Spray booths shall be constructed of metal or incombustible material satisfactory to the administrative official having jurisdiction, be adequately ventilated with mechanical ventilation; if lighted to be in conformity with these rules. The necessary fire protection shall be maintained at all times.

4.1.1 Spray, dip and immersing rooms shall be constructed of fireproof or fire-resisting partitions with waterproof floors, adequately ventilated by mechanical means, equipped with the necessary fire protection; if lighted and heated to be in conformity with these rules. Floor drains leading to the house drainage system or the public sewer, shall not be permitted. Where more than sixty (60) gallons of material in open tanks are used, a drain to an approved tank located outside the building shall be provided.

4.1.2 Panels of polished wired glass or plate glass at least one-quarter of an inch (¼) thick, not exceeding seven hundred and twenty (720) square inches in area and not more than forty-eight (48) inches in any linear dimension may be used in the sides of a spray booth or room.

4.1.3 The inner sides of walls, ceilings and the floors of all spraying or dipping spaces shall have a smooth surface.

4.1.4 All openings in spray, dip or immersing rooms shall be protected by fireproof doors. Only windows opening to a street may be permitted or a window not on a lot line more than 20 ft. distant from windows of adjacent buildings not in same plane may be used for ventilation.

4.1.5 Ferrous metal used in the construction of spraying, dipping or immersing spaces shall be thoroughly painted on the inside or be galvanized.

4.1.6 All spraying, dipping or immersing spaces shall be so constructed that a reasonable length longer is maintained than required for the article or thing to be sprayed, dipped or immersed. Ferrous metal shall not be used for such floor surface.

4.1.7 At least three (3) feet of clear working space shall always be maintained for each operator spraying, dipping or immersing any article or thing.

4.2 SPECIFICATIONS FOR DUCTS, PIPES AND FANS.

4.2.1 All ducts used for ventilating, spray, dip or immersing spaces shall be constructed of metal of not less than the following gauges of metal.

Ducts twenty-four (24″) inches or less in diameter No. 22 gauge.

Ducts over twenty-four (24″) inches and not over thirty-six (36″) inches in diameter No. 20 gauge.

Ducts exceeding thirty-six (36″) inches in diameter No. 18 gauge.

4.2.2 Ducts shall be strongly constructed and be installed in a workmanlike manner. They shall be rigidly supported.

4.2.3 Ventilating ducts shall run as directly as practicable to the outer air and be protected with a hood against the weather. The exhaust terminal or hood shall also be protected with a screen of copper or bronze with a mesh not larger than one-quarter (¼″) inch.

4.2.4 Where a duct passes through a non-fireproof roof, the duct shall be protected at such point by an outer pipe or sleeve with an air space of at least one (1″) inch between the sleeve and duct. The outer pipe shall be not less than two (2″) inches from any woodwork and such woodwork shall be covered with metal.

4.2.5 Ventilating ducts shall not terminate within ten (10) feet measured horizontally of any chimney outlet, unprotected air intakes or of any door or window in an adjoining building.

4.2.6 If induced draft is used to create an air movement, the air shall be supplied from a point outside the spray or dip or immersing space. Fans and motor must be located outside the spray or dip space, except approved explosion-proof motor and non-ferrous blade fans.

4.2.7 The exhaust system from any spray, dip or immersing space shall not be connected to any other ventilating system or be discharged into a chimney or flue used for the purpose of conveying gases of combustion.

4.2.8 Exhaust fan blades shall be constructed of non-ferrous metal. All exhaust and ventilating fans to be permanently connected to their source of power, using metallic conduit. Rheostats in fan bases not permitted. Fan blades not coming in direct contact with spraying fumes, need not comply with this requirement.

4.3 Storage rooms shall be constructed of fireproof or fire-resisting partitions with waterproof floors and be adequately ventilated by either natural or mechanical means.

4.4 No motors, switches, rheostats, lamps or other electrical equipment shall be located in spray, dipping or immersing rooms or within ten (10) feet of any spray compartment, spray booth, immersing or dipping space unless such electrical equipment be of a type approved for use in explosive atmospheres and where a conduit leads from a hazardous location to a non-hazardous location, the conduit shall be sealed off by an approved sealing compound. Except that alternating current induction motors of the totally enclosed type, having no brushes, make and break contacts, collectors or other arcing or sparking parts may be located within ten (10) feet of a spray booth, spray compartment or dipping space when approved by the authorities having jurisdiction.

4.4.1 Artificial lighting shall be only by means of electricity.

4.5 LIGHTING FIXTURES.

4.5.1 When lighting fixtures are located within 10 feet of a spray booth, spraying compartment or dipping space, they shall be of the rigid stem type, enclosing all wiring and be equipped with keyless sockets having vaporproof globes protected by wire guards.

4.5.2 All electrical equipment shall be installed and grounded as provided by Chapter 9 of the Code of Ordinances (Electrical Code) and permanently connected to their source of current supply, using metallic conduit.

4.5.3 No pin plug receptacles shall be used.

4.5.4 All electric light wiring shall be enclosed in metal conduits and shall conform to Rule 4.4.

4.5.5 The use of portable cords or trailer lights are prohibited.

Rule 5. Maintenance and Operation.

5.1 Every premises wherein a spraying, dipping, or immersing space is maintained and operated shall be continuously under the charge and supervision of one or more persons holding a certificate of fitness, whose duty shall be to see that the spray, dipping and immersing space rules and the terms of the permit are not violated. No other duties shall interfere with the enforcement of these rules.

5.2 Smoking or the carrying of lighted cigars, cigarettes or pipes in spray, dipping or immersing space is prohibited.

5.3 No person shall be permitted within a spray space between the spray gun and the exhaust outlet while the spray gun is in use.

5.4 Spraying, dipping or immersing spaces and its surroundings shall be kept clean at all times and shall be kept clear of all materials, equipment and utensils not required in the operation of the spray. Side walls, ceilings, baffle plates, etc., shall be sprayed with soap and water solution, before cleaning, or cardboard or masking paper can be fastened before any operation and after said operation be removed from the premises in approved waste cans.

5.5 Floors within and surrounding spray, dip or immersing spaces shall be kept clean and free from waste material at all times.

5.6 Spray rooms, booths, fans, ducts, and other equipment shall be cleaned frequently and maintained in clean and efficient working condition; lacquer spraying booths shall be wet down before cleaning.

5.7 Implements used for cleaning shall be made of nonferrous material to avoid sparks.

5.8 Metal waste cans with self-closing covers shall be provided for all spraying, dipping or immersing spaces and storage rooms. The number to be installed shall be determined by the administrative official having jurisdiction.

5.9 Approved fire appliances shall be installed in all spraying, dipping or immersing spaces and in storage rooms as may be determined by the administrative official having jurisdiction.

5.10 Accumulation of flammable waste, sweepings or deposits from spray, dip or immersing space is prohibited. All such waste shall be placed in approved waste cans and be removed from the premises at the close of work each day.

5.11 All sand papering of lead painted surfaces shall be done with wet sand paper.

5.12 No motor vehicle shall be taken into or out of a spray space under its own power. Batteries shall be removed before the process of spraying is begun.

Rule 6. Storage and Mixing.

6.1 Main supplies of spray coating materials and thinners shall be kept in an outside storage building, storage rooms or in vented metal cabinets in accordance with the following amounts:

6.1.1 Spraying materials not in excess of 20 gallons may be stored in metal cabinets or wood cabinets, metal covered on both sides including the door. All cabinets to be ventilated at top and bottom.

6.1.2 Spraying materials in excess of 20 gallons and not exceeding 100 gallons may be stored in double-walled metal cabinets vented directly to the outer air.

6.1.3 Spraying materials in excess of 100 gallons shall be stored in a separate exterior storage building of fireproof or fire-resisting material with ventilated plain glass skylight or in a storage room constructed fireproof in a fireproof building or fire-resisting in a non-fireproof building. The maximum amount of spraying materials to be stored in a storage room of a non-fireproof building shall be determined by the administrative official. Storage rooms shall have a window opening to the outer air but such window shall not be on a lot line, enclosed court, nor opposite within twenty feet of windows of adjacent buildings nor part of the same premises, such window openings to be fireproofed and lower half provided with open louvres or ventilated by metal duct or fan at least 8 inches in diameter. The floors of all storage rooms shall be waterproof up to a height of at least 6 inches from the floor and be properly pitched for drainage purposes to a low point within the enclosure. Any drain in such storage room shall not be connected to the house drainage system or street sewer. The sill of the door shall be at least 6 inches above the finished floor. All doors to be tin-clad, approved, fireproof and self-closing.

6.1.4 Mixing or thinning of coating materials shall be conducted in a storage building or storage room, except that containers of total capacity not exceeding ten gallons may be opened and their contents mixed in the spray room or room in which booths are located while the air exhaust system is operating.

6.1.5 Working supplies sufficient for not more than one day's use but not exceeding twenty gallons to each booth, nor a total of one hundred gallons, may be kept in the spray room or room in which spray booths are located; covers of containers must be kept thereon when such containers are not actually in use. This amount is in addition to the amount allowed in 6.1.7.

6.1.6 Gravity feet material containers for supplying spray guns shall not exceed ten gallons in capacity and shall be supported by wire cables or metal brackets having a factor of safety of two when filled with the heaviest spraying materials used.

6.1.7 Pressure feed tanks and other equipment for use in connection with direct spraying under air pressure shall be restricted to tanks of not more than sixty gallons, individual capacity, designed, constructed and approved for this specific purpose by the Board of Standards and Appeals. Each tank shall be provided with a safety valve set at a pressure not exceeding eighty pounds. All gravity feed containers and other spraying equipment shall be approved as above.

6.1.8 The installation of all electrical wiring, switches, lighting and all other electrical equipment, and the provisions of these rules against carrying matches or smoking and prohibiting flame or spark-producing devices, shall also apply to storage or mixing rooms.

RULES

6.2 STORAGE of spraying, dipping and immersing materials shall not be in excess of two hundred (200) gallons in a storage room, but in a building in which nitro cellulose products are manufactured, stored or kept the amount shall be not over twenty-five (25) gallons as per Sect. 235, Subdiv. 8, Chap. 10, Code of Ordinances.

6.3 Sprinkler heads shall be provided in all spray, dip or immersing spaces and storage rooms and shall be installed in accordance with the Sprinkler Rules of the Board of Standards and Appeals, except in non-sprinklered buildings where sprinkler connection may be made to the house water supply.

6.4 Sprinkler heads in spray, dip and immersing spaces shall be cleaned at least once a week under the supervision of the person holding the certificate of fitness and a coating of light grease or vaseline shall be applied after each cleaning to prevent the formation of a hard deposit and render the sprinkler useless in case of fire. The use of paper bags or other materials about sprinkler heads is prohibited.

Rule 7. General Requirements.

Notice—Attention is called to the provisions of the Code of Ordinances as to violations reading as follows:

Section 300, Article 26, of Chapter 10, of the Code of Ordinances, "Any person who shall wilfully violate or neglect or refuse to comply with any of the provisions of this chapter in addition to any other penalties prescribed by law or ordinance shall, upon conviction, be punished by a fine of not more than $500 or by imprisonment not exceeding 6 months, or by both such fine and imprisonment"

NOTE:—The principal cause of fires in spray-booth installations are: broken electric lamps and other electrical defects; cleaning the interior of booths, fans and motors with highly flammable solvents; accumulation of deposits in the tubes and vent pipes from neglect in cleaning them frequently; unnecessary accumulation of waste and refuse, smoking and a general lack of cleanliness.

(a) "No Smoking" signs, with letters at least 2 inches in height, shall be posted in all spray rooms and paint storage rooms or building.

(b) No combustible material shall be stored or maintained within 15 feet of any spray booth.

(c) All stock shall be arranged so as not to interfere with the operation of automatic sprinkler heads.

Rule 8. Existing Spray Booths and Installations.

These rules shall be retroactive in the following respects:

Rule **1.3** Heating of Rooms.
Rule **3.1** Air Exhaust System.
3.2 Air Supply and Mixing.
Rule **4.1** Construction of Spray Booths.
4.1.3 Surfacing of Booths.
4.1.5 Surfacing of Booths.
4.2.2 Maintenance of Ducts.
4.2.5 Electric Lighting.
4.2.6 Method of Induced Draft.
4.4 Separation of Booth from Flame.
4.4 Location of Motors.
Rule **5.1** Certificate of Fitness.
5.2 Smoking, Matches, etc.
5.6 Maintenance of Equipment.
5.7 Cleaning Implements.
5.9 Fire Appliances.
5.10 Accumulation and disposal of waste materials.
5.12 Motor Vehicles in booths or rooms.
Rule **6.** Storage and Mixing.
Rule **7.** General Requirements.

NOTE:—Rules 6.1, 6.2, 6.3 and 6.4 may not be applied in fireproof buildings equipped with an approved existing automatic sprinkler system where the general conditions of cleanliness are properly maintained at all times.

Rule 9. Approval Forms and Plans.

There shall be filed before installation with the administrative official by the purchaser (or by the seller thereof) an application form on sheet 8 inches by 10 inches, which form shall give the proper name and address of booth user and also the floor on which the booth or booths are to be installed. An ink drawing of the floor upon which the booth will be located shall be submitted on the form sheet; such drawing shall show by feet and inches the location of exits, chimneys and booths.

When a storage and mixing room is to be installed, plans drawn to a scale of at least 1/16 of an inch to a foot shall be filed with the administrative official for examination and approval. Such plan shall show on the floor plan the location of all booths, storage and mixing rooms, exits and all chimneys and exterior openings within 15 feet of the storage rooms and vent ducts.

APPLIANCES

APPROVED PAINT, VARNISH AND LACQUER SPRAYING EQUIPMENT

Automatic Paint Sprayer.....477-37-SA.
Binks-Hu-Ro-Thor-Hurley Spray Equipment...338-32-SA.
De Vilbiss Spray-Painting Equipment.....336-32-SA.
Eureka Paint Sprayer.....478-37-SA.
Paasche Spray Painting Equipment.....363-32-SA.
Spraco Spray Painting Equipment.....479-32-SA.

NOTICE

FORMS FOR NOTICES TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail

RULES

Fire Drill Rules, Adopted By the Board of Standards and Appeals, October 5, 1923.

(593-23-SR)

NOTE—*In republishing these Rules, no corrections have been made as to departmental jurisdiction, as such may be affected by the McCall Bill known as Chapter 764 of the Laws of 1933.*

DEFINITION OF "FIRE DRILL."

The method and practice of the systematic and orderly vacating of a building by its occupants in case of emergency, panic or fire in the least possible time—by the nearest safe means of exit—and the use of fire appliances which shall be provided for the extinguishing or retarding of fire and the safeguarding of human life.

Rule 1

In all buildings as defined in Article 1, Section 10 of the Labor Law in which fire drills are required pursuant to Section 279 and in any other building in which the Fire Commissioner may be directed pursuant to the power conferred in section 775-B of the Greater New York Charter, it shall be the duty of the owners, lessees or tenants to conduct fire drills monthly and at such other times as the Fire Commissioner may direct.

For the purpose of conducting such fire drills the owner or tenant shall appoint from among their employees such responsible and dependable persons, male or female, who shall efficiently perform the duties of the various positions of the fire drill organization, as specified on the accompanying chart.

It shall be the duty of the owner or tenant to enter in the blank spaces provided for that purpose in said chart the names of persons so selected and post said chart and copies of the rules in a conspicuous place.

FIRE DRILL ORGANIZATION.

Premises .....
Name of concern.....
Building No.....Story.....

FOREMAN OR PERSON IN CHARGE

Regular	Substitute
.....	.....

WATCHMAN

.....	.....
.....	.....

MALE SEARCHER

.....	.....

FEMALE SEARCHER

.....	.....

STREET ALARM BOX RUNNER

.....	.....

FIRE BRIGADE

.....	.....
.....	.....
.....	.....

EXIT GUARDS

.....	Exit.....	.....
.....	"	.....
.....	"	.....
.....	"	.....
.....	"	.....
.....	"	.....

SQUAD MONITORS

.....Squad	No. 1	.....
..... "	" 2	.....
..... "	" 3	.....
..... "	" 4	.....
..... "	" 5	.....
..... "	" 6	.....

Rule 2. Duties of Foreman.

The Foreman or Person in Charge shall direct, enforce and have full charge of the "Fire Drill" in every factory on each floor. Each day before work is begun he shall see that extinguishers, fire hose, fire buckets, etc., are in readiness for use, exit doors are unlocked, aisles are free from obstruction, that stairways, halls, etc., are properly lighted, and shall remedy any dangerous condition found to exist. Immediately after work is commenced he shall check up the Fire Drill Organization list and note if the regularly assigned persons are present; if any are found to be absent, he shall assign other employees (if practicable) to perform their duties.

He shall immediately notify new employees of the existence of the Fire Drill Organization an give them the necessary instructions as to the duties they are to perform, etc.

He shall be familiar with the operation and location of the interior alarm signal box on his floor.

He shall listen for the test signal each morning at the appointed hour and in the event of the test signal not being heard he shall communicate with the superintendent or other person in charge of the building and advise him of the fact. The (Floor Captains) Foreman's orders are final as to the carrying out of the fire drill on his particular floor.

Rule 3. Duties of Watchmen.

The WATCHMEN shall see that all doors and windows are closed so as to prevent the spread of fire. The WATCHMEN shall be the only persons permitted to remain on the floor during the progress of a fire drill and do so at their own risk. For ordinary purposes only one watchman and a substitute shall be designated. In special cases, however, extra watchmen may be assigned by consent in writing from Fire Commissioner.

Rule 4. Duties of Searchers.

The MALE AND FEMALE SEARCHERS shall search all toilets, dressing rooms and emergency rooms used and frequented by their sex and all other portions of the floor and order all persons, except those authorized to remain, to leave the premises. They are to take care of and assist all persons who may faint or be disabled.

SEARCHERS shall leave the floor immediately after the last squad leaves.

Rule 5. Duties of Street Alarm Box Runner.

The STREET ALARM BOX RUNNER shall be familiar with the location of the nearest city fire alarm box and know how it is operated.

In ordinary practice fire drills the STREET-ALARM-BOX-RUNNER shall report to the Foreman for orders, and if his services are not required he shall promptly file out of the premises with the other occupants.

Only when a fire actually occurs on his floor, or when ordered to do so by the Foreman, shall the STREET-ALARM-BOX-RUNNER proceed to the street alarm box and send in the fire alarm.

RULES

Rule 6. Duties of Fire Brigade.

The fire brigade shall have full charge of the operation of all auxiliary fire fighting apparatus and shall endeavor to extinguish, or at least hold in check until the arrival of the fire department, any fire that may occur. When it is necessary for the fire brigate to respond to different floors in the building they shall not use the stairways or fire escapes while the occupants are escaping from the premises.

Rule 7. Duties of Exit Guards.

The EXIT GUARDS shall station themselves at all exit doors leading to fire escapes, stairways and other means of escape immediately upon the sounding of the alarm. There shall be two guards for each exit, if practicable; one to stand in the hallway holding back the door and the other directly inside on the floor. They are to keep the exit doors open and direct the movements of the persons using these exits and prevent congestion.

EXIT GUARDS shall remain at their stations until all of the occupants of the building have passed their station. Then close their doors and pass out of the building. Upon signal for the occupants to return, EXIT GUARDS shall take their designated stations and remain there until all persons have returned to their respective floors.

Rule 8. Duties of Squad Monitors.

The SQUAD MONITORS, as soon as the alarm is sounded, shall see that the employees under their charge quickly form into line, two abreast, and numbering not more than thirty to each squad. They shall see that all aisles and passageways are cleared of obstructions.

Note: Chairs, stools, baskets, etc., should be pushed under or placed on top of work benches.

MONITORS shall proceed at the head of their respective squads to the exit assigned, and then march up or down the stairs or to other exits as directed by the EXIT GUARDS.

On reaching the sidewalk MONITORS shall keep their squads in order and lead them a reasonable distance from the building, so as not to cause congestion and interference with fire apparatus. When the proper signal is given they shall return to their respective floors at head of their squads.

MONITORS will at all times see that those under their charge conduct themselves in a respectable and orderly manner.

Rule 9. Holding of Drills.

FIRE DRILLS shall be held at least once each month at varied hours of the day, and all of the occupants shall participate therein simultaneously. Such drills shall conduct all occupants to a place of safety.

Where dual operation interior fire alarm systems are installed as permitted under Rule 11 of the interior fire alarm rules of the Board of Standards and Appeals, the fire drill conducted each month shall include all of the persons on the premises engaged at work for a factory, and drills shall be conducted at least twice each year in which all of the persons on the premises shall participate simultaneously.

Rule 10. Duties of Owner.

It shall be the duty of the OWNER, LESSEE OR TENANT OF THE BUILDING or his authorized agent or their representatives to personally observe that the "Fire Drill" is held simultaneously on every floor of the building and the participation therein of every occupant of such building. Any FIRE DRILL in which all of the occupants do not particpate shall not be considered as complying with the LAW, except as otherwise provided in these rules.

The person or persons representing the OWNER, LESSEE OR TENANT who supervises the FIRE DRILL at the building shall submit to an examination by the Bureau of Fire Prevention as to their experience and general fitness for such duties, and shall be so certified in writing by the FIRE COMMISSIONER.

Rule 11. Duties of Engineer.

It shall be the duty of the ENGINEER, SUPERINTENDENT or other PERSON IN CHARGE of a building having an interior fire alarm system to test such system daily immediately after the beginning of business, and to see that all apparatus operated by springs requiring winding are rewound after each alarm and kept in normal condition for operation.

Whenever it is necessary to test the fire alarm system at any other time of the day, owing to repairs, etc., being made, the PERSON IN CHARGE OF BUILDING will first notify all Foremen of the several floors of the intended test and likewise notify them when the repairs, etc., are completed. This precaution is taken to prevent confusion and excitement, also misunderstanding of the alarm signals.

It shall also be the duty of the PERSON IN CHARGE OF BUILDING to sound the interior alarm system at irregular intervals, but not less than once each calendar month, for the purpose of holding practice fire drills. He shall keep on the premises a record of such drills showing the date when held and the required time for all occupants to reach the street or a point of safety outside the building.

The PERSON IN CHARGE OF BUILDING must immediately acquaint new tenants of the existence of the "Fire Drill" Organization and its purport.

Rule 12. Registration.

The name and address of every person, corporation or co-partnership, that will, under professional service, carry on the trade, business or calling of establishing, maintaining or supervising the "Fire Drill" shall be registered in the Fire Department, which Department shall, upon evidence of fitness, grant a certificate to that effect.

NOTICE

MULTIPLE DWELLING LAW ON SALE

Copies of the Multiple Dwelling Law are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50c; by mail 54c.

Copies of the Supplemental Rules and Regulations of the Tenement House Department on Fire Retarding, Fire Escapes, Fire Stairs and Fire Towers are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 10c; by mail 12c.

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BULLETIN
OF THE
BOARD OF STANDARDS AND APPEALS
CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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DIRECTORY

BOARD OF STANDARDS AND APPEALS
HARRIS H. MURDOCK, Chairman
BERNARD A. SAVAGE
CHARLES M. BLUM
CHIEF JOHN J. MCELLIGOTT
EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.
TELEPHONE—WORTH 2-0184.
OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

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Court Decision.

Rules Directory.

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Minutes of Regular Meeting, April 26, 1938, at 2 P.M., Affecting Calendar Numbers 345-32-BZ, 17-29-BZ, 633-26-BZ, 1201-18-BZ, 1087-24-BZ, 185-31-BZ, 458-37-BZ, 815-26-BZ, 414-29-BZ, 46-33-BZ, 233-36-BZ, 1218-22-BZ, 27-38-A, 276-38-A, 187-38-A-WF, 244-38-A, 277-38-A, 283-38-A, 617-37-A, 194-38-A, 308-38-A (General Resolution), 40-38-S, 206-38-S, 434-32-SA, 180-38-SA, 260-38-SA, 201-38-SA, 138-38-SM, 188-38-SM and 248-38-SM.

Correction Affecting Calendar Number 223-38-A.

Rules for Fusion Welding and Gas Cutting.

Approved Fireline Hose Valves.

Approved Fuel Oil Fill Pipe Terminals.

Fire Retarding Rules for Garages, etc.

Approved Range Oil Burners and Space Heaters.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*

CALENDAR

DOCKET

New Cases Filed up to April 26, 1938

Cal. No. *Department* *Premises Affected*

289-38-BZ.....H.B.M.....657-699 Park avenue, 924-942 Lexington avenue, 57 East 68th street and 54 East 69th street (entire block) (Block 1403, Lot 1), Borough of Manhattan, N.B. 211-37.

290-38-SA.....H.B.....Siphon-Proof Water Closet Bowl, manufactured by The John Douglas Company, Appliance.

291-38-SM.....H.B.....Santi-Seal Ring, manufactured by Otto Robert Muller, Material.

292-38-SA.....F.D.....Bryant Unit Garage Heater, Models 1-AG-85-C, 2-AG-85-C and 3-AG-85-C, Appliance.

293-38-SA.....F.D.....Major Oil Burner, Models M, J and R, Appliance.

294-38-A.....F.D.....350 West 31st street (8th floor), south side, 200 ft. east of Ninth avenue (Block 754, Lot 68), Borough of Manhattan, 12061-L.C.

295-38-A.....H.B.M.....756 Tenth avenue, east side, 75 ft. 5 in. north of West 51st street (Block 1061, Lot 4), Borough of Manhattan, Alt. 3907-37.

296-38-A.....H.B.M.....207 Avenue A, west side, 25 ft. south of East 13th street (Block 440, Lot 32), Borough of Manhattan, Alt. 545-37.

297-38-A.....F.D.....405 Lexington avenue, east side, from East 42nd street to East 43rd street, 145 East 42nd street and 134-142 East 43rd street (Block 1297, Lots 23 and 45½), Borough of Manhattan, 11826-L.C. & Decision.

298-38-A.....H.B.B.....257-261 Moore street, north side, 159 ft. 10 in. west of Bogart street and 276-280 Siegel street (Block 3101, Lot 10), Borough of Brooklyn, N.B. 5140-38.

299-38-A.....F.D.....West side of Cross Bay boulevard, 997 ft. south of 20th road, Broad Channel, Borough of Queens, 74834-L.C.

300-38-A-WF..H.B.Q.....49-01 104th street and 104-06 49th avenue, southeast corner (Block 1993, Lot 49), Corona, Borough of Queens, Alt. 1826-38.

301-38-SM.....H.B.....S. & F. Colonial Veneer Brick, manufactured by Sayre & Fisher Brick Company, Material.

302-38-A.....H.B.M.....304-306 West 42nd street, south side, 125 ft. west of Eighth avenue (Block 1032, Lot 37), Borough of Manhattan, Alt. 1092-38.

303-38-A.....H.B.B.....439-441 11th street, north side, 239 ft. 3 in. east of Sixth avenue (Block 1018, Lot 71), Borough of Brooklyn, Alt. 637-38.

304-38-BZ.....H.B.M.....221-231 East 37th street, north side, 230 ft. west of Second avenue (Block 918, Lots 14, 17 & 18), Borough of Manhattan, Alt. 828-38.

305-38-BZ.....H.B.M.....123-127 West 56th street, north side, 325 ft. west of Sixth avenue (Block 1009, Lots 17, 18 & 19), Borough of Manhattan, N.B. 56-38.

306-38-A.....H.B.B.....1602 Avenue J, southeast corner of East 16th street (Block 6718, Lot 1), Borough of Brooklyn, Alt. 2959-38.

307-38-A.....F.D.....220-230 East 64th street, south side, 255 ft. east of Third avenue (Block 1418, Lot 11), Borough of Manhattan, 32984-F & Decision.

308-38-A.....H.B.....Interpretation of Section C26-427.0 of the Administrative Code (8.4.2.5), relative to figuring the uppermost 55 ft. of bearing wall and the point where a change of thickness is required, General Resolution.

Restored to Calendar.

1201-18-BZ....H.B.Q.....90-02 43rd avenue (Kingsland avenue), south side, 269 ft. west of Hampton street (Block 683, Lot 69), Elmhurst, Borough of Queens, Decision re: 394-38.

1087-24-BZ....H.B.Bx.....1680 Jerome avenue, east side, 50 ft. south of Clifford place (Block 2648, Lot 12), Borough of The Bronx, Decision.

633-26-BZ.....H.B.Bx.....1883 Marmion avenue, west side, 100 ft. north of East 176th street (Block 2954, Lot 34), Borough of The Bronx, Alt. 233-27 & Zone Viol. 25-38.

185-31-BZ.....D.B.B.....1157-1161 Madison street, north side, 100 ft. east of Central

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avenue (Block 3360, Lot 52), Borough of Brooklyn, Applic. 12060-37.

434-32-SA.....F.D.....G. E. Oil Burner, Models LA-3, LA-4, LA-5 and LA-6, Appliance.

617-37-A.....D.B.M.....815-829 Eighth avenue, 307 West 49th street and 304 West 50th street (Block 1040, Lot 29), Borough of Manhattan, 37269-F & Decision.

DESIGNATIONS: H.B.—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

COURT DECISION

Matter of Rosen (Murdock)—On July 16, 1937, the board affirmed decision of the commissioner of buildings in withdrawing his permit substituting a nonconforming for a conforming use under section 6 of the zoning resolution; Cal. No. 268-37-A, premises 582 4th avenue, northwest corner Prospect avenue, Borough of Brooklyn. Mr. Justice Wenzel held that "The question involved having become academic by reason of the destruction of the building which the petitioner sought leave to alter, the respondent's motion to quash the order of certiorari is granted and the proceedings dismissed." (N.Y.L.J., April 22, 1938).

RULES

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Concrete Flat Slabs, Rules.....July	13, 1937—Vol. 22, No. 28
Concrete Rules (Hydrated Lime)...Aug.	3, 1937—Vol. 22, No. 31
Elevator Rules .....Mar.	3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors).....June	15, 1937—Vol. 22, No. 24
Factory Exit Rules.....Apr.	12, 1938—Vol. 23, No. 15
Fire Alarm Rules (Interior).....Apr.	5, 1938—Vol. 23, No. 14
Fire Drill Rules.....April	26, 1938—Vol. 23, No. 17
Fire Retarding Rules for Garages, etc. .....May	3, 1938—Vol. 23, No. 18
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Frame Garages, Ruling for.....Jan.	21, 1919—Vol. 4, No. 3
Fusion Welding and Gas Cutting Rules .....May	3, 1938—Vol. 23, No. 18
Gas Shut-Off Rules.....Apr.	7, 1925—Vol. 10, No. 14
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Paint, Varnish and Lacquer Spraying Rules .....April	26, 1938—Vol. 23, No. 17
Platform Trucks, Specifications for.Nov.	24, 1936—Vol. 21, No. 47
Plumbing Rules .....Aug.	3, 1937—Vol. 22, No. 31
Procedure, Rules of.....Sept.	7, 1937—Vol. 22, No. 36
Refrigerating Systems, Extract C.O.Nov.	23, 1937—Vol. 22, No. 47
Smoking in Factories, Rules for....Apr.	12, 1938—Vol. 23, No. 15
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Structural Alterations, Reporting...June	7, 1932—Vol. 17, No. 23
Tank Trucks, Fuel Oil, etc.....Nov.	24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc.....Nov.	24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)..Apr.	10, 1923—Vol. 8, No. 15

LIST OF APPROVED APPLIANCES

Anti-Siphon Valves .....Mar.	5, 1935—Vol. 20, No. 10
Fireline Hose Valves.....May	3, 1938—Vol. 23, No. 18
Fuel Oil Burners for Domestic and Commercial Use .....Apr.	19, 1938—Vol. 23, No. 16
Fuel Oil Fill Pipe Terminals.....May	3, 1938—Vol. 23, No. 18
Fuel Oil Burners for Industrial Use.Jan.	25, 1938—Vol. 23, No. 4
Fuel Oil Pumps.....Apr.	19, 1938—Vol. 23, No. 16
Paint, Varnish and Lacquer Spraying Equipment .....April	26, 1938—Vol. 23, No. 17
Range Oil Burners and Space Heaters .....May	3, 1938—Vol. 23, No. 18

MAY 3, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May 3*, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 116-38-BZ—Application, February 24, 1938, under section 7h of the building zone resolution, of Benjamin N. Brody, applicant, on behalf of Veronica Realty Corporation, owner, to permit, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles; premises 312-338 West 59th street, south side, 114 ft. 10½ in. west of Broadway (Block No. 1049, Lot Nos. 44-56 inclusive), Borough of Manhattan.

CAL. NO. 62-38-BZ—Application, February 2, 1938, under sections 7a and 21 of the building zone resolution, of Albert E. Wheeler, applicant, on behalf of Louis Roth, owner, to permit in a residence use district the erection and maintenance of a building to be used as office and store room (tinsmith and roofing shop); premises 5672 Riverdale avenue, east side, 218.67 ft. south of West 259th street (Block No. 3423A, Lot No. 129), Borough of The Bronx.

CAL. NO. 374-37-BZ—Application, July 21, 1937, under section 21 of the building zone resolution, of Ruth Jakobi, applicant and owner, to permit in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop; premises 818 East 182nd street, south side, 31.58 ft. west of Southern boulevard (Block No. 3111, part of Lot No. 59), Borough of The Bronx.

CAL. NO. 143-38-BZ—Application, March 7, 1938, under section 21 of the building zone resolution, of Samuel Rosenblum, applicant, on behalf of Northwest Building Corporation, owner, to permit in a residence use district the erection and maintenance of a business building (stores); premises 1486-1492 Ocean avenue and 1913-1929 Avenue J, northwest corner (Block No. 6712, Lot Nos. 1, 4 and 6), Borough of Brooklyn.

CAL. NO. 181-38-BZ—Application, March 14, 1938, under sections 7a and 21 of the building zone resolution, of Leonard A. Swarthe, applicant, on behalf of Horace Smith, owner, to permit in a business use district the alteration and conversion of occupancy of part of an existing garage for more than five (5) motor vehicles (previously acted upon by the board) so as to include a gasoline service station; premises 410 City Island avenue, northeast corner of Ditmars street (Block No. 5645, Lot No. 1), Borough of The Bronx.

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CAL. NO. 379-33-BZ—Application of Edward T. Curran, applicant, on behalf of Andrew Haurylak, owner, reopened and restored to the calendar March 22, 1938, under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station and also a motor vehicle repair shop (previously withdrawn, also, previously denied for a gasoline service station); premises 79-08 Astoria boulevard and 23-49 79th street, southeast corner (Block No. 1032, Lot No. 54), East Elmhurst, Borough of Queens.

CAL. NO. 228-38-BZ—Application, April 6, 1938, under sections 7c and 21 of the building zone resolution, of Henry V. Murphy, applicant, on behalf of Roman Catholic Diocese of Brooklyn, owner, to permit in a residence use district the extension in height of an existing office building (Chancery for Roman Catholic Diocese of Brooklyn); premises 73-79 Greene avenue and 380-384 Clermont avenue, northwest corner (Block No. 2121, Lot No. 41), Borough of Brooklyn.

CAL. NO. 532-32-BZ—Application of Sidney L. Strauss, applicant, on behalf of Frank Fischer, owner, reopened April 12, 1938, for consideration as to extension of time to obtain permits and to complete work (time having expired by limitation due to property condemnation for approach to Triborough Bridge) re Application, previously granted on condition, under sections 7a and 21 of the building zone resolution, permitting in a business use district the change in area and construction of a gasoline service station (granted by the board on March 14, 1933); premises 31-04 Astoria avenue and 25-25 31st street, southeast corner (Block No. 620, Lot Nos. 24 and 25), Astoria, Borough of Queens.

HARRIS H. MURDOCK, *Chairman*

MAY 3, 1938, 2 P. M.

Appeals from Administrative Orders

276-38-A—145-155 West 47th street, north side, 240 ft. east of Seventh avenue and 148-154 West 48th street (Block No. 1000, Lot No. 11), Borough of Manhattan.

282-38-A-WF—40-02 National avenue and 102-26 Roosevelt avenue, southwest corner (Block No. 1974, Lot No. 3), Corona, Borough of Queens.

300-38-A-WF—49-01 104th street and 104-06 49th avenue, southeast corner (Block No. 1993, Lot No. 49), Corona, Borough of Queens.

371-37-A—380 Pearl street and 11-17 Willoughby street, northwest corner (Block No. 145, Lot No. 23), Borough of Brooklyn.

600-37-A—841-843 Broadway and 53-63 East 13th street, northwest corner (Block No. 565, Lot No. 17), Borough of Manhattan.

48-38-A—120-122 Varick street and 12-14 Dominick street, southeast corner (Block No. 491, Lot Nos. 6, 7, 10, 11 and 12), Borough of Manhattan.

243-38-A—296 Pearl street, east side, 100 ft. north of Beekman street (1st floor); (Block No. 98, Lot No. 24), Borough of Manhattan.

269-38-A—872 East 164th street, southwest corner of Stebbins avenue (Block No. 2690, Lot No. 144), Borough of The Bronx.

286-38-A—1115-1119 Bedford avenue, east side, 75 ft. north of Monroe street (Block No. 1812, Lot No. 4), Borough of Brooklyn.

287-38-A—235 West 23rd street, north side, 347 ft. west of Seventh avenue (Block No. 773, Lot No. 24), Borough of Manhattan.

294-38-A—350 West 31st street, south side, 200 ft. east of Ninth avenue (8th floor); (Block No. 754, Lot No. 68), Borough of Manhattan.

295-38-A—756 10th avenue, east side, 75 ft. 5 in. north of West 51st street (Block No. 1061, Lot No. 4), Borough of Manhattan.

296-38-A—207 Avenue A, west side, 25 ft. south of East 13th street (Block No. 440, Lot No. 32), Borough of Manhattan.

297-38-A—405 Lexington avenue, east side, from East 42nd street to East 43rd street, 145 East 42nd street and 134-142 East 43rd street (Block No. 1297, Lot Nos. 23 and 45½), Borough of Manhattan.

298-38-A—257-261 Moore street, north side, 159 ft. 10 in. west of Bogart street and 276-280 Siegel street (Block No. 3101, Lot No. 10), Borough of Brooklyn.

299-38-A—West side of Cross Bay boulevard, 997 ft. south of 20th road, Broad Channel, Borough of Queens

Variation of Labor Law.

239-38-S—115-121 Wooster street, west side, 101 ft. south of Prince street and 433 West Broadway (Block No. 501, Lot Nos. 11 and 20), Borough of Manhattan.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, May 3, 1938*, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 324-37-BZ—Application, June 29, 1937, under section 21 of the building zone resolution, of Joseph M. Lonergan, applicant, on behalf of Mathilda Litchman and Bruno Bernabo, owners, to permit in a business use district the erection and maintenance of a gasoline service station; premises 4727-4729 Third avenue, west side and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent, applicants, on behalf of Maude B. Mowry, owner, to permit in a business use dis-

trict the erection and maintenance of a gasoline service station; premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

CAL. NO. 497-37-BZ—Application, October 20, 1937, under section 7h of the building zone resolution, of Daniel Ginsberg, applicant, on behalf of William Losak, lessee, for Jacob Litvin and Anna Litvin, owners, to permit in a business use district the parking and storage of more than five (5) motor vehicles for a period of two (2) years in addition to the existing use of the premises for the sale of used cars; premises 1203-1235 East New York avenue, northeast corner of Ralph avenue and Union street (Block No 1477, Lot No. 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MAY 10, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May* 10, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 53-38-BZ—Application of Halsey, McCormack and Helmer, Inc., applicants, on behalf of Ridgewood Savings Bank, owner, reopened April 19, 1938 under new proposal, under sections 7b and 7c of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of an extension to an existing business building (Bank); (previously denied); premises 1838-1842 George street and 1002-1004 Forest avenue, southeast corner (Block No. 3575, Lot Nos. 31 and 33), Ridgewood, Borough of Queens.

CAL. NO. 128-38-BZ—Application, March 1, 1938, under section 21 of the building zone resolution, of Julius S. Rapson, applicant, on behalf of Beaudel Brothers, owners, to permit in a business use district the erection and maintenance of a gasoline service station and, also, a motor vehicle repair shop; premises 240-18 South Conduit avenue, southeast corner of Memphis avenue and southwest corner of Memphis avenue and 241st street (Block No. 4840, part of Lot No. 245), Rosedale, Borough of Queens.

CAL. NO. 127-38-BZ—Application, March 1, 1938, under section 21 of the building zone resolution, of James Russell Ashley, applicant, on behalf of Elmtree Realty Company, owner, to permit in a business use district the erection and maintenance of eight (8) buildings to be occupied by garage for forty (40) automobiles; premises 195-201 West 237th street, northeast corner of Broadway (Block No. 3270, Lot No. 40), Borough of The Bronx.

CAL. NO. 170-38-BZ—Application, March 10, 1938, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Benjamin Levinson and Maxwell R. Ginsberg, owners, to permit in a business use district the erection and maintenance of a gasoline service station (part of plot in question previously denied for use as gasoline service station); premises 201-02 to 201-14 47th avenue, 47-02 to 47-06 202nd street, southwest corner and 201-01 to 201-13 Rocky Hill road, northwest corner of 202nd street (Block No. 5560, Lot Nos. 1 and 3), Bayside, Borough of Queens.

CAL. NO. 60-37-BZ—Application of Philip T. Coffey, applicant and owner, reopened February 1, 1938, under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously withdrawn, including the residence use district); premises 32-05 Newtown avenue and 28-54 33rd street, northwest corner (Block No. 619, part of Lot No. 1), Astoria, Borough of Queens.

CAL. NO. 335-37-BZ—Application, July 1, 1937, under sections 7f and 21 of the building zone resolution, of Samuel Reice, applicant, on behalf of Edgar H. Myers, owner, to permit in a business use district the maintenance of a junk yard; premises 1040-1056 Rockaway avenue, west side, 140 ft. south of Linden boulevard (Block No. 3643, part of Lot No. 40), Borough of Brooklyn.

CAL. NO. 100-38-BZ—Application, February 17, 1938, under section 7h of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Three Eighty-Three Realty Corporation, owner, to permit in a retail use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 11-17 West 35th street, north side, 200 ft. west of Fifth avenue and 12-14 West 36th street, south side, 219 ft. west of Fifth avenue (Block No. 837, Lot Nos. 31, 32, 33, 34, 54 and 55), Borough of Manhattan.

CAL. NO. 613-37-BZ—Application, December 21, 1937, under sections 7h and 21 of the building zone resolution, of William C. Sommerfeld, applicant, on behalf of Three Bees, Inc., owner, to permit in a business use district the parking and storage of more than five (5) motor vehicles; premises 234-242 West 124th street, south side, 375 ft. west of Seventh avenue (Block No. 1929, Lot Nos. 49 to 52), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

MAY 17, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May* 17, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 38-38-BZ—Application, January 19, 1938, under section 21 of the building zone resolution, of Herman Kron, applicant, on behalf of Bowery-Chrystie Corporation, owner, to permit partly in an unrestricted use district and partly in a business use district the erection and maintenance of a gasoline service station and, also, the parking and storage of more than five (5) motor vehicles (premises allegedly on same street as a school); premises 167-175 Chrystie street, west side, 99.6 ft. south of Rivington street and 199-205 Bowery (Block No. 425, Lot No. 9), Borough of Manhattan.

CAL. NO. 370-30-BZ—Application of Bernard J. Sieban, applicant, on behalf of Sophie M. Sieban, owner, reopened February 23, 1938, under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station (previously withdrawn); premises 173-02 to 173-04 Horace Harding boulevard, 61-01 to 61-05 173rd street and 61-02 to 61-06 Fresh Meadow road (Block No. 6901, Lot No. 37), Flushing, Borough of Queens.

CAL. NO. 162-38-BZ—Application, March 11, 1938, under sections 7b and 21 of the building zone resolution, of Boris W. Dorfman, applicant, on behalf of Realty Freehold Corporation, owner, to permit the extension from a business use district into a residence use district of a proposed business building (stores) and, also, the omission of the required rear yard; premises 781-787 East 31st street, east side, 40 ft. north of Avenue H (Block No. 7559, Lot No. 8), Borough of Brooklyn.

CAL. NO. 436-37-BZ—Application, September 7, 1937, under sections 7h and 21 of the building zone resolution, of Herman Kron, applicant, on behalf of Chanler Estate, Inc., owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 239-255 East 3rd street, north side, 90 ft. west of Avenue C (Block No. 386, Lot Nos. 45 to 51), Borough of Manhattan.

CAL. NO. 464-37-BZ—Application, September 28, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Vincenza Gabella, owner, to permit in a residence use district the maintenanec of a garage for more than five (5) motor vehicles; premises 2214-2222 West 11th street, west side, 100 ft. south of Avenue V (Block No. 7139, Lot Nos. 12 and 14), Borough of Brooklyn.

CAL. NO. 438-37-BZ—Application, September 8, 1937, under sections 7h and 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Gralane Realty Co., Inc., and 550 Park Avenue Corporation, owners, to permit partly in a business use district and partly in a residence use district the use of the plot for the parking of more than five (5) motor vehicles; premises 41-15 to 41-45 Kissena boulevard, 138-01 to 138-19 Barclay street, northeast corner and 136-14 to 136-22 41st (Madison) avenue (Block No. 5044, Lot Nos. 1, 5, 7 and 11), Flushing, Borough of Queens.

CAL. NO. 568-37-BZ—Application, December 2, 1937, under sections 7g and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Theresa Van Houten, owner, to permit in a business use district the erection and maintenance of a garage for more than five (5) motor vehicles and, also, a gasoline service station; premises 8917-8923 Flatlands avenue, southwest corner of Remsen avenue (Block No. 8010, Lot No. 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MAY 17, 1938, 2 P. M.

Appeal from Administrative Order.

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

Variations of Labor Law

220-38-S—15-19 East 26th street, north side, 120 ft. west of Madison avenue and 10-14 East 27th street (Block No. 856, Lot No. 11), Borough of Manhattan.

160-38-S—3869 Broadway, west side, 75 ft. north of West 161st street (Block No. 2137, part of Lot No. 18), Borough of Manhattan.

225-38-S—538-540 Fifth avenue, west side, 50 ft. south of West 45th street (Block No. 1260, Lot No. 38), Borough of Manhattan.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, May* 17, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 185-31-BZ—Application of Sidney H. Kitzler, applicant, on behalf of Estate of David Stern, owner, reopened April 26, 1938 for consideration as to amendment of resolution—re Application, granted on condition, under section 7a of the

CALENDAR

building zone resolution, permitting in a residence use and "C" area district the extension of an existing factory building (bakery) with the omission of the required rear yard; premises 1157-1161 Madison street, north side, 100 ft. east of Central avenue (Block No. 3360, Lot No. 52), Borough of Brooklyn.

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MAY 24, 1938, 2 P. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, May* 24, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 345-32-BZ—Application of Alphonsus Casey, applicant, on behalf of Patrick J. Reilly, owner, reopened February 23, 1938, for consideration as to extension of permit —re Application, previously granted on condition, under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station for a temporary period; premises north side of 47th avenue, 91 ft. east of Cross Island boulevard (Block No 1299, part of Lot No. 105), Bayside, Borough of Queens.

CAL. NO. 152-37-BZ—Application, April 3, 1937, under section 7h of the building zone resolution, of Michael Falzarano, applicant and lessee, on behalf of Bessie Greenwald, I. Rosenwasser and N. Glantz, owners, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution, reopened and restored to calendar April 5, 1938); premises 9508-9530 Church avenue, southeast corner of East 96th street (Block No. 4716, Lot Nos. 42 to 50 inclusive), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, APRIL 26, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the regular meeting of the Board held on Tuesday morning, April 19, 1938 and the minutes of the regular meeting of the board held on Tuesday afternoon April 19, 1938, were approved as printed in Bulletin No. 17, Vol. XXIII.

BUILDING ZONE CASES

152-37-BZ.

APPLICANT—Michael Falzarano (lessee), for I. Rosenwasser, N. Glantz and Bessie Greenwald, owners.

SUBJECT—Application reopened and restored to calendar April 5, 1938 (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution).

PREMISES AFFECTED — 9508-9530 Church avenue, southeast corner of East 96th street (Block No. 4716, Lot Nos. 42 to 50 inclusive), Borough of Brooklyn.

APPEARANCES—

For Applicant: Abraham Brodsky and Michael Falzarano.

For Opposition: Eve Ratzan, Meyer Cohen, Isaac Cohen, Aaron Quitkin and Jerome N. Wanshel.

ACTION OF BOARD—Laid over to May 24, 1938, at 2 P. M. for report of committee. No further argument.

522-37-BZ.

APPLICANT—Lama and Proskauer, for Meeker Oil Company, Inc., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7c and 21 of the building zone resolution, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED — 2458-2470 Cropsey avenue, northwest corner of Bay 38th street (Block No. 6928, part of Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: M. Michalowitz, Dept. of Parks.

ACTION OF BOARD—Application withdrawn upon request of applicant.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0
Absent 0

THE RESOLUTION—

(522-37-BZ)

WHEREAS, Lama & Proskauer, for the Meeker Oil Company, Inc., owner, filed November 3, 1937, an application under the building zone resolution to permit partly in an unrestricted use district and partly in a business use district the erection and maintenance of a gasoline service station; premises: 2458-2470 Cropsey avenue, northwest corner of Bay 38th street (Block No. 6928, Part of Lot No. 1), Borough of Brooklyn; and

WHEREAS, upon consultation of maps now being considered by the Planning Commission it was found that the plot under appeal is located within the lines of property to be acquired for the proposed Circumferential Highway; and

WHEREAS, the applicant stated that he would not proceed with his appeal, in view of proposed taking and requested leave to withdraw.

Resolved, that the application be and it hereby is *withdrawn*.

110-38-BZ.

APPLICANT—William Miltenberger, for Estate of Lucie M. Stearns, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop.

PREMISES AFFECTED—East side of Jerome avenue, 232.38 ft. south of East Tremont avenue (Block No. 2853, Lot No. 15), Borough of The Bronx.

APPEARANCES—

For Applicant: William Miltenberger and C. H. Brunie.

For Opposition: Julius R. Stein and Theodore Spiess.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(110-38-BZ)

WHEREAS, William Miltenberger, for Estate of Lucie M. Stearns, owner, filed February 21, 1938, an application under the building zone resolution to permit in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop; premises: East side of Jerome avenue, 232.38 ft. south of East Tremont avenue (Block No. 2853, Lot No. 15), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 26, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Jerome avenue is in a business use district East Tremont avenue is in a business use district and Walton avenue is in a residence and business use district; and

WHEREAS, the decision of the acting superintendent, Department of Housing and Buildings, rendered January 21, 1938, re. N B. 501-1916, reads:

"A certificate of occupancy for the motor vehicle repair shop at above mentioned location is hereby denied as the location is within a business district as established by the amended building zone resolution where such occupancy would be unlawful."

and

WHEREAS, the building is of non-fireproof construction, one story in height, with a frontage of 50 ft. and a depth of 55 ft., now occupied as a store, proposed occupancy a motor vehicle repair shop; and

WHEREAS, the board deemed that applicant had substantiated his basis of appeal under section 21 of the building zone resolution and was, therefore, entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 21, to permit the existing building to be used for motor vehicle repairing, *on condition* that the building shall not be increased in height or area; that the existing yard in the rear shall be left vacant and unoccupied and not used in any way in connection with the use herein permitted; that the rear windows of the building shall be permanently fixed and glazed with wire glass, except that two toilets may remain with windows ventilating same; that no new door or window shall be constructed in the rear wall and that no forge or anvil shall be used on the premises; that the building shall be reconstructed to comply with the present Code requirements for this use; that the ceiling throughout shall be fire-retarded in accordance with the rules of the Board of Standards and Appeals; that the boiler room shall be separated from the balance of the building, by fireproof construction; that not more than one entrance for automobiles shall be permitted from Jerome avenue, not exceeding 10 ft. in width, having curb cut opposite not exceeding 10 ft. in width; that the existing stairs to the cellar shall be removed or enclosed in fireproof partitions and that the cellar shall be either left vacant or used only for storage of non-combustible material; that no signs shall be erected on the roof, and that all permits shall be obtained and all work completed within one year from the date of this action.

150-37-BZ.

APPLICANT—John F. Ellison (lessee), for Lourose Realty Corporation, owner.

SUBJECT—Application reopened and restored to calendar April 5, 1938 (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution).

PREMISES AFFECTED—255-263 Ralph avenue, northeast corner of Marion street (Block No. 1513, Lot Nos. 1, 3 and 4), Borough of Brooklyn.

APPEARANCES—

For Applicant: Abraham Brodsky and John F. Ellison.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(150-37-BZ)

WHEREAS, John F. Ellison (lessee), for Lourose Realty Corporation, owner, filed April 3, 1937, an application under the building zone resolution to permit in a business use district for a temporary period of not more than two

(2) years. the parking and storage of more than five (5) motor vehicles; premises: 255-263 Ralph avenue, northeast corner of Marion street (Block No. 1513, Lot Nos. 1, 3 and 4), Borough of Brooklyn, and

WHEREAS, this application was dismissed for lack of prosecution, December 14, 1937, reopened and restored to calendar by vote of the board April 5, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 26, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Ralph avenue is in a business use district; Marion street is in a residence and business use district; and Chauncey street is in a residence and business use district; and

WHEREAS, the decision of the acting superintendent, Department of Housing and Buildings, rendered January 5, 1938, Application No. 2868-1937, reads:

> "Proposed parking and storage of more than five motor vehicles in business use district is contrary to Art. II, Section 4a of Zone Resolution."

and

WHEREAS, the premises consist of a vacant plot of ground having a frontage of 100 ft. on Ralph avenue and 100 ft. on Marion street. It is proposed to occupy the plot for a temporary period of not more than 2 years for the parking or storage of more than 5 motor vehicles; and

WHEREAS, the site under appeal was inspected by a committee of the board, prior to the hearing; and

WHEREAS, the board deemed that this was a proper case for the board to exercise discretion to grant under section 7h of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 7h for a temporary period of two years from the date of this action, permitting the plot under appeal to be occupied for the storage and parking of more than five motor vehicles, *on condition* that only motor vehicles of the pleasure car type shall be parked or stored; that the plot shall be leveled substantially to the grade of the surrounding streets and shall be enclosed with substantial fences or barricades not less than 7 ft. in height; that the area shall be surfaced with steam cinders or other suitable material properly rolled and bound to prevent dusting; that the only entrance to the premises shall be limited to one from Ralph avenue not exceeding 12 ft. in width with curb cut opposite not exceeding similar width; that during the term of this variance, the premises shall be used for no other use and no building shall be erected thereon except that there may be erected a building as a shelter and office for the attendant, not exceeding one story in height and 100 sq. ft. in area; that there shall be no repairing of automobiles or storage of gasoline other than in the tanks of the cars; that at all times, proper aisles shall be maintained for access and exit; that such portable fire-fighting appliances shall be installed as the commissioner shall direct; that no signs shall be erected on the premises, other than the existing billboards which may be permitted to remain as now located with cut off corner near the intersection of Ralph avenue and Marion street, and except for a small sign at the entrance, advertising the parking and storage use; that all permits shall be obtained and all work completed within three months from the date of this action.

Adjourned, 11:50 A. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, APRIL 26, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

345-32-BZ.

APPLICANT—Alphonsus Casey, for Patrick J. Reilly, owner.

SUBJECT—Application reopened February 23, 1938, for consideration as to extension of permit—re application (decision of the superintendent of buildings) previously granted on condition, under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station for a temporary period.

PREMISES AFFECTED—North side of 47th avenue, 91 ft. east of Cross Island boulevard (Block No. 1299, part of Lot No. 105), Bayside, Borough of Queens.

APPEARANCES—

For Applicant: Alphonsus Casey.

ACTION OF BOARD—Laid over to May 24, 1938 at 2 P. M. for further consideration of the board.

17-29-BZ.

APPLICANT—Clara K. Eberhart, owner.

SUBJECT—Application reopened Nov. 23, 1937, under new proposal (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and also the storage and parking of more than five (5) motor vehicles.

PREMISES AFFECTED—1886-1888 Boston road, southside, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

APPEARANCES—

For Applicant: Walter Eberhart and Philip Adelman.

For Opposition: None.

ACTION OF BOARD—Laid over to May 17, 1938 at 2 P. M. applicant to submit plans.

633-26-BZ.

APPLICANT—Miriam Young, owner.

SUBJECT—Application for consideration—reopening under new proposal—(re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a residence use district the change of occupancy of part of an existing building from residence to business use (Beauty Parlor); (previously denied by the board re use of premises for business purposes (five (5) stores).

MINUTES

PREMISES AFFECTED—1883 Marmion avenue, west side, 100 ft. north of East 176th street (Block No. 2954, Lot No. 34), Borough of The Bronx.

APPEARANCES—

For Applicant: Louis Bennett.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

1201-18-BZ.

APPLICANT—Joseph V. Iaricci, for The Cord Meyer Company, owner.

SUBJECT—Application for consideration—reopening and amendment—(re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a business use district the inclusion of a motor vehicle repair shop in an existing garage for more than five (5) motor vehicles (previously granted by the board).

PREMISES AFFECTED—90-02 43rd avenue (Kingsland avenue), south side, 269 ft. west of Hampton street (Block No. 683, Lot No. 69), Elmhurst, Borough of Queens.

APPEARANCES—

For Applicant: Joseph V. Iaricci.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

1087-24-BZ.

APPLICANT—Power and Hopkins, for Lerson Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—(re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a business use district the operation of a motor vehicle repair shop in an existing garage for more than five (5) motor vehicles (previously granted by the board).

PREMISES AFFECTED—1680 Jerome avenue, east side, 50 ft. south of Clifford place (Block No. 2648, Lot No. 12), Borough of The Bronx.

APPEARANCES—

For Applicant: Walter J. Hopkins.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

185-31-BZ.

APPLICANT—Sidney H. Kitzler, for Estate of David Stern, owner.

SUBJECT—Application for consideration — reopening, amendment and approval of plans—re application (decision of the commissioner of buildings) under section 7a of the building zone resolution, permitting in a residence use and "C" area district the extension of an existing factory building (bakery) with the omission of the required rear yard.

PREMISES AFFECTED — 1157-1161 Madison street, north side, 100 ft. east of Central avenue (Block No. 3360, Lot No. 52), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sidney Kitzler and Benjamin Stern.

ACTION OF BOARD—Application reopened and set for hearing May 17, 1938 at 2 P. M. Applicant to notify affected property owners by registered mail, not later than May 5, 1938.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

458-37-BZ.

APPLICANT—Lama and Proskauer, for East Brooklyn Savings Bank, owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the commissioner of buildings) under sections 7c and 21 of the building zone resolution, permitting partly in a business use district and partly in an unrestricted use district the erection and maintenance of a building to be used as a garage for more than five (5) motor vehicles and a motor vehicle repair shop and also the establishment of a gasoline service station.

PREMISES AFFECTED—374-386 Willoughby avenue and 903-907 Bedford avenue, southeast corner (Block No. 1762, Lot Nos. 32 and 36), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

ACTION OF BOARD—Application to reopen, withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(458-37-BZ)

WHEREAS, this application affecting premises 374-376 Willoughby avenue and 903-907 Bedford avenue, southeast corner (Block No. 1762, Lot Nos. 32 and 36), Borough of Brooklyn, was granted by the board February 15, 1938, on certain conditions, and applicant requested a reopening of the case and an amendment of the resolution; and

WHEREAS, the board deemed that the request to amend the resolution as to the requirements for the roof of the garage portion to be constructed of fireproof materials, should not be granted, inasmuch as the roof can be constructed of either Class I or Class II construction to comply with the conditions; and

WHEREAS, a request was made to withdraw the request for amendment.

Resolved, that the request to reopen the case and amend the resolution be and it hereby is *withdrawn*.

815-26-BZ.

APPLICANT—Moore and Landsiedel, for James O'Flaherty, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting partly in an unrestricted use district and partly in a business use district a change of occupancy of a garage for more than five (5) motor vehicles (previously

granted by the board) to include a motor vehicle repair shop.

PREMISES AFFECTED—450 Southern boulevard and 825 East 145th street, north side, 50 ft. east of Southern boulevard (Block No. 2600, Lot No. 28), Borough of The Bronx.

APPEARANCES—

For Applicant: L. Santangelo and John P. Fitzmaurice.

ACTION OF BOARD—Application to reopen, withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(815-26-BZ)

WHEREAS, this application affecting premises 450 Southern boulevard and 825 East 145th street, north side, 50 ft. east of Southern boulevard (Block No. 2600, Lot No. 28), Borough of The Bronx, was granted by the board January 18, 1927, resolution amended December 14, 1937 and owner requests a further amendment of the resolution to permit storage of rolls of print paper in the garage; and

WHEREAS, the board deemed that the proposed storage of newsprint paper in this garage and repair shop should not be permitted; and

WHEREAS, a request was made to withdraw the request for amendment.

Resolved, that the request to reopen and amend the resolution be and it hereby is *withdrawn*.

414-29-BZ.

APPLICANT—Sidney Kitzler, for Nostmont Garage, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment to extend temporary parking permit until completion of garage granted under Cal. No. 535-37-BZ—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting partly in a residence use district and partly in a business use district the parking of more than five (5) motor vehicles for a temporary period.

PREMISES AFFECTED—970-978 Nostrand avenue and 291-301 Sullivan place, northwest corner (Block No. 1305, Lot Nos. 46, 47, 48 and 50), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sidney Kitzler.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(414-29-BZ)

WHEREAS, this application affecting premises 970-978 Nostrand avenue and 291-301 Sullivan place, northwest corner (Block No. 1305, Lot Nos. 46, 47, 48 and 50), Borough of Brooklyn, was granted by the board December 3, 1929, resolutions amended July 7, 1936 and April 27, 1937 and owner now requests an extension of time for the parking of more than five motor vehicles.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted on April 27, 1937, insofar as it relates to the use of the premises for parking of more than five motor vehicles, prior to the erection of the garage building, so that as amended this portion of the resolution shall read:

"that the permission for occupying this plot within the business use district for the parking of more than five motor vehicles, given under the resolution adopted by the board on July 7, 1936, may continue until the garage building granted by the board under Cal. No. 535-37-BZ is constructed."

46-33-BZ.

APPLICANT—Alex Litman, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re application (decision of the superintendent of buildings) under section 7h of the building zone resolution, permitting in a business use district the use and maintenance of a plot of ground for parking space for more than five (5) motor vehicles for a temporary period.

PREMISES AFFECTED—South side of Edgemere avenue, from Beach 52nd street to Beach 53rd street (Block No. 343, Lot No. 45), Edgemere, Borough of Queens.

APPEARANCES—

For Applicant: Alex Litman.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(46-33-BZ)

WHEREAS, this application affecting premises south side of Edgemere avenue from Beach 52nd street to Beach 53rd street (Block No. 343, Lot No. 45), Edgemere, Borough of Queens, was granted by the board May 23, 1933, for a temporary period of two years and resolution amended May 12, 1936, and applicant requested a further extension of the temporary period.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on May 23, 1933, so that as amended the resolution shall read:

". . . *Granted* under Section 7-h *for a period of two* (2) *years* from July 7, 1938, *on condition* that a substantial woven wire fence, not less than 5 ft. in height, shall be erected along Edgemere avenue and along Beach 52nd street, commencing 6 ft. away from the wooden buildings now on this plot, thence 6 ft. away from the wooden buildings to the interior lot lines, and thence along the interior lot lines, so that the parking enclosure will be completely surrounded by the fence, and at no point within 6 ft. of any building on this plot or on adjacent plot; that there shall be not more than two openings in this fence, each opening to be not over 12 ft. in width, one from Edgemere avenue and one from Beach 52nd street, with no part of any openings within 10 ft. of the corner formed by the intersection of Beach 52nd street and Edgemere avenue; that no gasoline shall be sold on the property or stored on the property other than in the tanks of the cars; that no advertising of the non-conforming use shall be displayed on the property except one neat

sign, located at the Edgemere avenue entrance in the fence; that if any general illumination is furnished, it shall be on standards, with metal reflectors so designed and located as to throw the light downwardly and away from the residential buildings to the south; that all permits shall be obtained within three months and all work completed within six months from the date of this action."

233-36-BZ.

APPLICANT—Vincent M. Cajano, for Angelo Risoli, lessee; The Corporation for the Relief of Widows and Children of Clergymen of the Protestant Episcopal Church in the State of New York, owner.

SUBJECT—Application for consideration—reopening and amendment re decision of the acting borough superintendent of buildings—re application, granted on condition, under section 21 of the building zone resolution, permitting in a business use district the change of occupancy of part of an existing building to a motor vehicle repair shop.

PREMISES AFFECTED—1802 54th street and 5401-5403 18th avenue, southeast corner (Block No. 5487, Lot No. 9), Borough of Brooklyn.

APPEARANCES—

For Applicant: Vincent M. Cajano.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(233-36-BZ)

WHEREAS, Al Gerbolini (lessee), for The Corporation for the Relief of Widows and Children of Clergymen of the Protestant Episcopal Church in the State of New York, owner, filed July 29, 1936, an application under the building zone resolution to permit in a business use district the change of occupancy of part of an existing building to a motor vehicle repair shop; premises: 1802 54th street and 5401-5403 18th avenue, southeast corner (Block No. 5487, Lot No. 9), Borough of Brooklyn; and

WHEREAS, this application was granted by the board February 2, 1937, on certain conditions and applicant, through his architect, Vincent M. Cajano, requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of February 2, 1937, so that as amended it shall read:

"*Resolved*, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted*, under section 21 *for a period of five* (5) *years* from February 2, 1937, permitting the premises under appeal to be used for motor vehicle repairing, *on condition* that the doors to the stores facing 18th avenue shall be blocked with materials equivalent to the partitions; that the ceilings throughout shall be protected with metal of not less than 28 gauge; that repair work shall be limited to work done by use of hand tools and with motor-driven tools requiring no greater than ½ h.p. each, with no forges or acetylene torches and no anvils; that the painting or painting carried on shall comply with the rules and requirements; that any lubricating oil shall be stored in a container with an approved hand pump; that no signs shall be exhibited on the building other than a neat permanent sign attached to the building above the entrance door, indicating the name of tenant and type of occupancy of that portion of building; that no automobiles shall be stored, in building other than owner's car and cars being serviced; that no gasoline shall be permitted on the premises except in the tanks of such cars as are being serviced; that no automobiles shall be permitted to be repaired on the street or sidewalk in front of the premises; and that all permits shall be obtained within six months from the date of this action."

"Resolved further, that in the event the owner desires to occupy the second floor for light manufacturing instead of a billiard room, as covered by the certificate of occupancy, such use may be permitted, provided all other requirements of the zoning resolution and all laws, rules and regulations applicable to such occupancy shall be complied with."

1218-22-BZ.

APPLICANT—Mudge, Stern, Williams and Tucker, for General Cigar Co., Inc., owner.

SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the commissioner of buildings) under sections 7e and 21 of the building zone resolution, permitting in a business use district the conversion of occupancy of a private garage for fifteen (15) motor vehicles—owner's only—(previously granted by the board) to a public garage for more than five (5) motor vehicles and motor vehicle repair shop on a street between two (2) intersecting streets in which portion there exists an entrance to a public school.

PREMISES AFFECTED—36-40 Stone avenue and 305-313 MacDougal street, northwest corner (Block No. 1528, Lot No. 44), Borough of Brooklyn.

APPEARANCES—

For Applicant: Bernard A. Gunn.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(1218-22-BZ)

WHEREAS, the application originally filed October 13, 1922, to permit in a business use district the erection and maintenance of a garage for more than five motor vehicles affecting premises 36-40 Stone avenue and 305-313 MacDougal street, northwest corner (Block No. 1528, Lot No. 44), Borough of Brooklyn, was granted by the board December 19, 1922, on certain conditions and owner requested a reopening of the case and an amendment of the resolution; and

WHEREAS, this application was reopened by vote of the board, July 7, 1937; and amended February 23, 1938; and

WHEREAS, applicant requests an extension of time to obtain permits.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted on December 19, 1922, as amended February 23, 1938, so that as amended it shall read:

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"Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted on condition* that the capacity of this proposed garage be limited to fifteen automobiles, the property of the owner of these premises and to be used in the conduct of his business; that the garage be erected in accordance with the plans on file in this appeal, garage portion to be limited to one story in height, the rear portion of building, two stories, and living quarters over the office; that the garage portion of the structure be separated from the office portion by wall of approved masonry; that vehicular entrance be limited to one opening, and restricted to Stone avenue; that any windows on MacDougal street shall have the sills at least six feet above the sidewalk level; that the stairs from the living quarters empty directly on the street with no connections to garage; that the front elevations be finished in face brick, with architectural terra cotta or stone trimmings.

Resolved further, that in the event the above permitted use is discontinued and the owner desires to use the premises for an automobile agency, such use shall be permitted, on condition that the building shall at no time be used as a public garage as generally understood and that its use shall be confined solely to the storage of cars dealt in or owned by such agency and may include the minor repairing of such cars for the purpose of general adjustment but excluding all repairs requiring the use of heavy machinery or anvils, but not excluding a greasing lift of the hydraulic type; *and that in the event this use is changed, as herein permitted, all permits shall be obtained within two months from the date of this amended resolution.*

APPEALS FROM ADMINISTRATIVE ORDERS

27-38-A.

APPLICANT—Croker Fire Prevention Corporation, for Maryland Baking Co., Inc., owner.
SUBJECT—Appeal from orders and a decision of the Acting Borough Superintendent of Buildings.
PREMISES AFFECTED—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.
APPEARANCES—
For Applicant: None.
For Administration: Inspector Meagher, Department of Housing and Buildings.
ACTION OF BOARD—Laid over to May 17, 1938 at 2 P. M. on written request of applicant.

76-38-A.

APPLICANT—Oscar Lowinson, for Alfred Hotel Corporation, lessee.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—145-155 West 47th street, north side, 240 ft. east of Seventh avenue and 148-154 West 48th street (Block No. 1000, Lot No. 11), Borough of Manhattan.
APPEARANCES—
For Applicant: Oscar Lowinson, and Martin Jones.
For Administration: Inspector Fred Dahlem, Department of Housing and Buildings.
ACTION OF BOARD—Laid over to May 3, 1938 at 2 P. M. to obtain agreement from adjoining hotel.

87-38-A-WF.

APPLICANT—Sol Oberwager, for Florence LaMendola, owner.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—99-19 to 99-21 Northern boulevard, northwest corner of 100th street (Block No. 1429, Lot Nos. 34 and 35), Corona, Borough of Queens.
APPEARANCES—
For Applicant: Sol Oberwager.
For Administration: Inspector Stone, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(187-38-A-WF)

WHEREAS, Sol Oberwager, for Florence LaMendola, owner, filed on March 21, 1938, an application for approval for the erection of a roof sign; Premises: 99-19 to 99-21 Northern boulevard, northwest corner of 100th street (Block No. 1429, Lot Nos. 34 and 35), Corona, Borough of Queens, and

WHEREAS, the decision of the Borough Superintendent, Department of Housing and Buildings, dated March 4, 1938, on Application 998-38, reads as follows:

"The erection of a roof sign contiguous to the World's Fair area is contrary to section 1 of the World's Fair resolution not further considered.

Appeal may be taken to the Board of Standards and Appeals."

and

WHEREAS, the building in question is 3 stories, 33 feet in height, 45 feet by 100 feet in area, of non-fireproof construction erected in 1924, located in a business use, "C" area and 1¼ times height district and occupied: 1st floor, store; 2nd floor, 2 families; 3rd floor, 2 families, for which certificate of occupancy No. 58212 was issued April 12, 1938 on New Building Application 9589-1924, permitting the occupancy of the first floor, store, 25 lbs. live load; 2nd floor, dwelling, 40 pounds; 3rd floor, dwelling, 40 pounds; and

WHEREAS, it is proposed to erect a sheet metal sign on the roof of the building, said sign to face in a southeasterly direction to be 55 feet in width, 22 feet in height and located 9 feet above roof level; to be illuminated by overhead reflectors; and

WHEREAS, the applicant contends that the building is located about a mile from the World's Fair Grounds and is outside the World's Fair area as adopted by the Board of Estimate and Apportionment; that the proposed sign can only be read from a distance of about six city blocks; that the proposed sign will not conflict with the intent of the World's Fair resolution.

Resolved, that the decision of the borough superintendent, on Application No. 998-38, be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that the construction of the sign structure shall comply in all respects to the requirements of the building code and all other laws, rules and regulations applicable thereto.

244-38-A.

APPLICANT—Charles P. Cannella, for Vita Titone, owner.
SUBJECT—Appeal from an order of the commissioner of buildings and a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—1083-1087 Willoughby avenue, north side, 100 ft. west of Wilson avenue (Block No. 3196, Lot No. 38), Borough of Brooklyn.
APPEARANCES—
For Applicant: Charles P. Cannella.
ACTION OF BOARD—Appeal granted on condition.

THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(244-38-A)

WHEREAS, Charles P. Cannella, for Vita Titone, owner, filed April 8, 1938, an appeal from an order of the commissioner of buildings and a decision of the acting borough superintendent of buildings, affecting premises: 1083-1087 Willoughby avenue, northside, 100 ft. west of Wilson avenue (Block No. 3196, Lot No. 38), Borough of Brooklyn; and

WHEREAS, the order of the commissioner of buildings, dated June 15th, 1937, No. 17185-LF, reads:

"1. Provide wire glass in windows at east and west sides of the building on the 2nd, 3rd and 4th stories Section 375, chapter 5, Code of Ordinances."

and

WHEREAS, the decision of the Chief of Division of Fire Prevention, Department of Housing and Buildings, dated March 8, 1938, reads:

"In reply to your letter of March 8th, 1938, advising that you have been retained by the owners to appeal from requirements of Order 17185-LF and that you are unable to do so due to the fact that the Board of Standards and Appeals will not accept an appeal for reason that the time limit, thirty (30) days, had elapsed, and request dismissal and re-issuance of the above order.

You are advised that the order cannot be dismissed or re-issued. Therefore, your request is denied."

and

WHEREAS, the building is non-fireproof, cellar and four stories (55 ft. 7 ins.) in height; 54 ft. 4 ins. by 90 ft. in area, erected in 1921, equipped with a sprinkler system, located in a business use district and occupied as follows: Cellar—boiler room and knitting mill, 30 persons; 1st floor—tailoring, 40 persons; 2nd floor. 3rd floor and 4th floor—tailoring, 45 persons per floor, for which certificate of occupancy No. 11366 was issued January 5, 1922; and

WHEREAS, the applicant contends that the windows at east wall at all stories are now provided with wire glass and steel frame, and at cellar and first floor of the west wall are now provided with wire glass; that the windows on upper floors on west wall are glazed with double-thick American glass; that the adjoining building on the west of this property is a two story non-fireproof brick building, occupied for light manufacturing and tailoring and is now provided with sprinkler system and requests omission of wire glass in windows at 2nd, 3rd and 4th stories westerly wall.

Resolved, that the order of the commissioner of buildings No. 17185-LF, be and it hereby is *modified,* and that the appeal be and it hereby is *granted, on condition* that the windows to the north in the side line court shall be fireproof self-closing and glazed with wire glass and that the space between this building and the building to the south in the same ownership, shall remain unbuilt upon; that the sprinkler system shall be maintained in accordance with all requirements relating thereto and that the sprinkler heads along the lines of the window shall not be distant more than 4 ft. therefrom; that in all other respects, all laws, rules and regulations applying to the construction and occupancy of this building shall be complied with; and that the building shall not be increased in height or area.

277-38-A.

APPLICANT—Henry W. Burt, Inc., lessee.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—251-01 Jamaica avenue, northeast corner 251st street (Block No. 8668, Lot No. 26), Bellerose, Borough of Queens.

APPEARANCES—
For Applicant: Elbert A. Burt.
For Administration: Inspector Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(277-38-A)

WHEREAS, Henry W. Burt, Inc., applicant and lessee, filed on April 18, 1938, an appeal from a decision of the Borough Superintendent, Department of Housing and Buildings, affecting premises 251-01 Jamaica avenue, northeast corner of 251st street (Block No. 8669, Lot No. 26), Bellerose, Borough of Queens; and

WHEREAS, the decision of the borough superintendent dated April 18, 1938, on N.B. App. 2510-38 reads as follows:

"The erection of a frame building within the fire limits is contrary to section 4-1-2 building code."

and

WHEREAS, the proposed building will be 1½ stories 21 ft. in height, 27 ft. by 29 ft. in area, on a plot 170 ft. by 80 ft. in area, located in a business use C-area district and used as a display cottage only, having no water connections, no heat and no plumbing connections; and

WHEREAS, the applicant contends it is proposed to erect a 1½ story frame cottage at the centre of the plot for the purpose of display only; there are already erected two similar cottages, one on the westerly end of the plot and one on the easterly end; that no plumbing or heating apparatus will be installed and there will be no occupancy in the building; that the building will comply with the building code in all other respects; the exterior of the building will be surfaced with 10 in. clapboards on the sides and asphalt shingles on the roof; that the building will not be nearer than 29 ft. from any building on the same lot or 44 ft. from the building located on the lot to the north, which is in the same ownership.

Resolved, that the decision of the borough superintendent, as to N.B. Application No. 2510-38, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* permitting the erection of proposed frame building within the fire limits, *on condition* that this building shall be used for exhibition as proposed and not for living purposes and shall not be equipped with a heating system, but otherwise may be constructed as permitted outside the fire limits, provided the intervening space between this building and any other frame building shall be not less than 29 ft. in any direction; that this permission to use the building as herein set forth shall be for a period of three years from the date of this resolution.

283-38-A.

APPLICANT—Irving Kirshenblit, for Pauline Chaikin, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—1045 Sutter avenue and 514 Shepherd avenue, northwest corner (Block No. 4036, Lot No. 35), Borough of Brooklyn.

APPEARANCES—
For Applicant: Irving Kirshenblit.
For Administration: Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—
Affirmative 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Absent 0

THE RESOLUTION—

(283-38-A)

WHEREAS, Irving Kirshenblit, for Pauline Chaikin, owner, filed on April 19, 1938, an appeal from a decision of the Acting Borough Superintendent, Department of Housing and Buildings, affecting premises 1045 Sutter avenue and 514 Shepherd avenue, northwest corner (Block No. 4036, Lot No. 35), Borough of Brooklyn; and

WHEREAS, the decision of the acting borough superintendent on Alt. Applic. 3284-38 dated April 4, 1938, reads as follows:

"Records of this department show existing *legal* use of 1st floor as a *store*. Proposed conversion of store in frame building to public use is contrary to Sec. 2.1.3.5, Sec. 4-2-1 of the building code, and is therefore denied."

and

WHEREAS, the building is 3 stories, 35 feet in height, 20 ft. by 75 ft. in area at the 1st story and 20 ft. by 55 ft. in area above, of frame construction, located in a business use district, altered in 1920 and 1926 and illegally occupied since January 1936, as follows: Cellar—ordinary storage; 1st floor—Hebrew School, 20 persons; 2nd floor—1 family; 3rd floor, one family, for which no certificate of occupancy has been issued; and

WHEREAS, the applicant contends, that the building is constructed of frame walls; that the party wall is brick filled and the outside walls are stuccoed with metal lath and cement plaster; that since the 1st floor was legally occupied as a store under a certificate of occupancy (C.O. 49747), the applicant sees no reason why it can not be used for a Hebrew School with limited occupancy; that there are three exits from the first floor, one to the front, one to the rear and one through the cellar stairs; that the cellar ceiling is fire-retarded and the ceiling over the 1st story is metal ceiling; that the cellar stairs are enclosed with fireproof walls; that there are also five windows opening on the side street which could be used as means of escape in case of fire; that from the viewpoint of a fire hazard, a Hebrew School is no more of a fire hazard than a store, a furniture store or a dry goods store, which would be permitted under the same certificate of occupancy. In consideration of the above facts, the applicant requests that the decision of the borough superintendent be modified and that the application be granted; and

WHEREAS, the board deemed that a hazard existed to the lives of the children, when a frame building is occupied as a school.

Resolved, that the decision of the acting borough superintendent be and it hereby is *affirmed,* and that the appeal be and it hereby is *denied.*

617-37-A.

APPLICANT—Henry Phipps Estates, owner.

SUBJECT—Application for consideration—reopening under new proposal—re appeal from an order and a decision of the commissioner of buildings.

PREMISES AFFECTED—815-829 Eighth avenue, west side, between West 49th street and West 50th street, 307 West 49th street and 304 West 50th street (Block No. 1040, Lot No. 29), Borough of Manhattan.

APPEARANCES—

For Applicant: Harry J. Smith.

ACTION OF BOARD—Appeal reopened and granted on condition.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO GRANT ON CONDITION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(617-37-A)

WHEREAS, Morton E. Bleich, for Henry Phipps Estates, owner, filed December 22, 1937, an appeal from an order and a decision of the commissioner of buildings, affecting premises 815-829 Eighth avenue, west side, between West 49th and West 50th streets, 304 West 50th street and 307 West 49th street (Block No. 1040, Lot No. 29) Borough of Manhattan; and

WHEREAS, the order of the comissioner of buildings No. 37269-F, dated October 11, 1937, reads as follows:

"1. Replace all sprinkler heads and piping removed from store at the north east corner of building, 1st and 2nd floors, and arrange for a test on system when same is completed. Sec. 20, Ch. 12, Code of Ordinances."

and

WHEREAS, the decision of the commissioner of buildings, dated December 17, 1937, reads as follows:

"Replying to your communication dated December 11th, wherein you request that Order 37269-F be reissued, you are advised that your request must be denied.

There has been no change in the conditions to warrant a modification or reissuance of this order."

and

WHEREAS, the building is 6 stories (59 ft.) in height, 200.10 ft. by 124.75 ft. in area; of fireproof construction; equipped with a standpipe and a sprinkler system; erected in 1928, and occupied as follows: Cellar—exhibition, storage and boiler room, 870 persons; 1st story—stores, present occupancy 15 persons, proposed occupancy 25 persons; 2nd story—office, showrooms—700 persons; 3rd story—golf school, locker room, 700 persons; 4th story—skating rink, 800 persons; 5th story—offices, locker room, 50 persons; 6th story—offices, lockers, 50 persons; for which certificate of occupancy No. 14490 was issued October 15, 1928; and

WHEREAS, this appeal was denied by the board, January 18, 1938 and applicant requested a reopening of the case and submitted new plans, and a new proposal to provide adequate protection for the 1st and 2nd stories of the arcade; and

WHEREAS, this appeal was reopened by vote of the board April 26, 1938; and

WHEREAS, the board deemed that the protection now offered, in lieu of the sprinkler system in the street floor store, could be accepted under certain conditions.

Resolved, that the order and decision of the commissioner of buildings be and they hereby are *modified,* and the appeal be and it hereby is *granted, on condition* that there shall be constructed back of the show windows, opening on the arcade entrance to Madison Square Garden, a 6-inch terra cotta wall from floor to ceiling, plastered on both sides, and within the entrance thereof two show windows, protected by fireproof, self-closing door in steel bucks, and at the entrance to store, there shall be two pairs of doors, forming a vestibule, the inner door being fireproof and self-closing with steel bucks; that in the show windows there shall be installed sprinkler heads connected to the sprinkler system; that the windows on the 2nd story overlooking the arcade shall be constructed of steel frames, sub-divided so that no light of glass is larger than 3 sq. ft., windows to be made automatically self-closing; that the sprinkler system shall be maintained on the 2nd story; that no shelving or racks shall be placed so as to interfere with the operation of the sprinkler system at the windows; that this modification shall continue only during the time that the premises are occupied by

Davega Co.; that no further alteration shall be made affecting the portion facing upon the arcade; that upon termination of the occupancy, the sprinkler system in the store shall be restored and that all laws, rules and regulations applicable shall be otherwise complied with.

194-38-A.

APPLICANT—Charles M. Hart, for Roche's Beach, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment—re appeal from decisions of the borough superintendent of buildings.

PREMISES AFFECTED—241-249 and 241R-249R Beach 15th street and 1504-1506 Heyson road, northwest corner (Block No. 130, Lot No. 62), Far Rockaway, Borough of Queens.

APPEARANCES—

For Applicant: Charles M. Hart and James O. Hart.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(194-38-A)

WHEREAS, Charles M. Hart, for Roche's Beach, Inc., owner, filed March 23, 1938, an appeal from a decision of the Borough Superintendent of Buildings, affecting premises 241-249 and 241R-249R Beach 15th street and 1504-1506 Heyson road, northwest corner (Block No. 130, Lot No. 62), Far Rockaway, Borough of Queens; and

WHEREAS, the decision of the Borough Superintendent, dated March 15, 1938, re. Applic. No. 1797-38, reads:

"The erection of frame building in the fire limits is contrary to 4.1.2 of code."

and

WHEREAS, it is proposed to erect a one story frame structure 12 ft. in height, 108.3 ft. by 47 ft. in area on a lot 215.57 ft. by 180 ft. in area, located in a business use and "D" area district and subdivided into 12 summer dwellings by fire walls; and

WHEREAS, the applicant contends that the surrounding buildings are of frame construction; that the proposed structure is new in origin, each portion occupied as a separate dwelling, will have a separate entrance and will be separated from the adjoining section by a continuous fire wall, exterior stud partitions and ceiling will be covered with ½ in. gypsum plaster board on the interior and cement stucco on metal lath on the exterior; that the proposed dwellings are for summer rental only; that no heating apparatus will be installed; that the kitchens will be lined with ½ in. gypsum plaster board; and

WHEREAS, this appeal was granted by the board March 29, 1938, on certain conditions; and

WHEREAS, the request was made by the applicant that the board consider the following objections made by the Borough Superintendent, to Application No. 1797-38, dated April 3, 1938:

"1. Concrete blocks for foundation walls not permitted;

2. Foundation walls must be continued and 4 ft. below grade;

3. Show all frame construction 12 in. above grade.

4. Specify quality of lumber as per sec. 7.1.4.

5. Show all floor and roof beams 3 in. thick.

6. Fire walls must comply with 10 ft. 4 in. as to material and to 10.4.1.2 for construction.

7. Show that ventilation of bathrooms conform to 5.1.5.4.

8. Show that interior kitchen will comply with 5.1.8 for ventilation.

9. Provide fire stops as per 8.7.1.8.

10. Comply with 8.7.2.3 for construction details.

11. Plans as filed do not clearly show construction."

and Plumbing and Drainage application objections dated April 7, 1938:

"1. Provide plumbing elevation plan.

2. Show separate sewer connections and house drain for each building fronting on street."

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of March 29, 1938, so that as amended it shall read:

"Resolved, that the decision of the Borough Superintendent of Buildings as to App. No. 1797-38 be and it hereby is *modified,* and the appeal be and it hereby is *granted,* to permit the erection of proposed frame dwellings within the fire limit in a "D" area district, *on condition* that the units shall be designed as indicated on plans filed with the Department of Housing and Buildings, each unit separated with a continuous fire wall, and that the exterior stud partitions and ceiling shall be covered with ½ in. gypsum plaster board on the interior and cement stucco on metal lath on the exterior; that no heating shall be installed in building and that the roofs shall be surfaced with tar and felt; *that if no cellars are constructed, foundation walls shall be built continuous and may be constructed of concrete blocks, as permitted under Section* 8.3.1.6 *of the Building Code and that such foundations may be carried to* 3 *ft.* 6 *in. below grade in the event that high water conditions prevent carrying same to* 4 *ft. below grade as required, subject to such tests of soil conditions as may be required;* and that in all other respects the building shall comply with the laws, rules and regulations applicable thereto.

GENERAL RESOLUTION

308-38-A.

SUBJECT—Interpretation of Section C26-427.0 of the Administrative Code (8.4.2.5), relative to figuring the uppermost 55 feet of bearing wall and the point where a change of thickness is required.

ACTION OF BOARD—Section C26-427.0 of the Administrative Code (8.4.2.5) interpreted.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(308-38-A)

WHEREAS, it has been brought to the board's attention that there is a conflict of opinion as to the intent of section C26-427.0 of the administrative code (8.4.2.5).

Resolved, that section C26-427.0 of the administrative code (8.4.2.5) shall be taken to mean as follows, as to figuring the uppermost 55 feet of bearing wall and the point where a change of thickness is required: height of wall and height of story are defined in C26-82.0 (1.74). Subject to this definition as to parapet, the top of the wall shall be taken as the top surface of the highest point of the beams directly supporting the roof boarding. When the base of the 55 foot wall occurs between floors, this shall be taken to mean within the story as defined in C26-145.0 (1.138). If the base of such wall occurs at a

point below the middle point in the height of a story, the change of wall thickness may be made at the next lower tier of beams. If the base of such wall occurs above the middle point in the height of a story, the thicker wall shall be carried up to the next higher tier of beams. For calculation of wall thickness, the code provides that 13 feet shall be assumed as the maximum height of a story.

VARIATIONS OF LABOR LAW

40-38-S.

APPLICANT—Frank E. Redmond, for Parker, Stearns & Company, owner.

SUBJECT—Variation of the labor law as cited in orders of the commissioners of buildings.

PREMISES AFFECTED — 284-300 Sheffield avenue, southwest corner Belmont avenue (Block No. 3753, Lot No. 9), Borough of Brooklyn.

APPEARANCES—

For Applicant: Frank E. Redmond and E. W. Stearns.

For Administration: Inspector Meagher, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(40-38-S)

WHEREAS, Associated Industries of New York State, Inc., by Frank E. Redmond, for Parker, Stearns & Co., owner, filed on January 20, 1938, an application for a variation from the requirements of the labor law as cited in orders of the commissioner of buildings, affecting premises 284-300 Sheffield avenue, southwest corner of Belmont avenue (Block No. 3753, Lot No. 9), Borough of Brooklyn; and

WHEREAS, the order of the commissioner of buildings No. 20018-LD, dated December 22, 1937, reads as follows:

"1. Provide 3 ft. passageway leading to the street from stairway northwest corner of Georgia avenue. Building No. 1."

and

WHEREAS, the order of the commissioner of buildings No. 20019-LD, dated December 22, 1937, reads as follows:

"1. Provide an iron stairway leading to the yard, instead of iron ladder, Building No. 5."

and

WHEREAS, the order of the commissioner of buildings No. 20021-LD, dated December 22, 1937, reads as follows:

"1. Provide a drop ladder in guides with a backdrop gravity hook from the lowest balcony of the substandard fire escapes at the south and west sides of the building. Drop ladder shall be of sufficient length to reach the ground, as per rules of the Board of Standards and Appeals."

and

WHEREAS, the building is of non-fireproof construction, approximately 160 ft. by 195 ft. in area; 4 stories and basement in height; erected in 1905 and extended in area in 1929; occupied throughout for the manufacture of rubber articles: basement—18 persons; 1st floor—24 persons; 2nd floor—8 persons; 3rd floor—21 persons; 4th floor—11 persons; the means of egress consisting of three interior stairs of wood construction, enclosed in 18-inch brick walls, equipped with fire doors at openings; stairs are 37½ in. wide and extend to the roof but do not exit to the street; there are two (2) fire-escapes extending to the roof by means of gooseneck ladder and to the street by means of counter-balanced stairs; and

WHEREAS, the applicant contends as to order No. 20018-LD that there is ample passageway leading to the street from the stairway on the northwest corner of Georgia avenue Building, and as to order No. 20019-LD, this order relates to a stairway leading from the basement to fire doors opening outwardly to grade, such stairs being less than 6 ft. in height and protected by a hand railing; although the slope of this stairway is rather steep, it is not a ladder, being provided with steps and not rungs and in any event would be used as an emergency exit in case of fire; that said stairway offers full and safe egress from the building for the employees in the basement under any emergency conditions; as to order No. 20021-LD, this order applies to an obsolete fire escape at the south side, which is not in use and which is plainly marked in letters more than 8 in. high, that it is not an exit and should not be used as such; that it is believed that this iron stairway can be removed from the building without altering the exit status existing under the labor law; that the 36-inch fire-escape at the west side is also to be eliminated as it adjoins a fireproof stairwell which offers sufficient exit at this point; if the board feels that this fire-escape should be kept and maintained, it is agreeable to the applicant.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the labor law as cited in order of commissioner of buildings No. 20018-LD, and that the application be and it hereby is *granted on condition* that the existing interior stairways shall be maintained in fireproof enclosures and with doors opening in the direction of exit; that the sprinkler shall be maintained in accordance with the requirements therefor and that the number of persons employed at factory work above the 2nd story shall at no time exceed 75; as to order No. 20019-LD, that the existing iron steps at the northerly end of Building No. 5, leading from the 1st floor of Belmont avenue, may be continued; as to order No. 20021-LD, that the existing sub-standard fire-escapes on the southerly and westerly sides of Building No. 1, leading to the yard and street may be continued *on condition* that a drop ladder of sufficient length to reach the ground shall be maintained at all times at each fire-escape; that the fire-escapes shall be kept in good repair and painted; that a sign shall be posted at access to each fire-escape on each floor, stating that this is not a legal exit; that in all other respects the building and occupancy shall be complied with and that all rules, laws and regulations shall be complied with, including resolution adopted by the board in Cal. No. 39-38-A on March 22, 1938, as to standpipe system, and that building shall not be increased in height or area.

206-38-S.

APPLICANT—Arthur Eisemann, for P. Nathan Sons, Inc., lessee.

SUBJECT—Application for consideration—reopening and amendment—re variation of the labor law as cited in a decision of the borough superintendent of buildings.

PREMISES AFFECTED—451-453 Fourth avenue, east side, 70 ft. ¾ in. north of East 30th street (Block No. 886, Lot No. 5), Borough of Manhattan.

APPEARANCES—

For Applicant: Arthur Eisemann.

For Administration: Inspector Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock; Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

MINUTES

THE RESOLUTION—

(206-38-S)

WHEREAS, Arthur Eisemann, for P. Nathan Sons, Inc., lessee, filed March 28, 1938, an application for a variation of the requirements of the Labor Law, as cited in a decision of the borough superintendent of buildings, affecting premises 451-453 Fourth avenue, east side, 70 ft. ¾ in. north of East 30th street (Block No. 886, Lot No. 5), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated March 18, 1938, re Alt. Applic. No. 291-37, reads:

"1. Building should comply with Sec. 270 Labor Law for exits. Building was erected after Oct. 1913. Building was never approved for factory occupancy."

Reconsideration denied. Two stairs 3 ft. 8 in. wide with 3 ft. 8 in. fireproof self-closing doors required opening outwardly leading continuously to the street or to a fireproof independent passageway opening on a street. Stairway treads 10 inches wide required exclusive of nosing and rise not over 7¾ inches.

and

WHEREAS, the building is three stories and cellar, 56 ft. in height, 49 ft. 4½ in. by 100 ft. in area, of fireproof construction, erected in 1914 and occupied as follows: Cellar—boiler room and showroom, 1 person; 1st floor—showroom, 1 person; mezzanine—office, 3 persons; 2nd floor—showroom, 3 persons; 3rd floor—factory, 10 persons. The building is equipped with a sprinkler system, two interior fireproof stairs 3 ft. 8 in. wide; and

WHEREAS, the applicant contends that the front stairs will be enclosed as required by the Labor Law and the rear means of egress will be extended by outside stair leading to adjacent property at 104 East 31st street and through said building by means of a fireproof passageway direct to East 31st street. This means of egress was accepted in 1924 by the commissioner of buildings, at which time the occupancy was given as storage; and

WHEREAS, this application was granted by the board April 5, 1938, on certain conditions and applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on April 5, 1938, so far as it has reference to stairways, so that as amended it shall read:

"*Resolved*, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law as cited in the decision of the borough superintendent on Alt. App. No. 291-37, and that the application be and it hereby is *granted*, permitting the building to be used for factory purposes, *on condition* that the building shall be of fireproof construction and that the sprinkler system shall be maintained to the satisfaction of the commissioner; that the stairways shall be enclosed to their full height in accordance with the requirements of the Labor Law for factory buildings hereafter erected, *except that the existing 3 ft. wide doors may be continued provided any new doors to stair enclosure are made the required legal width*; that the egress from the second means of exit at the rear shall be by means of iron stair to an opening, through which safe and unimpeded access can be obtained through building at No. 104 East 31st street to the street; that all windows on the rear and side lot lines shall be fireproof and self-closing; and that in all other respects all requirements of the Labor Law shall be complied with, except that the fireproofing on girders, beams and columns need not exceed 1½ inches in thickness."

APPLIANCES SUBMITTED FOR APPROVAL

434-32-SA.

APPLICANT—General Electric Company, owner.

SUBJECT—G. E. Oil Burner—application for amendment —change of name.

APPEARANCES—

For Applicant: Bernard C. Kiley.

ACTION OF BOARD—Application reopened and referred to engineer of the board.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

180-38-SA.

APPLICANT—Sutter Oil Heet Co. for Vortex Mfg. Co., owner.

SUBJECT—Vortex Oil Burner, Type "V," Model No. 7, approval of.

APPEARANCES—

For Applieant: None.

ACTION OF BOARD—Appliance approved in aecordance with report of engineer of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(180-38-SA)

WHEREAS, the Vortex Mfg. Co., owner, filed March 16, 1938, an application with the Board of Standards and Appeals for approval of their device known as the Vortex Oil Burner, Type "V", Model No. 7; and

WHEREAS, this device was submitted to the engineer of the board for test and report; and

WHEREAS, the report of the engineer of the board, supplemented by that of the Division of Combustibles of the Fire Department was substantially as follows:

This oil burner is of a mechanical draft pressure atomizing type with the nozzle turned upward.

The burner was installed in the conventional type steam heating plant and consists of the following assembly: a General Electric 1/6 H.P. motor, a Tuthill fuelstat consisting of pump, strainer and pressure regulating valve; a Jenet fan and a Monareh nozzle.

Ignition: electric, General Electric transformer, 110-10,000 volts.

Controls: Minneapolis Honeywell, consisting of Pressuretrol L404 and Protectorelay 117-3.

This burner is designed for use with numbers 1, 2 and 3 grades of commercial fuel oil and has a capacity of from 1.35 to 3 gallons per hour. With the oil supply shut off and a cold combustion chamber the burner was operated and the controls operated and shut the burner down in 80 and 82 seconds respectively. The burner was then put into normal operation and during the period of the tests there were no flarebacks due to faulty ignition.

The flame was clean and free of smoke and an examination of the combustion chamber showed no undue carbon deposits.

As a result of this inspection and test, it is recommended that the Vortex Oil Burner, Type V, Model No. 7, be approved for domestic, commercial and industrial installations, with fuel oil not heavier than No. 3, U. S. Dept. of Commerce Standards and when installed in aceordance with the Oil Burner Rules adopted by the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Vortex Oil Burner, Type V, Model No. 7, for domestic, commercial and industrial installations, when installed in accordance with the above report and Oil Burner Rules of the Board of Standards and Appeals, for use with fuel oil not heavier than No. 3, U. S. Department of Commerce Standards, *on*

condition that there shall be permanently attached to each burner installed a label reading:

NOTICE
Approved by the
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. No. 180-38-SA.

260-38-SA.

APPLICANT—The Marco Company, owner.
SUBJECT—Approval of The Marco Automatic Stage Ventilator or Skylight, manufactured by The Marco Company, owner.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Appliance approved in accordance with report of a committee of the board.
THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(260-38-SA)

WHEREAS, the Marco Company, owner, filed April 13, 1938, an application with the Board of Standards and Appeals for the approval of the device known as the Marco Automatic Stage Ventilator or Skylight; and

WHEREAS, the device was submitted to the engineer of the board for test and report; and

WHEREAS, the report of the committee of the board of which the engineer was a member was substantially as follows:

This device was inspected and tested by a committee of the board at the North End Junior High School, Newburgh, New York, on April 21, 1938. Section C. 26-724.0, subdivision b of Article 13, Administrative Code, Section C26-720.0, subdivision C-7 (Section 12.4 of Article 12 of the Building Code) Special Occupancy Structures, requires that a skylight over a stage shall have ventilators of an approved type arranged to open by an automatic device and by cutting of a fibre cord.

The Marco Automatic Stage Ventilator consists of a skylight glazed with plain glass with protecting screws over and under and has a ventilating section consisting of gravity operated sash around the perimeter of the skylight that will operate on the parting of a fusible link, set to melt at 165° F.

The diagrams submitted indicate that the manual operation of the skylights is by steel cable from the ventilators to a fusible link. Fibre cord that can be readily cut is to be furnished from this link, to a point within reaching distance of the stage floor.

It is recommended that the Marco Automatic Stage Ventilator or Skylight be approved for use in buildings of special occupancy under Article 13, Section C26-724.0 Subdivision 3 and C-26-720.0 subdivision C-7 of Article 13, Administrative Code, when constructed and installed in accordance with Section C-26-724.0, subdivision b of Article 13 of said code and in accordance with above report.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Marco Automatic Stage Ventilator or Skylight, for use in buildings of special occupancy under article 13, section C26-724.0 subdivision 3 and C26-720.0, subdivision C-7 of the Administrative Code, when constructed and installed in accordance with the code and with above report, *on condition* that the device shall bear a label permanently affixed reading:

APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For use in New York City
UNDER CAL. NO. 260-38-SA.

201-38-SA.

APPLICANT—General Electric Company, owner.
SUBJECT—Application for reopening—amendment—General Electric Oil Burner, Type DB-2.
APPEARANCES—
For Applicant: Bernard C. Kiley.
ACTION OF BOARD—Application reopened and resolution amended.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(201-38-SA)

WHEREAS, the General Electric Co., owner, filed March 28, 1938, an application with the Board of Standards and Appeals for approval of their device known as the General Electric Oil Burner, Type DB-2 and this device was referred to the engineer of the Board; and

WHEREAS, the report of the engineer of the board, supplemented by that of the representatives of the Division of Combustibles of the Fire Department, was substantially as follows:

This burner is of the pressure atomizing type, and is designed for use in conversion type installations. It is similar in all respects to the burner already approved under Calendar No. 228-33-SA, and consists of the following assembly:

A horizontal radial fan; GE rotary self-priming pump; GE 1/20 H.P. motor; GE ¾ to 3 gallons per hour nozzle. Pressure regulating valve is incorporated in the pump assembly.

Ignition—Electric; GE transformer being used.

Controls—A pressuretrol and flame detector, manufactured by the General Electric Company. These controls are actuated by means of a Telechron motor.

The controls were tested with a cold combustion chamber and oil supply shut off, and it was found that same functioned as designed. The oil supply was then turned on and the burner put into a normal operation. During the period of test there were no flare backs due to faulty ignition, and the flame was clean and free of smoke. Examination of the combustion chamber showed no undue carbon deposits.

As a result of this inspection and test, it is recommended that the General Electric Oil Burner, Type DB-2 be approved for domestic use, with fuel oil not heavier than No. 4 U. S. Dept. of Commerce standards, when installed in accordance with the Oil Burner Rules of the Board and Standards and Appeals.

and

WHEREAS, on April 12, 1938, the board approved this device for domestic installations and applicant requests an amendment of the resolution, to include the approval of commercial installations.

Resolved, that the Board of Standards and Appeals does hereby approve the device known as General Electric Oil Burner, Type DB-2 for use in domestic and commercial installations with fuel oil not heaver than No. 4 U. S. Dept. of Commerce standards, *on condition* that the installation shall conform to the Oil Burner Rules of the Board of Standards and Appeals and that the device shall bear a label permanently affixed thereto reading:

APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. NO. 201-38-SA.

MINUTES

MATERIALS SUBMITTED FOR APPROVAL

138-38-SM.

APPLICANT—F. H. Hedinger, owner.

SUBJECT—Multi-Vent Hollow Building Block in Concrete, Approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Material approved in accordance with report of a committee of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(138-38-SM)

WHEREAS, F. H. Hedinger, owner, filed March 4, 1938, an application with the Board of Standards and Appeals for approval of the material known as the Multi-Vent Hollow Building Block in Concrete; and

WHEREAS, this material was submitted to the engineer of the board for test and report; and

WHEREAS, the report of the committee of which the engineer of the board was a member was as follows:

REPORT OF COMMITTEE ON TESTS

Re: Cal. No. 138-38-SM

Multi-Vent Hollow Building Block in Concrete.

This application of F. H. Hedinger, filed March 4, 1938, with the Board of Standards and Appeals, is for the approval of the Multi-Vent Brick.

This brick is manufactured of one part cement, 3 parts sand, one part grit, 4 gallons of water and ten pounds of color per bag of cement.

This material was tested at the Columbia University Testing Laboratory on December 21, 1937, and a test of five samples show an average compressive strength based on a gross area of 2,400 lbs. per square inch. Under the provisions of section C26-309.0 Admin. Code (7.1.1.4) one-tenth of the amount would be 240 lbs. per sq. in. maximum allowable compressive stress. Under the provisions of section C26-443.0 Admin. Code (8.4.9.1) the allowable height of hollow 8-inch walls shall be limited to 2½ stories and not exceeding 25 ft. for private dwellings and for 10 inch walls to a maximum height of 35 ft.

It is, therefore, recommended that the Multi-Vent Brick, of F. H. Hedinger, be approved for use as bearing walls under the following conditions:

For foundation walls, where permitted under the Code, the block shall be filled in solid with concrete and shall rest on a suitable concrete footing.

The thickness and height of bearing walls shall conform to sections C26-431.0, subdiv. G (8.4.3.2.6) and subdiv. A (8.4.3.2.7).

Full bearing supports for structural members, as required by section C26-431.0, subdiv. f (8.4.3.2.5) shall be provided.

All other requirements of the Code for hollow walls shall be complied with.

The maximum length of any wall between cross walls or buttresses shall not exceed 50 ft. in length and the span of any beam which the wall shall carry shall not exceed 20 ft.

Proper plates suitably anchored shall be provided for roof joists, and tie beams shall be fastened to roof rafters to prevent thrust on the walls, full metal flashing shall also be provided at roof line.

The bricks shall be laid flat with all vertical and horizontal joints properly filled with mortar.

Wherever any opening exists in wall membrane, waterproofing extending 6 in. beyond side of opening shall be provided.

The brick shall be marked with "138-38-SM."

(Sgd.) BERNARD A. SAVAGE,
Commissioner.

LESLIE V. HUBER,
Engineer.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as the Multi-Vent Hollow Building Blocks in Concrete, when manufactured and installed in accordance with above report, the material shall be marked 138-38-SM.

188-38-SM.

APPLICANT—Geo. H. Miller, for Automatic Nut Company, Inc., for New York Corporation, owner.

SUBJECT—Anco Structural Rib Bolts and Anco Lock Nuts, Approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Material approved in accordance with report of a committee of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(188-38-SM)

WHEREAS, Geo. H. Miller, for Automatic Nut Co., Inc., for New York Corporation, owner, filed March 22, 1938, an application with the Board of Standards and Appeals for approval of their material known as the "Anco Structural Rib Bolts and Anco Lock Nuts"; and

WHEREAS, this material was submitted to the engineer of the board for test and report; and

WHEREAS, the report of the committee of the board, of which the engineer was a member, was as follows:

REPORT OF COMMITTEE ON TESTS.

April 22, 1938.

Re: Cal. No. 188-38-SM.

Anco Structural Rib Bolts and Anco Lock Nuts.

The applicaton of the Automatic Nut Co., Inc., filed March 22nd, 1938, with the Board of Standards and Appeals for approval of the ANCO STRUCTURAL RIB BOLTS and ANCO LOCK NUTS:

This bolt and nut were tested on February 6, 1936, in the laboratory of the R. W. Hunt Co. The bolt is made of Carbon Manganese steel, minimum tensile strength 70,000 lbs. per square inch. The nut is made from hot rolled, open-hearth steel with a locking pin of chrome vanadium steel containing a high percentage of nickel. Both bolt and nut have machine-cut threads, U. S. Standard No. 2 fit.

In the Hunt test, four tests were made, two joints of the butt type (double shear) and two joints of the lap type (single shear). The first butt joint held by ¾ in. bolts failed at 157,300 lbs. per square inch; the second butt joint held by ¾ in. bolts failed at 185,500 lbs. In the case of the lap joint tests, the first held by ¾ in. bolts failed at 76,500 lbs. and the remaining lap joint held by ¾ in. bolts failed at 96,800 lbs. per square inch. In the case of both the butt and lap joint, when held by ¾ in. bolts, failure resulted by shearing of two bolts, one on each gage line. In the case of similar joints held by ¾ in. bolts, the failure occurred in the plate.

On the basis of these tests it is recommended that the ANCO STRUCTURAL RIB BOLT and the ANCO LOCK NUT be approved for use under Section C26-521.0 Administrative Code 8.6.2.9, providing the conditions under which bolting may be used and under Section C 26-368.06, 4-A and 5-A Administrative Code 7.4.5.4 and 7.4.5.5, allowing the same shearing stress—13,500 lbs. per square inch, and the same bearing stresses—30,000

MINUTES

when in double shear; 24,000 lbs. when in single shear, as is allowed in these sections for turned bolts in reamed holes.

These bolts and nuts were inspected in column splices at No. 314 East 35th street, New York City.

These bolts when used in New York City shall be stamped "188-38-SM."

(Sgd.) BERNARD A. SAVAGE,
Commissioner.
LESLIE V. HUBER,
Engineer.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as Anco Structural Rib Bolts and Anco Lock Nuts for use under Section C26-521.0 Administrative Code (8.6.2.9) and Section C26-368.06 4-A and 5-A Administrative Code when conforming to above report.

248-38-SM.

APPLICANT—Page Steel and Wire Division of American Chain and Cable Company, Inc., owner.

SUBJECT—Approval of Welding Electrodes, Page Hi-Tensile "C," "F" and "G" and Page B Special.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Material approved in accordance with report of a committee of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(248-38-SM)

WHEREAS, Page Steel and Wire Division of American Chain and Cable Company, Inc., owner, filed April 9, 1938, an application with the Board of Standards and Appeals for approval of their material known as the Page Hi-Tensile C and G Welding Electrodes; and

WHEREAS, this material was submitted to the engineer of the board for test and report; and

WHEREAS, the report of the committee of the board of which the engineer was a member was as follows:

REPORT OF COMMITTEE ON TESTS.

Re: Cal. No. 248-38-SM.

Welding Electrodes, Page Hi-Tensile C, F and G and Page B Special.

The Page Steel and Wire Division of the American Chain and Cable Co., Inc., owner, filed April 9, 1938, an application with the Board of Standards and Appeals for approval of the material known as the Welding Electrode, Page Hi-Tensile C, F and G and Page B Special, but withdrew this application as to F and B Special.

A committee of the board inspected the making up of the all-weld metal tension test samples at Laboratory of the Brooklyn Polytechnic Institute on Monday, April 18, 1938, and samples were made up of these specimens with Page Hi-Tensile C and G rods, one with reverse polarity rods and the other straight polarity. The base plates in conformance with the ASTM A-7-36 were bevelled as required for the welds.

These samples were not stress relieved and subjected to a tensile test in the same laboratory on April 23, 1938. The specimens with the reverse polarity rods developed a tensile stress of 62,600 lbs. per sq. in. and an elongation of 33 1/3 per cent. The specimen made up with the straight polarity rod developed 70,440 lbs. per sq. in. and an elongation of 21 per cent.

In both cases the rupture was clean and an inspection of the broken cross section showed a complete absence of voids and slag inclusions.

The samples met the requirement of the test of the American Welding Society for the No. 10 grade, which specifies a working stress of 60,000 pounds and an elongation of 20 per cent for "non-stress relieved specimens."

The committee accordingly recommends that the Page Hi-Tensile C reverse polarity rods, when made in sizes of 3/32, 1/8, 5/32, 3/16, 1/4, 5/16, and 3/8 in length of 14 in., excepting the 3/32 size, which is 12 in. and Page Hi-Tensile, is recommended for approval for flat, vertical, or overhead position, while Type G is recommended for use in flat filet welding.

Page Hi-Tensile G electrodes of straight polarity made in sizes of 5/32, 3/16, 1/4, 5/16, 3/8 and 14 in. lengths, except sizes 3/8, 5/16, and 1/4, may be made in 18 in. lengths, when coated with a heavy flux coating and when packed in a bundle with marking indicating the name, the grade and approved for use in New York City under Cal. No. 248-38-SM, be approved as meeting the requirements for grade No. 10, 15, 20, 30 and 40, and that these rods meet the requirement of the approval Rule 7, subdivision 2.

(Sgd.) BERNARD A. SAVAGE,
Commissioner.
LESLIE V. HUBER,
Engineer.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as the Page Hi-Tensile C reverse polarity electrodes and the Page Hi-Tensile C straight polarity electrodes for use in structural welding under Rule 7 subdivision 2 of the Welding Rules of the Board and when conforming to above report and when bundles are marked—approved by the Board of Standards and Appeals for use in New York City under Cal. 248-38-SM.

Adjourned, 4:30 P. M.

EDWARD V. BARTON, Chief Clerk.

NOTICE

Copies of the Official Directory of the City of New York for the year 1938 (The Little Green Book), containing the latest authentic information in relation to City, State and Federal Departments, Bureaus, Offices and Courts, are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50 cents; by mail, three cents per copy must be added for postage.

MULTIPLE DWELLING LAW ON SALE

Copies of the Multiple Dwelling Law are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50c; by mail 54c.

Copies of the Supplemental Rules and Regulations of the Tenement House Department on Fire Retarding, Fire Escapes, Fire Stairs and Fire Towers are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 10c; by mail 12c.

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, April 12, 1938, as they appeared in Bulletin No. 16, Vol. XXIII are hereby corrected to read as follows:

THE RESOLUTION—

(223-38-A)

WHEREAS, King Cole's Sound Service, Inc., applicant and lessee, filed on April 4, 1938, an appeal from an order and decision of the fire commissioner, affecting premises 203-205 East 26th street, north side, 68 feet east of Third avenue (Block No. 907, Lot No. 1), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, dated January 21, 1938 (No. 10822-LC), reads as follows:

"Referring to your application for a permit to store, sell and use 75 reels of inflammable motion picture films in the building 203-5 East 26th street, Borough of Manhattan, you are hereby notified that such permit cannot be granted for the following principal reason:

Building is not equipped with an approved system of automatic sprinklers as per Section C-19-116-O.A.

YOU ARE THEREFORE HEREBY ORDERED TO:

1. Discontinue the storage and use of inflammable motion picture films in excess of 2,000 feet."

and

WHEREAS, the decision of the fire commissioner, dated April 4, 1938, reads as follows:

"In response to the request made in this office, we are forwarding this communication to be submitted to the Board of Standards and Appeals, as we have been informed that the board will accept a letter when an applicant has exceeded the time limit in which to file an appeal on a fire department order and this letter will certify that Order No. 10822-LC reading as follows was issued:

"Referring to your application for a permit to store, sell and use 75 reels of inflammable motion picture films in the building 203-5 East 26th street, Borough of Manhattan, you are hereby notified that such permit cannot be granted for the following principal reason:

Building is not equipped with an approved system of automatic sprinklers as per section C-19-116-O.A.

YOU ARE THEREFORE HEREBY ORDERED TO:

1. Discontinue the storage and use of inflammable and motion picture films in excess of 2,000 feet.'"

and

WHEREAS, the building is two stories, 24 feet in height, 36½ ft. by 24 ft. in area, of nonfireproof construction, located in a business use B area district, erected approximately in 1870 and occupied since 1930 as follows: Basement—storage of mechanical equipment, no persons; 1st floor—office, 10 persons; 2nd floor—office and film storage, 12 persons, for which no certificate of occupancy has been issued; and

WHEREAS, the applicant contends that two approved 75 reel film cabinets have been installed on premises, all films on the premises are in I.C.C. containers and are always kept in cabinets while on the premises; that not more than one reel will be exposed at any one time; film is left by public carriers and removed from the premises daily. It is proposed to tap the approved sprinkler system in the building at No. 201 East 26th street, which is under common ownership with the building in question for a source of supply for the sprinkler head in the film storage cabinets.

Resolved, that the decision and the order of the fire commissioner, No. 10822-LC, be and they hereby are *modified* and that the appeal be and it hereby is *granted on condition* that there may be not over thirty (30) one-thousand foot reels in approved I.C.C. containers, provided same are stored in approved film cabinets located on the second floor, as indicated on plans filed with this appeal; that these film cabinets shall be protected by sprinkler heads which may be fed from the water supply taken through the basement or cellar of the adjoining building of the sprinkler system as approved for the stairhall, and that other than as herein permitted, no nitro-cellulose film shall be stored, handled openly or exposed on the premises.

* Correction—The words "other than as herein permitted" inserted in the next to the last line of the resolution.

NOTICE

FORMS FOR NOTICES TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication in this BULLETIN of the calendars of the board, each case being set down by Calendar Number and premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the offices of the board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the board is to dispose of all cases promptly, for the reason that the pendancy of an appeal or application ties the hands of the administrative official in enforcing his order; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

RULES

RULES FOR FUSION WELDING AND GAS CUTTING.

RULES COVERING THE SPECIFICATIONS FOR DESIGN, FABRICATION AND INSPECTION OF FUSION WELDED STRUCTURES AND THE QUALIFICATIONS OF WELDERS AND SUPERVISORS.

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS FEBRUARY 25, 1938.
EFFECTIVE MARCH 21, 1938.

[Cal. No. 1-38-SR]

Authority:
Pursuant to the authority vested in the Board of Standards and Appeals by Section 666, paragraph 2, of the Charter of the City of New York and C26-514.0 of the Administrative Code (8.6.2.2).

SCOPE.

These rules are supplementary and additional to the requirements for Fusion Welding as permitted under C26-514.0 of the Administrative Code (8.6.2.2) reading:

Fusion welding may be substituted for, or used in combination with, riveting or bolting to connect or assemble the component parts of steel beams, girders, lintels, trusses, columns and other structural steel used in building construction if done under rigid inspection and specification, in accordance with the rules of the Board. These Rules shall also apply to gas cutting.

NOTE: Where a reference in parenthesis appears after the Administrative Code Section, it refers to the Section of the New Building Code as formerly numbered.

Rule 1. Application For Permits.

1.1 No person shall perform gas or electric welding on structures or parts thereof erected or to be erected within the City of New York except as provided in these Rules and in conformity with C26-211.0 of the Administrative Code (2.3.2).

1.2 The commencement of any structural welding work is forbidden until an application for a permit to perform such work is filed with and approved by the superintendent. The superintendent shall be notified in writing at least 48 hours prior to the date when the structural welding work is to commence. C26-172.0 of the Administrative Code (2.1.1.12).

Rule 2. Definitions.

2.1 ARC WELDING. A fusion welding process wherein the welding heat is obtained from electric arc formed between the base metal and metal electrode.

2.2 BASE METAL. The metal upon which the weld or cut is made.

2.3 BUTT WELD. A butt weld is a weld whose throat lies in a plane disposed approximately 90 degrees with respect to the surfaces of at least one of the parts joined. The size of a butt weld shall be expressed in terms of its net or unreinforced throat dimension in inches. C26-158.0 of the Administrative Code (1.149).

2.4 CONTINUOUS WELD. A weld which is uninterrupted throughout the length of the joint.

2.5 CRATER. An unfilled concave depression in the fusion area of an arc weld resulting from penetration of the welding arc into the metal thereunder.

2.6 FILLER METAL. Metal especially prepared for addition to the weld. This term shall apply to this material only before deposition.

2.7 FILLET WELD. A fillet weld is a weld of approximately triangular cross section, whose throat lies in a plane disposed (inclined) approximately 45 degrees with respect to the surfaces of the parts joined. The size of a fillet weld shall be expressed in terms of the width in inches of its adjacent fused sides. C26-158.0 of the Administrative Code (1.149).

2.8 FLAT WELD. A weld made by the fusion welding process on a horizontal plane or one inclined not over 45 degrees to the horizontal, the weld being made from the upper side of the parts joined.

2.9 FUSION WELDING. Fusion welding is the process of joining metal parts in the molten, or molten and vapor states, without the application of mechanical pressure or blows. Under these rules fusion welding is restricted to arc and gas welding processes. C26-75.0 of the Administrative Code (1.67).

2.10 GAS CUTTING. Gas cutting is the process of severing ferrous metals by means of the chemical behavior of oxygen, in the presence of ferrous metals at high temperatures, to produce a kerf, or cut, of uniform width without burning the edges of the kerf or cut. C26-77.0 of the Administrative Code (1.69).

2.11 GAS WELDING. A fusion welding process in which the heat of welding is supplied by the combustion of oxygen and acetylene or other fuel gas in a suitable torch. Filler metal may be melted from a welding rod. Under these rules, gas welding is restricted to the oxy-acetylene process wherein filler metal is added.

2.12 HORIZONTAL WELD. A weld made by the fusion welding process on a plane vertical or inclined less than 45 degrees with the vertical, the linear direction of the weld being horizontal or inclined not more than 45 degrees to the horizontal.

2.13 LAYER. A stratum of weld metal of a fusion weld and consisting of one or more interwoven beads.

2.14 OVERHEAD WELD. A weld made by the fusion welding process on a horizontal plane or one inclined not over 45 degrees to the horizontal, the weld being made from the underside of the parts joined.

2.15 OVERLAP. A condition of lack of fusion where the deposited metal has overflowed the fused area of metal.

2.16 PENETRATION. The linear distance that the deposited metal penetrates below the original surface of the base metal.

2.17 ROOT. A root is the zone at the bottom of the cross-sectional space provided to contain a fusion weld. C26-312. (CL) of the Administrative Code (1.122).

2.18 SLOT WELD. A weld made in an enclosed or partially enclosed opening formed in one of the parts of a lap joint.

2.19 SUPERINTENDENT. Wherever the word "Superintendent" appears in these Rules, it shall mean the Superintendent of Housing and Buildings of the borough having jurisdiction.

2.20 TACK WELD. A weld of random size or shape intended only to fix a member or part thereof of a structure, in correct position preparatory to final welding, and shall not be considered to transmit stress.

2.21 THROAT. The minimum thickness of a weld along a straight line passing through the root. Throat of a fillet weld is the distance along a line from the root to the hypothenuse at right angles thereto, of the largest isosceles triangle which can be constructed in the cross section of the fillet weld. The throat of a butt weld shall be equal to the thickness of the thinner part joined. C26-53.0 of the Administrative Code (1.144).

2.22 UNDERCUT. A condition wherein the base and weld metal is melted away leaving a depression, the surface of which lies below the designed surface contour of the joint.

2.23 VERTICAL WELD. A weld made by the fusion welding process on a plane vertical or inclined less than 45 degrees with the vertical, the linear direction of the weld being vertical or inclined not more than 45 degrees to the vertical.

2.24 WELD DIMENSIONS. The dimensions of a weld shall be expressed in terms of its size and length. C26-158.0 of the Administrative Code (1.149).

2.25 WELD LENGTH. Shall be considered to be the unbroken length of the full cross-section of the weld exclusive of the length of any craters. C26-158.0 of the Administrative Code (1.149).

Rule 3. Design and Supervision.

3.1 The licensed architect or licensed professional engineer designing or supervising the construction of a welded structure shall be experienced and skilled in such work. C26-515.0 (c) (8.6.2.3.3).

3.2 PERMISSIBLE UNIT STRESSES.

In the design of welded structures or parts thereof the stress at every connection must be accurately calculated and the required amount and the exact type and location of weld and filler metal with respect to the parts joined be specified.

3.2.1 Welded joints shall be so proportioned that the maximum stresses shall be less than the following amounts in pounds per square inch:

Shear on section through the throat of a weld	11,300
Tension on section through the throat of a weld	13,000
Compression on section through the throat of a weld	15,000

Maximum fiber stresses due to bending shall not exceed the maximum values allowed above for tension and compression respectively. C26-368.0b (6) of the Administrative Code (7.4.5.6).

3.2.2 Stress on a fillet weld shall be considered as shear for any direction of the applied stress.

3.2.3 Adequate provision shall be made for bending stresses due to eccentricity in the disposition or section of base metal parts.

3.2.4 The allowable compressive strength mentioned in these Rules is not intended to prevent butt welds being used across the entire section to transmit the total compressive stress in compressive flanges of beams, girders, truss plates or compression blocks or other members protected against lateral deflection even though such stress exceeds 15,000 lbs. per sq. in., but not exceeding the maximum allowable compressive stress in the parts joined.

3.3 WORKING STRESSES FOR WINDLOADS. When the stress in any member due to wind is less than 33⅓% of the stress due to live and dead loads, it may be neglected. For combined stresses due to wind and other loads, the permissible working stresses may be increased 33⅓%, provided the section thus found is at least that required by the dead and live loads alone. For stresses due to wind only, the permissible working stress shall be the same as for live and dead loads. C26-372.0, 373.0 and 374.0 of the Administrative Code (7.4.8).

3.4 WELDED GIRDERS. In welded girders the connection of component parts of flanges to each other and of flanges to webs shall be by continuous or intermittent fillet welds designed to transmit the stress. C26-520.0 (d) of the Administrative Code (8.6.2.8.4).

3.5 Girders shall be proportioned either by their moments of inertia or by the flange-area method; in the latter method, when applied to a welded girder having no holes in the web, 1/6 of the web area may be considered a part of the area of each flange. Stiffeners may be either angles or flat plates, welded to the web and flanges by welds designed to transmit the stresses.

3.6 BEAMS. The use of continuous beams and girders, shall be permitted provided their welded connections be designed to transmit the stresses involved in continuous beam construction and columns are designed for the moment added by such construction. At the ends of non-continuous beams, the connections shall be designed to avoid excessive secondary stresses due to bending.

3.7 WELDED COLUMNS. C26-520.0 (e) of the Administrative Code (8.6.2.8.5). Fillet welds connecting the component parts of a built-up column may be either continuous or intermittent. If intermittent the length of each weld at the ends of the column shall be equal to the least width of the column. The length of the intervening welds shall be at least one and one-half inches, spaced at most four inches in the clear. The size, length and spacing of the fillet welds shall be such as to provide the same strength, per unit of column length, as the allowable shearing stresses in structural steel for power driven rivets. Lattice bars and tie plates shall be welded so as to obtain strength equal to that specified in C26-368.0b (6) of the Administrative Code (7.4.5.4). Shearing stresses.

3.7.1 Where column splices are welded, welds must be provided equal in strength to the shear of the standard column splice.

3.8 WELDED BUTT JOINTS. The edges of base metal parts, one-quarter inch or more in thickness, transmitting stress by means of butt welds shall be beveled. For single and double "V" joints, the bevel of each part shall be at least 30 degrees. For single and double bevel joints, the bevel shall be at least 45 degrees.

Before welding, the root edge or face of one part shall be separated from the root edge or face of the other part by not less than 1/16 inch nor more than ¼ inch.

Butt welds shall be reinforced by depositing additional metal on the weld to a height extending beyond the surface of the thinnest part joined. The height of such reinforcement shall be at least the following percentages of the thickness of the thinnest part joined: 20 percent for single "V" and single bevel butt welds, and 12½ percent on each side, for double "V" and double bevel butt welds. C26-520.0(f) of the Administrative Code (8.6.2.8.6).

3.9 FILLET WELDS. The length of any fillet weld shall be made not less than four times the weld size or else the size of the weld shall be considered not to exceed ¼ of the length for purposes of calculating strength under these rules.

3.10 WELDS IN SLOTS OR HOLES. When welding inside a slot or hole in a plate or other part, in order to join same to an underlying part, fillet welding may be used along the wall or walls of the

slot or hole, but the latter shall not be filled with weld metal or partially filled in such manner as to form a direct weld-metal connection between opposite walls, except that fillet welds along opposite walls may overlap each other for a distance of one-fourth of their size. No slot or hole shall be less in width or diameter than 1½ times its depth.

3.11 FIELD RIVETED, BOLTED AND WELDED CONNECTIONS. C26-521.0 of the Administrative Code (8.6.2.9).

3.11.1 In tier structures less than 125 feet high, in which the height is less than two and one-half times the minimum horizontal dimension, all column splices and field connections may be bolted.

3.11.2 In structures in which the height is over 100 feet and is more than two and one-half times the minimum horizontal dimension, and in structures 100 feet or less in height in which the height is more than four times the minimum horizontal dimension, column splices and connections to columns shall be riveted or welded.

3.11.3 In structures over 125 feet in height and in all structures of a special character, connections of beams and girders to columns, and beams and girders bracing columns shall be riveted or welded. Column splices in structures 200 feet or more in height shall be riveted or welded. Column splices in tier structures less than 200 feet high (except as provided in the preceding paragraph) may be bolted.

3.11.4 All other field connections may be bolted (except that, in all structures, the connections for supports for running machinery or other moving loads shall be riveted or welded).

3.11.5 Within existing structures steel work for alterations, or additions (except to the main structural framework), which do not affect existing column splices, connections and other riveted or welded work, may be bolted.

3.12 COMPLETION OF WORK.
Upon the completion of all structural welding operations, the licensed architect or licensed professional engineer responsible for the design of the structure shall certify to the Superintendent that the fabrication and welding of such structure have been carefully inspected and that the requirements of his design and these Rules have been fulfilled in every respect by the contractor who has done the welding.

Rule 4. Board of Examiners for Welders.

4.1 The Board of Examiners for Welders provided for in C26-209.0 of the Administrative Code (2.3), shall be appointed by the Commissioner of Housing and Buildings from members of the staff of the Department as recommended by the Superintendents. All certificates of qualification issued shall be uniform for the five Boroughs. There shall be a separate certificate for gas welding and for electric arc welding, which certificates shall not be interchangeable and shall apply specifically to the type of work to be done and shall be issued in accordance with Rule 5.

4.2 WELDERS TO BE QUALIFIED. No person shall perform welding work on any structural member of a structure without having obtained a certificate of qualification from the Board of Examiners for Welders. C26-211.0 of the Administrative Code (2.3.2).

4.2.1 Before a certificate of qualification may be issued authorizing a person to perform welding work on any structural member of a structure, the person applying for such certificate shall have submitted to and satisfactorily passed an examination to determine his qualifications, conducted by Board of Examiners for Welders to be appointed by the Commissioner. A certificate of qualification shall be issued to each applicant having proved his qualifications and upon the payment of a fee of Two Dollars. Such certificate shall continue in effect for a period of one year unless sooner revoked or suspended and to be effective thereafter shall be renewed annually. The annual renewal fee shall be One Dollar.

4.2.2 No person shall be eligible for a certificate of qualification to perform welding work as provided in this section unless he is a citizen of the United States of America.

4.2.3 The Superintendent may revoke or suspend a certificate of qualification of any person, if workmanship on any structural welding is such as to indicate incompetency or negligence which might endanger a structure or result in injury to humans.

Rule 5. Qualification Test for Welders.

5.1 These qualification tests shall be conducted by the Board of Examiners for Welders or its representative but, in the discretion of the Board of Examiners for Welders documentary or other evidence, or both, that the applicant has passed the qualification test, conducted by a standard testing laboratory or an inspection by the Superintendent or his representative may be accepted as satisfactory proof of the applicant's fitness to make structural welds in accordance with Rule 5.4. Welders performing work outside New York City may be qualified under this rule. C26-381.0 of the Administrative Code (8.1.2).

5.2 Qualification for arc welding shall not constitute qualification for gas welding, and vice versa. Qualification for welding with bare electrodes shall not constitute qualification for welding with flux-coated electrodes, and vice versa.

5.3 The foregoing provisions are not intended to bar an applicant from further trial in case of one or more failures, or to require an operator who has passed the tests to qualify anew for every job he may undertake.

5.4 QUALIFICATION REQUIREMENTS.

5.4.1 Before issuance of a certificate of qualification by the Board of Examiners for welders the applicant shall have passed the qualification tests prescribed as follows:

5.4.2 The minimum qualification requirements shall be the welding of test specimens of the type shown in Fig. 2 and specified in Rule 5.4, each specimen to be tested for failure in a reliable tension testing machine and to develop ultimate resistance not less than 80 kips if welded with filler metal of grade 2, 4, 10 or 15; or 67 kips if welded with filler metal of grade 20, 30 or 40.

5.4.3 Two specimens shall be welded in the downward or flat welding position, two in the vertical welding position and if the operator is to perform overhead welding, two in the overhead welding position.

5.4.4 The form of test specimen shall be as shown in Fig. 2, consisting of four steel bars or plates connected by four approximately equal

fillet welds. The specifications of the bar steel shall conform to Rule 7. The welding edges of the splice bars shall be cut flat and square and any burrs shall be removed. The bars shall be clamped securely together and tack welded in proper position with the splice bars centered on the main bars and the faces of the main bars in true planes, in preparation for the test welding. Welding shall be performed with the same process (arc or gas), the same welding procedure, and the same type of electrodes or welding rods as are to be used in the work for which the operator is being tested; the diameter of electrodes or rods shall be the largest to be used in the work, for which the applicant proposes to qualify.

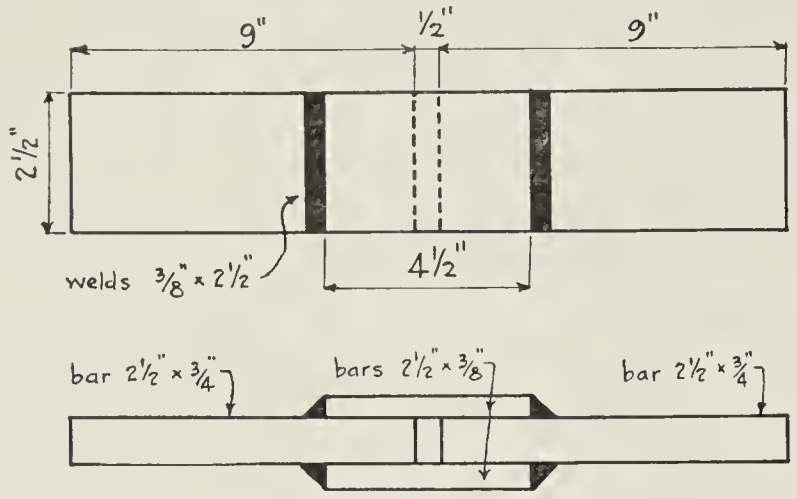


FIG. 2

Welds shall be made as nearly as possible to the designed dimensions, and in conformity with the practices set forth in Rule 6; at every cross-section the weld size in each direction shall be within 1/16 in. of the prescribed ⅜ in.

Rule 6. Quality of Welds.

The quality of welds permitted under these rules shall conform to the following requirements:

6.1 The Quality of Test Welds and Construction Welds shall fulfill all requirements with regard to shape and internal quality.

6.1.1 All lap welds shall indicate good penetration to the root of the weld and good fusion at both sides of the bead.

6.1.2 All fillet welds shall show absence of undercutting, proper shape of the bead, lack of overlaps and proper fusion.

6.1.3 All butt welds shall show good fusion without overlapping or undercutting.

6.2 UNDERSIZE WELDS. Undersize or undercut welds shall be built up by welding to conform to the weld cross-section called for in the drawings and specifications. The surface of previously deposited welds shall be cleaned of oxides or slag before any reinforcing weld metal is applied.

6.3 Shape.

6.3.1 Welds shall conform in shape to those shown on Figs. 3a and 4a and shall not be undersized.

6.3.2 Surfaces of weld shall be reasonably smooth and uniform in contour. Weld metal along the toe of the weld shall not overlap the base metal surface but shall form an intimate contact therewith as shown in Figure 3.

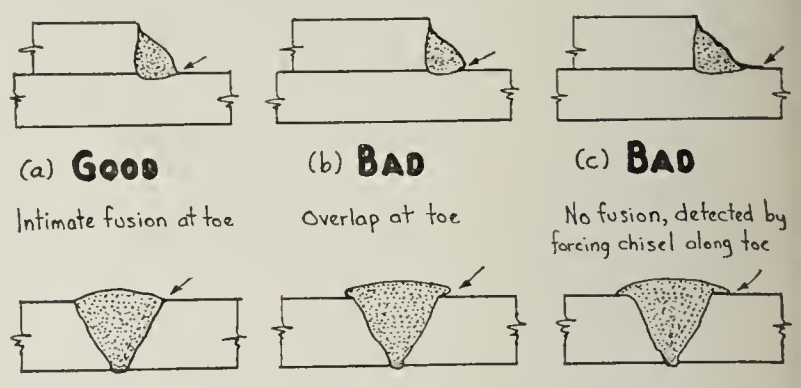


FIG. 3

6.3.3 INTERNAL QUALITY. The weld metal shall be sound throughout and shall be free from oxides, non-metallic inclusions and gas pockets. The weld metal shall be thoroughly fused with the base metal along all surfaces and edges of union, and shall penetrate into the root of the weld, as shown in Fig. 4a.

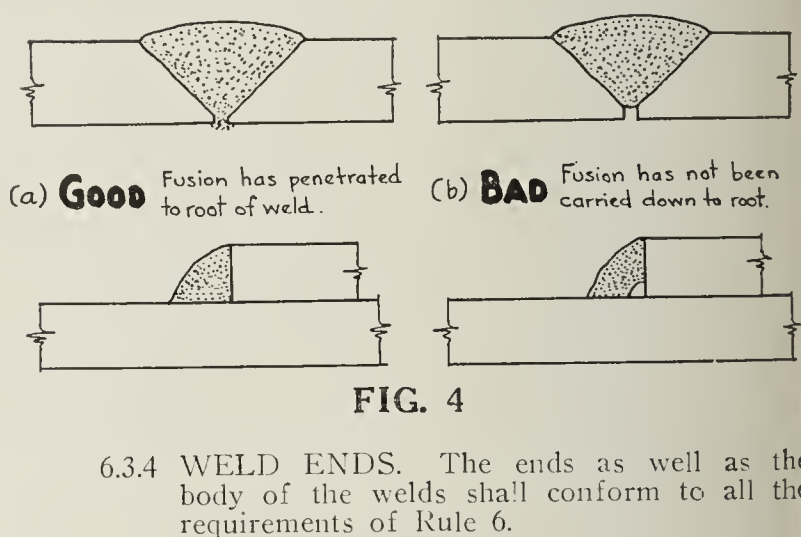


FIG. 4

6.3.4 WELD ENDS. The ends as well as the body of the welds shall conform to all the requirements of Rule 6.

Rule 7. Specifications and Tests of Welding Materials.

7.1 Structural steel shall conform to A.S.T.M. Specifications A-7-36 or A-9-36.

7.2 Filler metal (electrodes or welding rods) shall conform to all requirements of A.S.T.M. Specifications A205-37.T and the superintendent may accept certified test results from a reputable manufacturer that tests have been made in conformance with these specifications.

Rule 8. Gas Cutting of Structural Steel.

C26-526.0 (a) to (g) of the Administrative Code (8.6.3.2.1-7 inc.).

8.1 Contractors desiring to do gas cutting shall be required to satisfy the Superintendent as to their ability to produce satisfactory gas cuts.

8.1.1 Gas cutting shall be done by one experienced in this work and under the continual supervision, as provided in 9.1.

8.2 Gas cutting on any member while it is carrying stress is prohibited (except for detail cutting to correct minor fabricating errors where the removal of metal resulting from such detail cutting would leave unimpaired the required strength of the members to be cut).

8.2.1 Any field cutting of structural members to provide openings or to remove portions of flanges shall not be done, unless provided for in the design.

8.3 Gas cut edges shall be smooth and regular in contour.

8.4 Gas cutting may be used in the preparation of base metal parts for welding provided the edges are thoroughly cleaned after cutting so as to expose clean steel.

8.5 Gas cutting to replace the milling of surfaces is prohibited.

8.6 Gas cutting of holes in a member designed without provision therefor is prohibited.

8.7 The radii of re-entrant gas cut fillets shall be as large as possible and at least one inch. To determine the net area of members so cut, one-eighth inch shall be deducted from the gas cut edges.

Rule 9. Supervision and Inspection.

9.1 Any welding to be done on a structure or any part thereof shall be performed under the supervision of a representative of a standard testing agency or an inspecting agency responsible to the owner or licensed architect or licensed engineer. Such agency shall be acceptable to the Superintendent.

9.2 The agency as provided for in 9.1 shall take adequate means to assure that the preparing, gas cutting, assembling and welding of the joints of the structure conform to the design and that the resulting structure is free from deficiencies and injurious defects. He shall keep and submit daily to the licensed architect or licensed professional engineer responsible for the work adequate records of the progress of the work, of difficulties experienced, and of his decision of acceptance and rejection. His records shall allocate a definite and personal responsibility for his acceptance of every weld as to size, location, type of filler metal used and quality of workmanship, and shall evidence that no weld called for in the design has been omitted. He shall require that each welder stamp his identification symbol on his work, and the inspector after inspecting each weld shall do likewise.

9.2.1 He shall inspect for defects and irregularities, plate cracks adjacent to or behind welds crater cracks or cracks in the weld metal.

9.2.2 He shall gauge all welds for deficiency of throat or other critical cross-section.

9.2.3 He shall carefully observe and reject undercutting, overlap or lack of fusion at edges of weld, lack of penetration, or porosity, location of craters, size and shape of bead, and order occasional chipping to determine penetration and correct all or any irregularities of workmanship contrary to the design.

9.3 The contractor who is to do welding shall submit to the Superintendent a statement that the work will be done in accordance with these rules and the Administrative Code and shall include in such statement, the detailed procedure he proposes to follow, which shall include the following:

That each welder or group of welders shall be under the continual supervision of an experienced foreman.

That only welders qualified under these rules be employed. Each welder shall exhibit, when required, his Certificate of Qualification.

That each welder shall be provided with proper gauges to check his work.

That the foreman shall be able to read blueprints and shall lay out and allocate the work each welder is to perform and he shall carefully observe the burn-off of the electrode; the fusion, and penetration of crater; the formation of the bead; and the sound of the arc.

That only the base metal and filler metal conforming to the job specifications and these rules be used.

That the welding equipment furnished shall have proper characteristics to allow good work.

That whenever deemed necessary by the Superintendent, such tests of the finished welds, shall be made as required by him.

Rule 10. Workmanship on Welded Structures.

10.1 The arrangement of the joints to be welded shall be such as to enable the operator to have an unobstructed view of the surfaces to be welded at all times during the welding operation.

10.2 Welds found deficient in dimensions, but not in quality may be enlarged by additional welding. Where a deficient weld renders the weld inaccessible or has caused new conditions which would make reinforcement dangerous or ineffectual, the weld shall be removed and original conditions restored or in lieu thereof a revised design, correcting this condition shall be submitted to the superintendent. Any weld found deficient in quality, size, or made contrary to the requirements of these rules shall be removed by chipping or melting and shall be remade. The weld metal shall be removed throughout its depth to clean base metal. A cracked weld shall be removed throughout its entire length.

The cutting or chipping of a weld shall not extend into the base metal. In removing welds, care shall be taken not to burn or otherwise injure the base metal and after melting the exposed base metal shall be cleaned by chipping and wire brushing.

10.3 TACK-WELDS. In making tack-welds, the same precautions should be observed as when starting welds. Where a designed weld will later be made over the tack-weld, the tack-weld shall be made with the same care as required for designed welds.

Whenever tack-welds are located where a designed weld will later be made, they shall be made according to the foregoing requirements. When encountered in the final welding operation, they shall be thoroughly fused in with the final weld. Tack-weld should be thickest at the center and should taper at both ends for convenience in carrying the regular weld over the tack-weld (see Fig. 19).

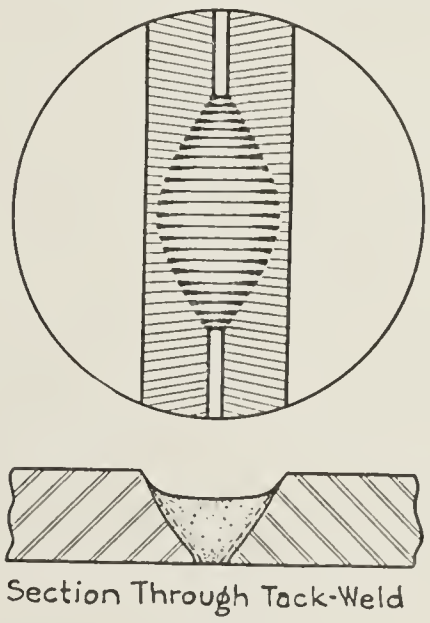


FIG. 19

10.4 Surfaces to be welded shall be free from mill scale, rust, paint or other foreign matter. A thin coat of

linseed oil or its equivalent over the surfaces to be welded need not be removed. These provisions shall apply to new structures and where new steel is to be welded to steel in any existing structure.

Structural steel shall not be painted on any areas where shop or field welding is to be performed, except that a coat of linseed oil without pigment may be used for temporary protection. However, structural members which have been painted, may be welded, provided that the paint is completely removed from the areas to be welded. Parts which are welded in the shop, to be erected by bolts or rivets, shall receive the usual painting if any is required after the shop welding is finished. Parts to be field welded shall receive a coat of linseed oil after shop work is completed, and after erection and field welding, they shall be given two coats of acceptable metal protection if painting is required. C26-522.0 of the Administrative Code (8.6.2.10).

10.5 Where rivets are under load there shall be no welding at the connections between structural members so riveted unless precautions are taken to prevent loss of tension of rivet in a manner approved by the superintendent. See 3.11.5.

10.6 In assembling and during yelding, the component parts of a built up member shall be held by sufficient clamps, or other adequate means shall be employed for temporarily fastening the members together and bracing the framework until the joints are welded. This shall consist of erection bolts or positive devices imparting sufficient strength and stiffness to resist all temporary weights and lateral forces, including wind.

For all welded structures, erection bolts, or equivalent means shall be employed for temporarily supporting the members, and existing loads, and for insuring proper alignment.

The temporary support of girders carrying columns or other heavy loads shall be made rigid by such means as shall be designed by the licensed architect or licensed professional engineer in charge and approved by the Superintendent.

In tier building erection, members shall not be erected more than two tiers, or more than one-column length above any column connections yet unwelded.

Rule 11. Metal Chimneys and Tanks.

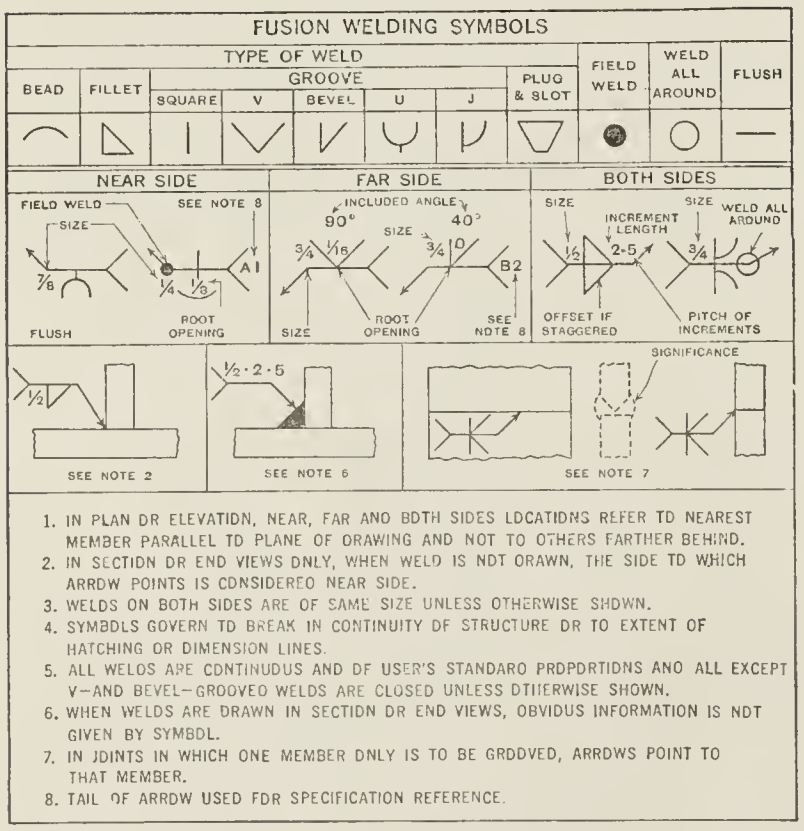
Metal Chimneys and Tanks and all materials entering into their construction, when welded, shall conform to these Rules.

APPENDIX.

The following is not to be considered as part of the Rules for Fusion Welding and Gas Cutting, but is printed for general information only:

I. Weld Symbols.

To provide for uniformity when plans are filed with the superintendent symbols for fusion welding and a method of showing them on drawing shall be as shown in figure 1.



Note: All dimensions in inches.

FIG. 1

II. Sizes, Chemical Composition and Tests of Filler Metal.

Standard sizes of filler metal are as follows: 1/16, 3/32, 1/8, 5/32, 3/16, 7/32, 1/4, 5/16 and 3/8 in. in diameter. In the case of coated or covered filler metal, the standard sizes refer to the diameter of the core wire.

Table 1.—Tensile Requirements for Deposited Metal.

Grade	Base Metal	Treatment of Welded Specimen *a*	All-Weld Tension Test: Tensile Strength, min., lb. per sq. in.	All-Weld Tension Test: Elongation in 2 in., min., per cent
No. 2..	Firebox quality steel plate, tensile strength 55,000 lb. per sq. in., min.; or Steel for bridges, tensile strength 60,000 lb. per sq. in., min., with carbon not over 0.25 per cent and manganese not over 1.00 per cent., or equivalent steels.	stress-relieved	80 000	20*b*
		non-stress-relieved	80 000	15*b*
No. 4..	same as for Grade No. 2	stress-relieved	75 000	20*b*
		non-stress-relieved	75 000	15*b*
No. 10.	same as for Grade No. 2	stress-relieved	60 000	25
		non-stress-relieved	60 000	20
No. 15.	same as for Grade No. 2	stress-relieved	60 000	20
		non-stress-relieved	60 000	17
No. 20.	same as for Grade No. 2	stress-relieved	52 000	10
		non-stress-relieved	55 000	7
No. 30.	same as for Grade No. 2	stress-relieved	45 000	7
		non-stress-relieved	47 000	5
No. 40.	same as for Grade No. 2	stress-relieved	45 000	5
		non-stress-relieved	47 000	3

a Stress-relieving where called for in these specifications is for the purpose of developing the fundamental properties of the weld metal unaltered by locked-up stress. Values obtained from stress-relieved welded specimens are about 5 per cent lower in tensile strength and 10 to 20 per cent higher in ductility than those of non-stress-relieved specimens. The fact that a filler

metal test requires stress-relief signifies only that it must develop the strength required regardless of stress-relief, and not that stress-relief must always be used in actual work. Stress-relieving shall be within the range of 11 00 to 1200 F. for 1 hr. per 1 in. of thickness. Gas-welded specimens may be heat-treated at higher temperatures than the temperature specified above for stress-relief.

b It is immaterial how these high physical properties are obtained, that is, whether by carbon-steel filler metal with manganese and silicon contents or by the use of some other alloying elements, but the total amount of such other elements shall be less than 4 per cent.

CHEMICAL COMPOSITION.

The filler metal shall be capable of depositing metal conforming to the following requirements as to chemical composition:

Phosphorus, max., per cent	0.04
Sulfur, max., per cent	0.04

CHEMICAL ANALYSIS.

For arc-welding electrodes, the sample for analysis shall be prepared as follows: A specimen of standard base metal (see Table 1 below) of sufficient size, shall be prepared, and a pad of five superimposed layers of arc metal deposited thereon. The fifth or top layer shall be ground or machined away and discarded. The fourth layer shall be carefully milled off and used for the analysis specified.

For gas-welding rods, the sample for analysis may be prepared as described in preceding paragraph, except that three layers shall be considered sufficient and the top layer used for the analysis, or analysis may be made of the welding rod. In the latter case, ten rods shall be selected at random from the lot, and milled in such manner as to represent the entire cross-section.

TEST SPECIMENS.

ALL WELD METAL TENSION TESTS. The deposited metal shall conform to the minimum tensile properties specified in Table 1.

SPECIMENS (Test).

From each lot of each size of filler metal, a sufficient number of electrodes or welding rods shall be selected at random and a deposited metal specimen prepared. The specimen shall be prepared in accordance with its proposed use.

For 1/16, 3/32 and 1/8 in. filler metal, a plate 3/8 in. in thickness shall be prepared as illustrated in Fig. 5 and the sub-size all-weld tension specimen prepared as shown.

For 5/32 in. and larger sizes of filler metal, a plate 3/4 in. in thickness shall be prepared as illustrated in Fig. 6 and the tension specimen prepared as shown.

Test plates shall be so supported that warping due to welding shall not throw the finished test plate out of line by an angle of over 5 deg. If plates are warped, they shall be straightened cold before being stress-relieved where required.

SPECIAL TESTS. The Superintendent or his representative may require such additional standard tests as will properly develop the strength of the filler metal.

RETESTS. If any tension test specimen fails, additional test plates shall be prepared at the direction of the inspector.

ELECTRODES FOR MANUAL WELDING. In the case of coated or covered electrodes for manual welding, about 1 in. of the electrode shall be bare or free from coating at the one end for making contact with the holder. The arc end shall be sufficienty bare to permit easy striking of the arc, but the length of the bare portion of the arc end, measured from the end to the point where the full cross-section of the coating obtains, shall not exceed one nominal diameter.

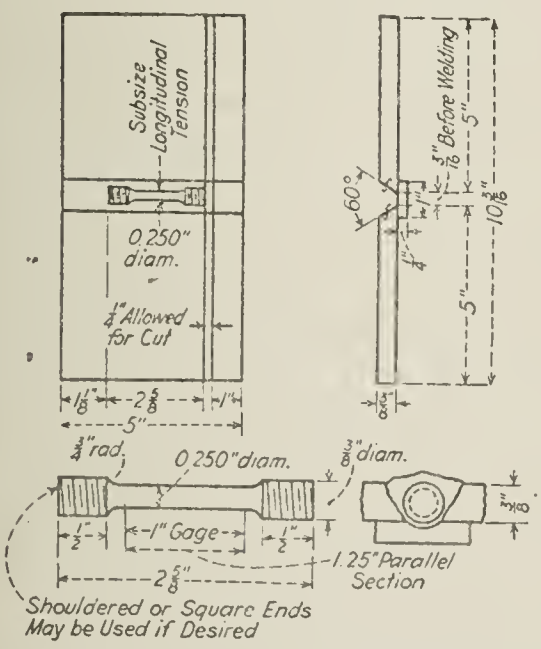
PREPARATION OF FILLER METAL.

Uncoated filler metal and the core of coated or covered filler metal shall be of uniform quality free from injurious segregation, oxides, pipe, seams or other irregularities.

On coated or covered filler metal, the coatings and coverings shall be such that they are not readily damaged by ordinary handling and shall be of commercially uniform thickness and shall present a workmanlike appearance. Coatings and coverings shall be free from injurious scabs, blisters, abnormal pockmarks, bruises or other surface defects.

The surface of gas-welding rods and bare electrodes shall be smooth and free from harmful scale, oil, or grease and shall be plain or copper finished, as specified.

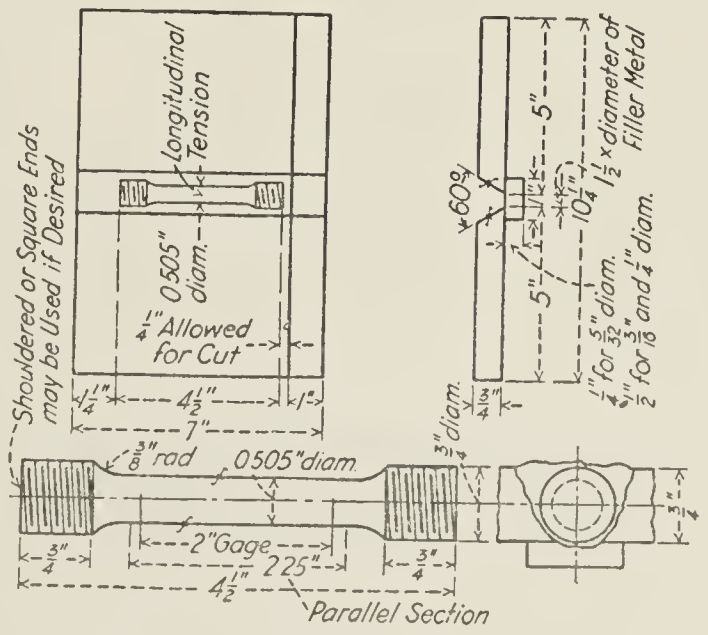
Cross-sectional dimensions shall not vary from that specified by more than 3 per cent.



NOTE 1.—The above plate shall be used for 1/8-in. filler metal.
NOTE 2.—Welds shall be deposited in either layers or beads.
NOTE 3.—Welds in vertical position shall be deposited upwards.
NOTE 4.—Electric welds shall cool to at least 100 F. between the deposition of each layer or bead.

Test Plate for 1/8-in. Diameter Filler Metal and Method of Machining Specimen.

FIG. 5



NOTE 1.—The above plate shall be used for filler metal 5/32-in. in diameter and larger.
NOTE 2.—Welds shall be deposited in either layers or beads.
NOTE 3.—Welds in vertical position shall be deposited upwards.
NOTE 4.—Electric welds shall cool to at least 100 F. between the deposition of each layer or bead.

Test Plate for Filler Metal 5/32-in. in Diameter and Larger and Method of Machining Specimen.

FIG. 6

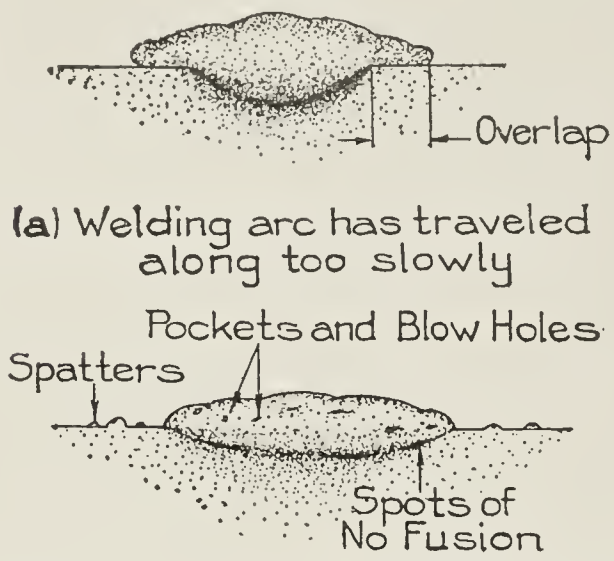
REQUIREMENTS FOR ARC WELDS

III. Bare and Lightly Coated Electrodes.

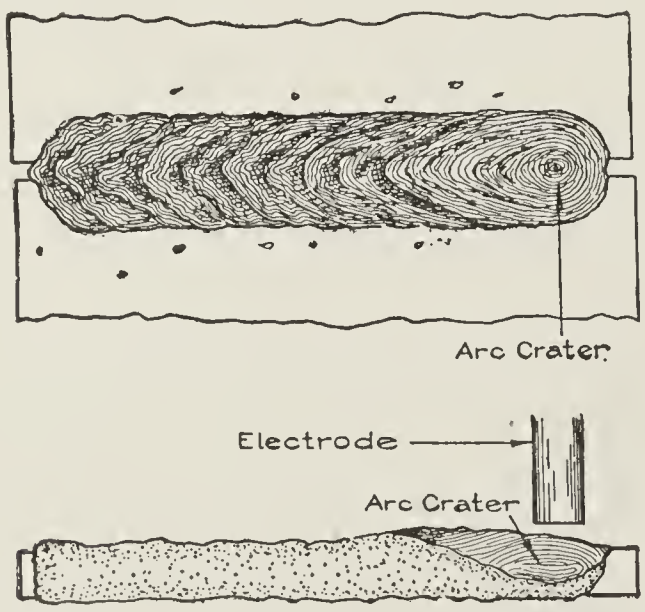
WELDING ARC. Unsound welds, insufficient penetration and overlap in general, resulting from improper arc

length and amount of current and incorrect rate of travel, are prohibited. The characteristics of these different conditions are illustrated in Figs. 7 and 8.

FIG. 7



DEPTH OF CRATER. The depth of arc crater should not be less than 1/16 in. (see Fig. 8).



Longitudinal section of deposited metal showing penetration and arc crater.

FIG. 8

LENGTH OF ARC. In manual metal arc-welding, proper fusion, penetration and soundness of weld shall be secured by using as short an arc as can be maintained for each form of weld. A typical example of proper arc length for given thickness of base metal and for a 3/8-in. fillet weld is shown in Fig. 9. When properly manipulated, the arc will throw a steady shower of small sparks, and (in the case of bare electrodes) will be accompanied by a regular, crackling, snappy sound with fractional intervals less than

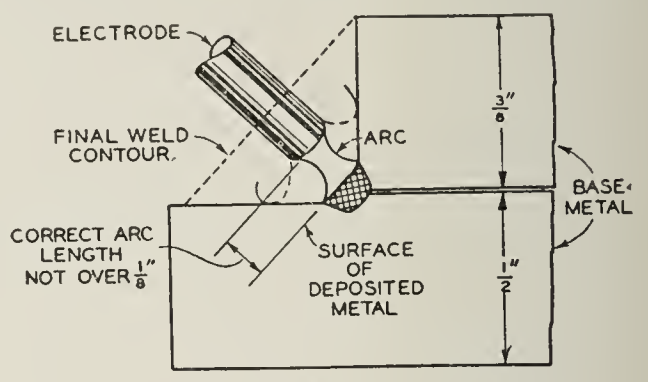


FIG. 9

one-half second between explosions. With a given current, the length of arc depends upon the arc voltage which should not exceed 20 volts.

CURRENT. The amount of current shall be such as will best suit the arrangement and the thickness of the base metals to be joined. Sizes and current values shall conform to those given in Table 2. In special cases other approved sizes and currents may be specified, when permitted by the Superintendent. The current and voltage used shall be measured by suitable meters, either mounted on the arc welding machine panel, or portable, for use at the point of welding. Allowance shall be made for line drop where the meters are not adjacent to the point of welding.

Table 2—Current Values and Sizes of Bare and Lightly Coated Electrodes for Various Sizes of Welds

Size of Weld In.	Minimum Number of Layers	Electrodes and Current Values
1/4	1	In all these cases use either 5/32-in. electrodes with 160-180 amps., or 3/16-in. electrodes with 180-225 amps.
3/8	1	
1/2	2	
5/8	2	
3/4	3	

MANUAL OPERATION OF ARC. The arc shall be started by drawing a long arc momentarily to preheat base metal before deposition of filler material to insure thorough fusion at start of weld, or it shall be started moving a short arc rapidly back and forward over a limited area at start.

In case of a long weld where more than one electrode is used, the arc shall be re-started about 1/4 in. to 3/8 in. ahead of the crater, going back over the crater to properly fill it and keep a uniform contour, thus insuring proper preheating as in start of weld.

On single layer welds the arc shall progress with either a straight forward motion or an oscillatory motion depending on size of joint to be filled to bring it up to proper contour and insure proper fusion in root zone.

In multi-layer welding the first layer shall be deposited by moving the arc in a straight forward motion to secure proper fusion in the root zone, while subsequent layers shall be deposited with an oscillatory motion to build up the weld to the proper contour. The first layer shall be

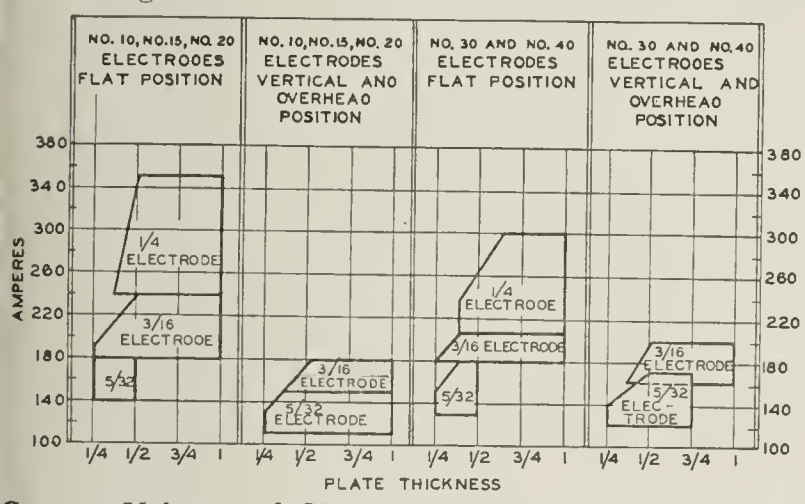
made with an electrode small enough to get thorough penetration at the root zone.

Each layer shall be thoroughly cleaned by brushing or chipping to remove all excess scale and oxides before depositing succeeding layers. The surface of each layer shall be reasonably smooth and uniform in contour.

IV. Heavily Coated Electrodes.

WELDING PROCEDURE. In making welds with heavily coated electrodes the procedure recommended by the manufacturer of the electrodes being used shall be followed, but if such instructions are not available, the procedures given below shall be followed.

CURRENT. The amount of current shall be such as will best suit the arrangement and the thickness of the base metal to be joined. The current ranges in Fig. 10 are given as a guide in selecting the best operating conditions for various electrode sizes and plate thicknesses for flat, vertical and overhead welding. In special cases, other approved sizes and amounts of current may be specified. The current and voltage used shall be measured by suitable meters, either mounted on the arc welding panel, or portable, for use at the point of welding. Allowance shall be made for line drop where the meters are not adjacent to the point of welding.



Current Values and Sizes of Heavily Coated Electrodes for Various Plate Thicknesses for Manually Welded Operations.

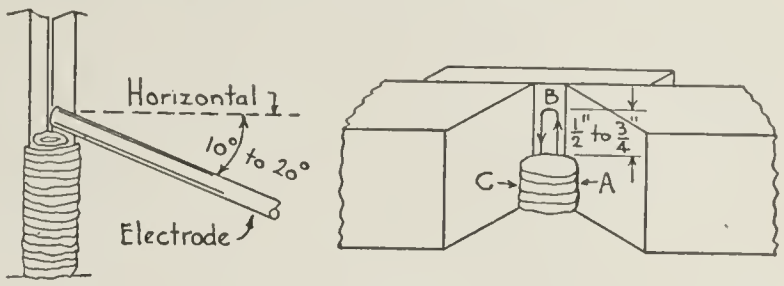
FIG. 10

WELDING PROCEDURE FOR FLAT BUTT WELDS. In making butt welds on bevel joints, weave the electrode from one side of the joint to the other. This weaving may not be necessary on the first pass. These oscillations shall be regulated so that the weld metal fuses into the side walls without directing the arc against the walls. This shall be accomplished by pointing the electrode downward and allowing the outer edges of the arc to play lightly on the walls. A stay shall be made long enough on the turns to insure complete fusion into the side walls.

The travel speed shall be regulated to limit the thickness of the layer per pass to not more than ⅛ in.

WELDING PROCEDURE FOR VERTICAL AND OVERHEAD BUTT WELDS. One-eighth (⅛)-in. and 5/32-in. diameter electrodes should be used in the vertical and overhead welding positions, but the 3/16-in. diameter may be used in vertical welding when necessary.

Vertical welds shall be made by welding upward. The first pass should be started by oscillating or weaving the electrode from side to side (Fig. 11*A*) to produce a weld metal bridge across the "V." Then the arc is to be moved rapidly upward for ½ to ¾ in. along the bottom of the "V" (Fig. 11*B*), drawing a long arc (about 30 volts), and then back down to the crater again (Fig. 11*C*), shortening the arc to its previous length. The movement up and down should require about 1/3 sec. and should be easily accomplished with a bending action of the wrist. Its purpose is to allow the molten metal in the pool to solidify and to preheat the plates ahead of the crater.

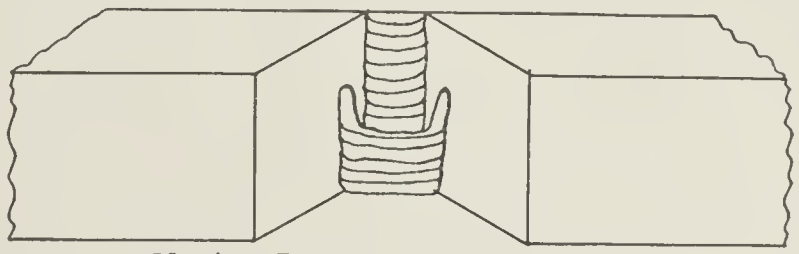


Vertical Butt Weld—First Layer.

FIG. 11

The above cycle of operation shall be repeated all the way up, each time depositing a thin layer of metal on top of the preceding layer. The travel speed on the first pass shall be regulated to limit the deposit to the equivalent of about a ¼-in. fillet weld. On succeeding passes, the thickness shall not exceed ⅛ or 5/32 in. The successive passes shall be made by this up and down technique or by successive horizontal weaving.

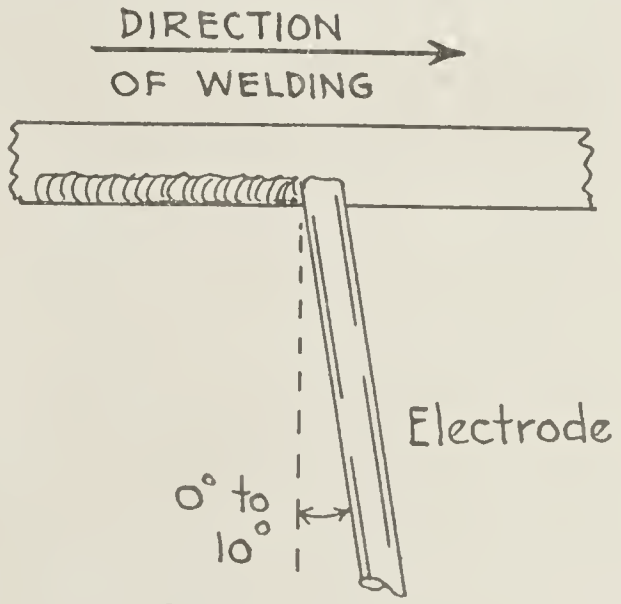
If, in making the second and succeeding passes, a procedure similar to that of the first pass shall be used, the motion (Fig. 12) to be across the pool or shelf, then upward and back at one side of the "V," then across the shelf to the other side, and up and back to the shelf again. The up and down motions shall be done rapidly, lengthening the arc while doing so. If the procedure of weaving straight across is used, it shall be similar to the above except that the up and down motion at each end of the shelf is eliminated.



Vertical Butt Weld—Second Layer.

FIG. 12

For overhead butt welds, the procedure shall be the same as that previously described for vertical welds. The electrode shall be pointed upward and sometimes leaning slightly forward, as shown in Fig. 13. A shelf on which to work shall be deposited at the start and the cycles of operation shall be the same as those for vertical welding.



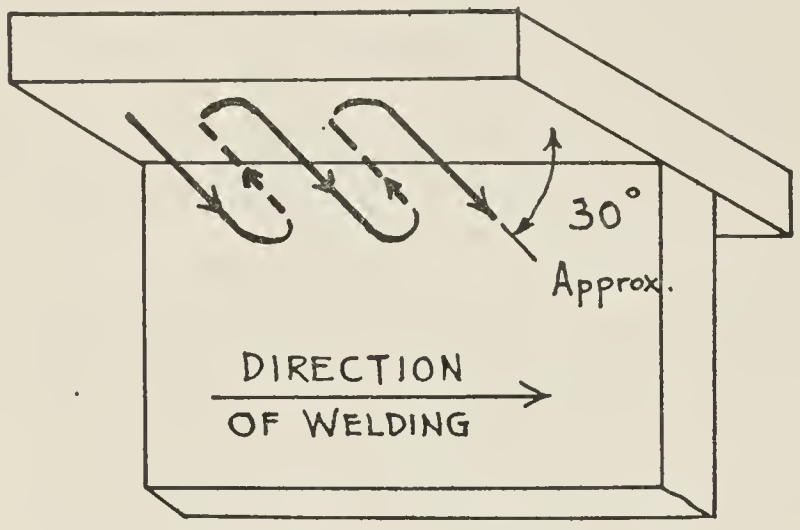
Overhead Butt Weld.

FIG. 13

WELDING PROCEDURE FOR FLAT AND OVERHEAD FILLET WELDS. For light fillet welds (¼ in. or less) and the first pass of multiple pass welds, the electrode shall be moved only in the direction of travel. The second and successive passes or heavy single-pass welds (⅜ in. for example) shall be made by weaving the electrode in a plane making an angle of about 30 degrees with the underside of the plate, as shown in Fig. 14. The solid line represents actual welding. The dotted line represents an upward skip done in about 1/3 sec.

WELDING PROCEDURE FOR VERTICAL FILLET WELDS. Vertical fillet welds shall be made in the same manner as vertical butt welds.

WELDING PROCEDURE FOR MULTI-LAYER FILLET WELDS IN ANY POSITION. In certain cases fillet welds in sizes up to ⅜ in. may be made in a single pass by holding the electrode at a suitable angle and moving it along at a uniform rate. Where the fillet weld

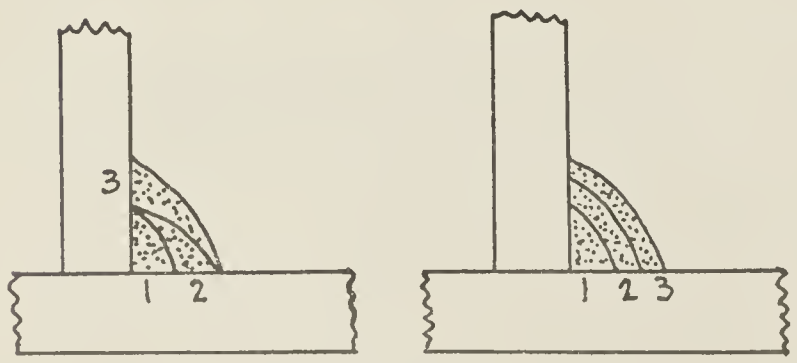


Overhead Fillet Weld.

FIG. 14

requires more than one layer, the second and subsequent layers shall be deposited as a complete spread over the previously deposited metal or in two or more parts as shown in Fig. 15.

ALTERNATE METHODS OF MAKING MULTI-LAYER WELDS



Flat, Vertical, or Overhead Fillet Weld.

FIG. 15

V. Requirements for Gas Welds.

WELDING FLAME. Torches may be either single or multiple flame. The adjustment of the welding flame shall be the same as used in the qualification tests.

The size of the inner cone or inner cones shall be regulated for varying thicknesses of base metal so that the proper amount of heat and flame condition is obtained to properly perform the welding operation. The criterion for welding flame regulation is that the inner cone or inner cones should be of a size and character which produce sufficient heat to maintain the welding puddle in a quiet molten state, and to cause fusion of the welding puddle with the base metal.

The orifice of the welding tip shall be kept clean at all times during the welding operation so that the regular and symmetrical inner cone or cones can be maintained.

WELDING ROD. The size of the welding rod to be used shall be such that the rod shall be of sufficient diameter to maintain the welding puddle in a quiet molten state.

STARTING WELDS. In starting a weld, the base metal shall be heated to a dull red for a distance of from 1 to 2 in. along the joint so that the point of welding can be brought to the fusion temperature evenly before welding rod is added. If the weld is stopped for any reason, the same precautions should be observed upon restarting.

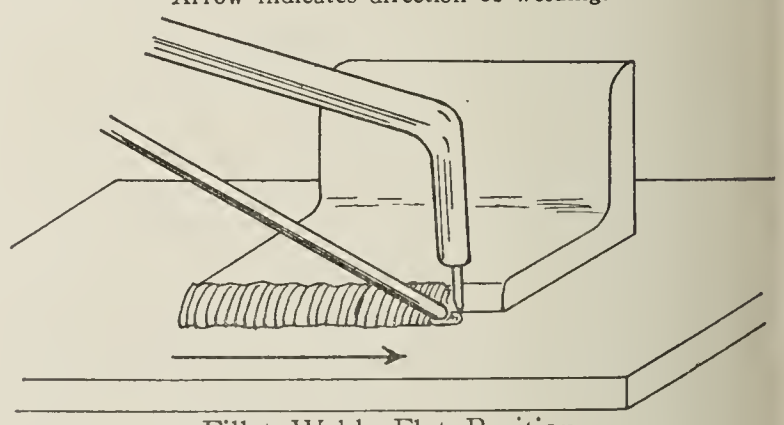
WELDING TECHNIQUE—GENERAL. The welding torch and welding rod shall be manipulated so as to maintain a definite puddle of molten weld metal without overheating either the base metal or deposited metal. The end of the welding rod shall be kept within the limits of the puddle at all times, particular care being taken not to disturb the rear edge of the puddle which might cause slag on the surface to become entrapped in the weld metal. In manipulating the flame, the tip of the inner cone shall preferably not touch either base metal, puddle or welding rod.

Either backhand or forehand technique may be employed. The various positions of welding rod and flame with respect to each other in backhand and forehand techniques are illustrated in Figs. 16 and 17.

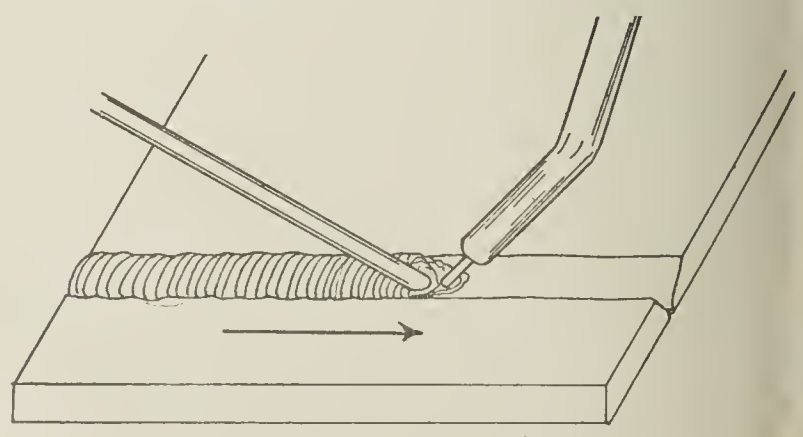
In carrying the puddle forward, the base metal surfaces just in advance of the puddle shall be prepared for fusion with the puddle by melting sufficient surface metal to remove oxides and expose sound base metal. In some cases this depth of melting may be 1/32 in. or less. Manipulation of the rod and flame in controlling the puddle shall

FIG. 16

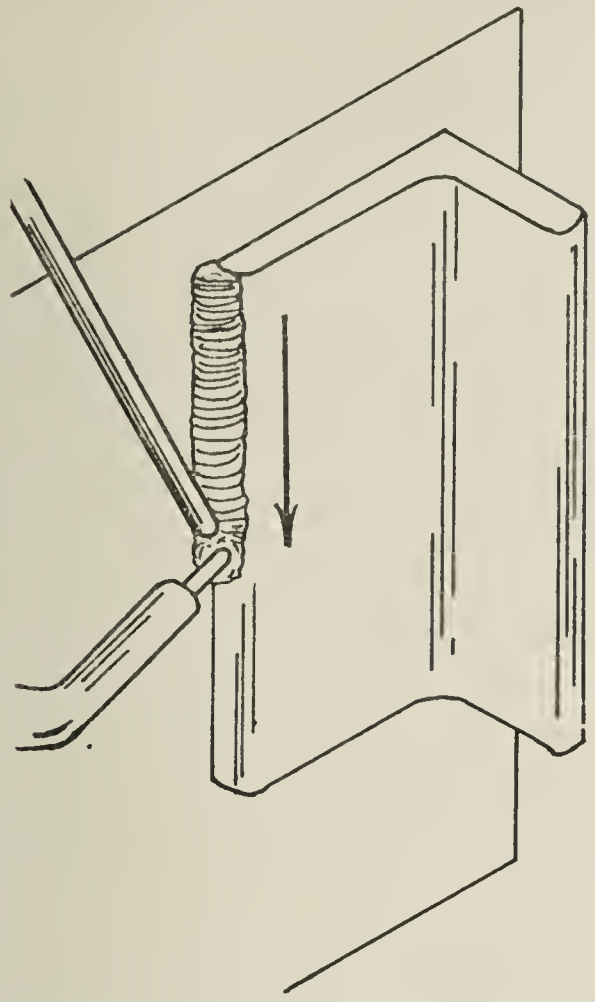
Positions of Rod and Flame in Backhand Technique.
Arrow indicates direction of welding.



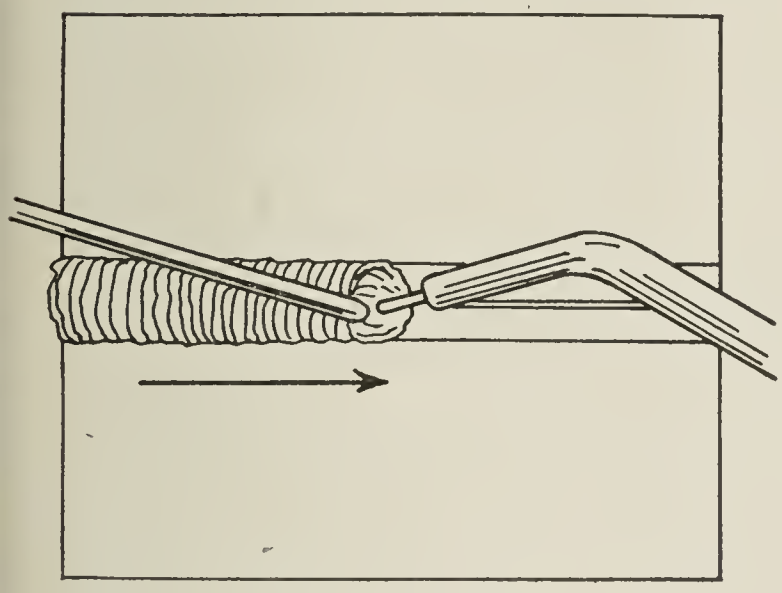
Fillet Weld—Flat Position.



Butt Weld—Flat Position.



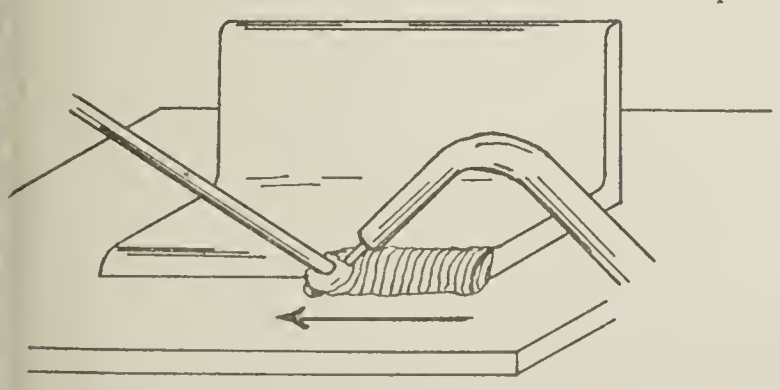
Fillet or Butt Weld—Vertical Position.



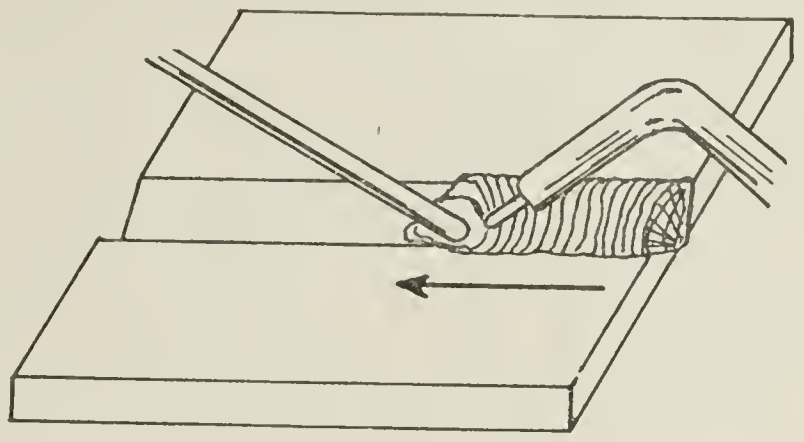
Fillet or Butt Weld—Horizontal Position.

FIG. 17

Positions of Rod and Flame in Forehand Technique.



Fillet Weld—Flat Position.



Butt Weld—Flat Position.

be such that at no time is molten metal from the puddle permitted to flow ahead until this melting has occurred.

For welding in positions other than flat, it shall be permissible to carry a fairly shallow puddle for convenience in controlling it. When using backhand technique, this shall be done by distributing the molten metal in the puddle with the end of the welding rod, providing the puddle is kept sufficiently molten so that surface oxides do not become entrapped in the weld.

FILLET WELDS. When fillet welding in the flat position, there is a tendency for the top plate to melt before the bottom plate. This shall be avoided by pointing the flame more against the lower plate as shown in Figs. 16 and 17. It is essential that fusion be secured at the inside corner or root of the joint, the welding rod and inner cone shall be manipulated so this result will be secured. If desired, the welding rod may be stirred lightly, well within the bounds of the puddle, to maintain a shallow puddle and distribute the molten metal so as to obtain readily welds of proper size and shape.

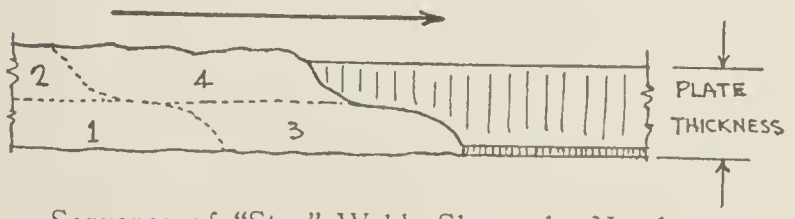
BUTT WELDS. When butt welding in the flat position, manipulation of rod and inner cone shall be such that the bottom of the vee is fused together at the same time but in advance of the upper walls of the vee so that the weight of the puddle does not cause molten metal to sag inside the joint. Where spacing of the joint exceeds 1/6 in., it is allowable to weld the bottom of the vee together in a separate operation, ½ in. to 1 in. at one time ahead of the principal point of welding.

MULTI-LAYER WELDING. Multiple layer welding may be used in place of single layer welding for all positions of welding and thicknesses of metal, but especially for welds of larger size. The criterion shall be the size of puddle that can most effectively be carried by the welder for the particular position of welding. If the completion of a weld in one layer requires a puddle larger than indicated by this criterion, two or more layers shall be made.

The layers of the weld may be made continuously for the full length, or the welding may be done by the "step" method illustrated in Fig. 18.

FIG. 18

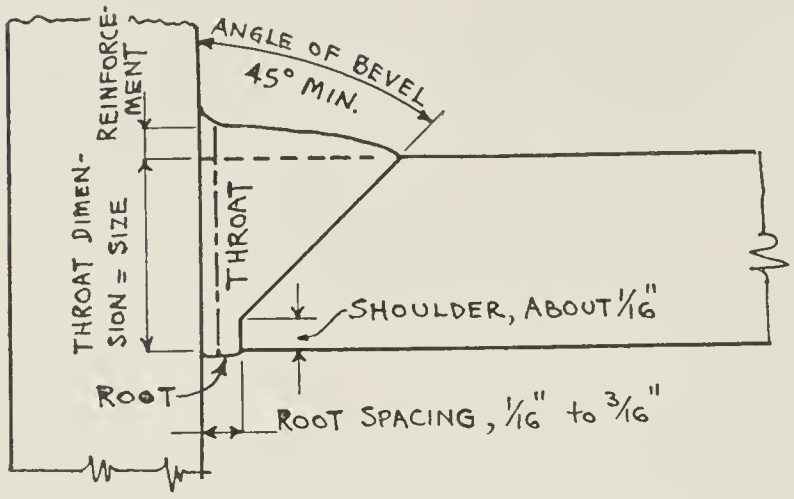
"Step" Method of Multi-Layer Welding.



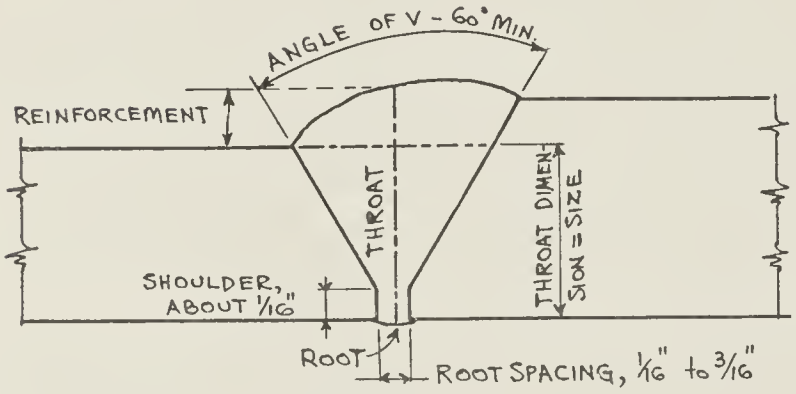
Sequence of "Step" Welds Shown by Numbers.

VI. Illustrations of Butt and Fillet Welds.

FIG. 20

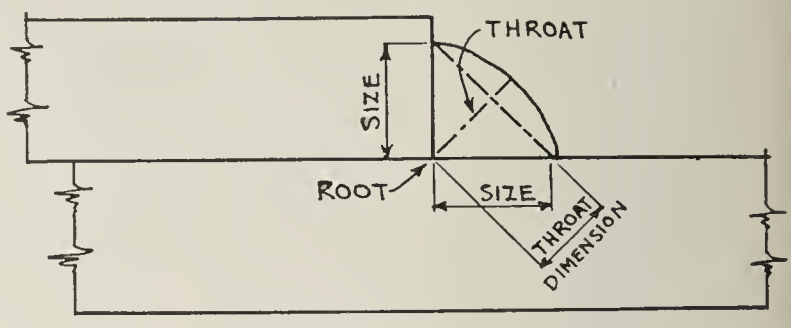


Single Bevel Butt Weld.

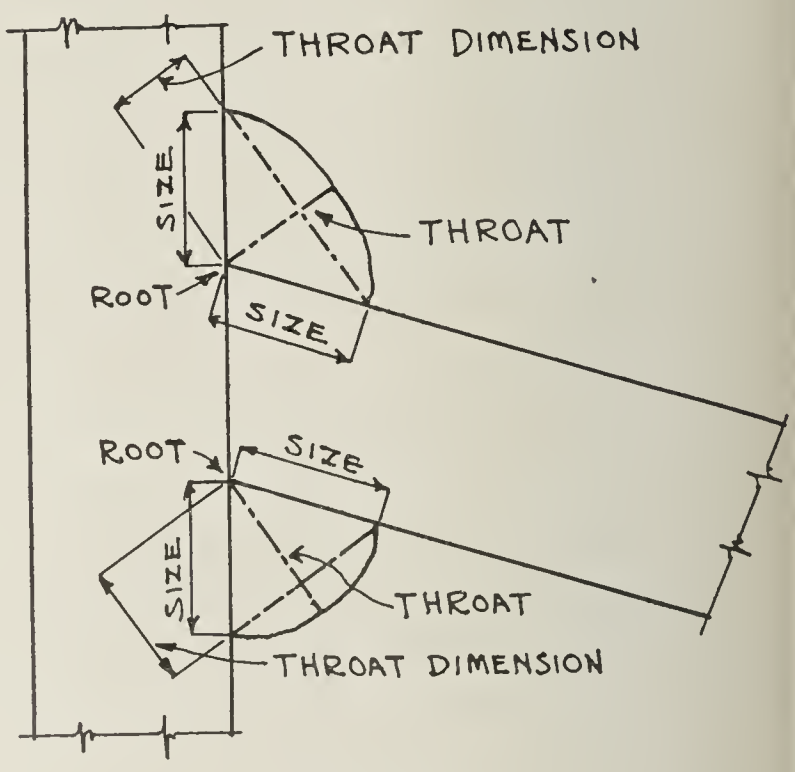


Single-V Butt Weld.

FIG. 21



Right Fillet Weld.



Oblique Fillet Weld.

APPROVED APPLIANCES

APPROVED FIRELINE HOSE VALVES

TYPE A—150 LBS. WATER WORKING PRESSURE

May be installed on all 4-inch and 6-inch systems and on uppermost stories on 8-inch systems

Name	*Calendar No.*
Fairbanks Company	81-20-SA
Walworth Company	899-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Croker National Fire Prev. Eng. Co.	304-28-SA
Jenkins Brothers	779-28-SA
W. D. Allen Mfg. Co.	890-28-SA
John Simmons Co.	209-29-SA
Grinnell	651-30-SA
Elkhart	14-31-SA

TYPE B—250 LBS. WATER WORKING PRESSURE

May be installed on all standpipe systems

Name	*Calendar No.*
New York Brass Foundry Co. (Stillbech)	53-21-SA
Walworth Company	900-27-SA
W. D. Allen Mfg. Company	1151-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Jenkins Brothers	780-28-SA
Croker National Fire Prev. Eng. Co.	970-28-SA
Fairbanks Company	268-29-SA
Pratt & Cady	231-30-SA
Elkhart	15-31-SA

APPROVED FUEL OIL FILL PIPE TERMINALS

Name	*Calendar No.*
Fee and Mason	10-36-SA
Flagg	345-35-SA
J. H. N.	292-35-SA
Newbury	223-35-SA
Preferred	213-35-SA
Rhode Island	204-35-SA
Seal-O-Strain	48-35-SA
Sealtite	231-35-SA
Simplex	214-35-SA
Weco	78-38-SA

RULES

FIRE RETARDING RULES FOR GARAGES, ETC.

Adopted by the Board of Standards and Appeals Aug. 30, 1917; Amended Nov. 1, 1917, and Feb. 3, 1922.

Rule 1. Fire Retarding Materials for Garages, Motor Vehicle Repair Shops and Oil Selling Stations. In garages, motor vehicle repair shops and oil selling stations any material or form of construction shall be deemed fire-retarding within the meaning of §73, subdivision 3, of the building code, that resists the action of flame and heat when subjected to a continuous fire for one hour at an average temperature of seventeen hundred (1700) degrees Fahrenheit without the passage of flame, and with a maximum temperature rise to four hundred (400) degrees Fahrenheit on the side away from the fire. The point at which the temperature of transmitted heat is measured shall be protected from external air and weather conditions.

When the test specimen is in the form of partition construction, the area under test shall be not less than one hundred (100) square feet and least dimension shall be not less than nine (9) feet. When in the form of floor construction, the area under test shall be not less than two hundred (200) square feet and the least dimension shall be not less than fourteen (14) feet.

During the fire, the floor construction shall support the live load for which it is designed, and after the fire shall safely sustain twice the designed live load with a maximum deflection of not more than one two-hundredth (1/200) part of the span.

Rule 2. Wood Joisted Floor Construction. Wood jointed floor construction shall be accepted as fire-retarding construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations when the beams are protected on the upper and under sides with the fire-retarding materials specified in rules for floor and ceiling coverings.

Rule 3. Floor Covering. Any one of the following forms of construction shall be accepted as fire-retarding for the covering of the upper sides of wood floor beams in joisted floor construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations.

(a) Seven-eighths (⅞) inch wood underflooring protected with a membrane of two-ply waterproofing covered with not less than two and one-half (2½) inches of 1:2½:5 concrete or better, reinforced with not less than one-fourth (¼) of one (1) per cent of steel mesh;

(b) Two and one-half (2½) inches of 1:2:4 concrete applied directly to the top of the joists, with or without temporary support, reinforced with not less than one-fourth of one per cent steel rods, mesh or steel lath, and having the tops of the joists coated with approved waterproof paint or protected by tar paper on the top and on the sides for a distance of three inches from the top.

Rule 4. Ceiling Covering. Any one of the following forms of construction shall be accepted as fire-retarding for the covering of the undersides of wood floor beams in joisted floor construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations:

(a) One-half (½) inch plaster boards, or three-eighths (⅜) inch gypsum wall boards weighing not less than 16 pounds per square yard with pointed joints covered with No. 26 U. S. gauge sheet metal with one (1) inch lapped seams nailed to the wood beams when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are spaced more than sixteen (16) inches on centers;

(b) Two thicknesses of one-quarter (¼) inch asbestos board laid with tight staggered joints and nailed to the beams, when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are more than sixteen (16) inches on centers;

(c) Metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) inch thick.

Rule 5. Attachment to Ceiling. Fire-retarding ceilings in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations shall be attached to wood floor beams and girders in such manner as to maintain an air space between the wood beams and all wood beams shall be seasoned before applying the protective coat.

Rule 6. Openings in Fire-Retarding Floors. Pipes or conduits which pass through floors shall be fitted with metal thimbles and made watertight for a height of three (3) inches above the floor.

Rule 7. Columns. All structural posts and columns in non-fireproof buildings required to be fire-retarded shall be protected with fire-retarding materials specified for ceiling coverings in these rules, or with any of the materials accepted in fireproof construction; except that an air space shall not be required around steel or cast iron columns.

Where necessary for protection against mechanical injury, the fire-retarding protection on columns shall be jacketed to a height of five (5) feet from the ground with No. 4 U. S. gauge metal.

Rule 8. Girders. All girders in non-fireproof buildings required to be fire-retarded shall be protected with the fire-retarding materials specified for ceiling coverings in these rules, or with any of the materials acceptable in fireproof construction; except that an air space need not be provided around steel girders.

Rule 9. Shaft Enclosures. Existing stairways and vertical shafts in non-fireproof business buildings hereafter converted to be used as garages, motor vehicle repair shops or oil selling stations shall be enclosed in fire-retarding partitions continued through the non-fireproof floor construction, and when unfilled wood stud partitions are used, the space between the floor beams shall be fire-stopped with incombustible materials. All openings in such partitions shall be protected with accepted metal-covered fire doors or windows. Wherever necessary for protection against mechanical injury, the partition shall be jacketed to a height of five (5) feet on the garage side with No. 4 U. S. gauge metal. Any one of the following forms of partitions shall be accepted for the enclosure:

(a) Two by four inch wood studs, spaced not more than sixteen (16) inches on centers, covered both sides with metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) of an inch thick;

(b) Two by four inch wood studs placed not more than sixteen (16) inches on centers, covered both sides with seven-eighths (⅞) inch wood sheathing, one-half (½) inch plaster boards with pointed joints and No. 26 U. S. gauge sheet metal with one-inch lapped seams;

(c) Two by four inch wood studs spaced not more than sixteen (16) inches on centers, covered both sides with seven-eighths (⅞) inch wood sheathing, two thicknesses of one-quarter (¼) inch asbestos boards laid with tight staggered joints and jacketed with No. 16 U. S. gauge metal on the garage side to a height of five (5) feet;

(d) Two by four inch wood studs spaced not more than sixteen (16) inches on centers, filled in solidly between the studs with four inches of approved fireproof materials and covered on both sides with No. 26 U. S. gauge metal;

(e) Existing wood stud, lath and plaster partitions covered on the garage side with No. 26 U. S. gauge sheet metal with one inch lapped seams.

APPROVED APPLIANCES

APPROVED RANGE OIL BURNERS AND SPACE HEATERS

Name of Burner	*Calendar No.*
A.B.C. Range Burner Assemblies, Models AS-4, AS-6, AD-6, AS-9 and A-3798 Water Heater Assembly	250-34-SA
Aetna Range Oil Burner	29-35-SA
Aetna Water Heater, Models 6, 7, 9 and 47 W.H.T. and 15 and 16 W.H.T.	148-37-SA
Air-O-Flame Space Heater, Models 108 and 810 (pot type)	190-35-SA
Air-O-Flame Space Heater, Models 71, 91, 1572 and 1582 (sleeve type)	206-35-SA
Air-O-Flame Range Burner	236-34-SA
American Beauty Heater (Pot Types), Models 1P61, 1P62, 1P91 and 1P92	224-36-SA
Ameroil Oil Burner for Stoves and Ranges	592-32-SA
Biltwell Range Oil Burner, Models B-1 and B-2	196-34-SA
Bland Range Oil Burner	234-34-SA
Blue Glow Range Oil Burners, Models Supreme and DeLuxe	308-34-SA
Brigham Range Oil Burner	217-35-SA
Caloroil Range Oil Burner	172-34-SA
Champion Range Oil Burner, Models A and B	291-34-SA
Cole Hot Blast Oil Burning Stove, Model No. 912	207-35-SA
Coleman Oil Burning Circulating and Space Heater, Model 825	308-36-SA
Diamond Range Oil Burner	325-34-SA
Easyway Range Oil Burner, Models D27, DC27, G27 and NG27	157-35-SA
Easyway Space Heater, Models CRL19, CRN17, CSP27 and CSP19	158-35-SA
Easyway Water Heater, Models H.W.1 and H.W.2	159-35-SA
Ellington Range Oil Burner, Square Circulating Heater and Round Circulating Heater	351-34-SA
Ellington Range Oil Water Heater, Models M and J	40-35-SA
Evur-Ready Range Oil Burner, Models Leader, Standard and DeLuxe	311-34-SA
Fairfax Range Burner	302-34-SA
Florence Oil Heater, Models KC-9, GC-6, GC-7, GS-27, CH-9, CH-27, CH-28, CH-29, RH-7 and RH-9	62-33-SA
Florence Oil Space Heater, Models PH-28, PH-8, PC-8, PC-28, PR-10, PR-81 and PR-82	172-35-SA
Florence Range Burners	219-34-SA
Fox Range Oil Burner	200-34-SA
Hi-Heat Range Burner, Models A and De-Lux	323-34-SA
Hupp Range Oil Burner, Models S.D. and C.D.	309-34-SA
Ker-Oil Automatic Water Heater	263-35-SA
Kerogas Bowl Type Space Heater, Models 300-300-A, 303-303-A, 310-310-A, 315-315-A and 320-320A	266-35-A
Kerogas Hot Blast Oil Heater, Models 210, 135, 110, 207 and 115	339-34-SA
Kolrid Range Burner	48-34-SA
Kres-Kno Range Oil Burner, Model MD. Sizes KR, KRF, KRF-1 and 1R	355-34-SA
Lochinvar Automatic Oil Burning Water Heater	143-36-SA
Lonergan Automatic Hot Water Heater	179-35-SA
Lonergan Oil Burning Heater, Models F-2, F-3, C-4, R-1 and R-2	263-34-SA
Loyalty Range Burner	302-34-SA
Lynn-Range Burner, Models Junior, Lypre and DeLuxe	238-33-SA
M.W. Bake Oven Range Burner, Model 448 and M.W. Core Oven Range Burner, Model 450	367-34-SA
M.W. Circulating and Radiant Heaters, Models 501, 601, 701 and 801	366-34-SA
M.W. Oil Burning Range, Commercial Models 152 and 251 and Domestic Models 101-G and 126-B	364-34-SA
Majestic Range Oil Burner, Models 27B and 27T	180-35-SA
Majestic Space Heater, Models 247T and 248.	181-35-SA
Majestic Water Heater, Models 255A and 255B	182-35-SA
Matchless Self-Lighting Range Oil Burner	410-37-SA
Moderne Range Oil Burner, Models Regular, Junior and Firenew	357-34-SA
National Range Oil Burner	361-34-SA
Nesco Circulating Heater, Models 041, 41, 042 and 42	264-36-SA
No-Wyck-Koaless Range and Stove Oil Burner	251-34-SA
Norge Space Heater, Models 75, 50, 37 and 37-R	366-34-SA
Octo Range Oil Burner	410-37-SA
Odin Beauty (Space Heater), Models 61, 62, 91 and 92	233-35-SA
Odin Beauty Heater (Pot Types), Models 1P61, 1P62, 1P91 and 1P92	224-36-SA
Putnam Range Oil Burner	54-35-SA
Quaker Burnoil Stove	11-31-SA
Quick Meal Range Burner	304-34-SA
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Quick Meal Water Heater, No. 5681-0	305-34-SA
Ray-Dio Sunshine Range Oil Burner, Models A, Daisy and Water Heater	32-31-SA
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Smith-Whaley Range Oil Burner, Models SW-1 and SW-2	196-34-SA
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Toridheet Range Water Heater, Models 222, 232 and 242	65-35-SA
Tower Range Oil Burner	126-33-SA
Vap-R-Oil Oil Burner for Ranges and Stoves	592-32-SA
Victor Circulating Fuel Oil Heater, Models VCH-27, VCH-19 and VCH-17	243-36-SA
Victor Range Oil Burner, Models VJ-275, VJ-195 and VO-275	329-34-SA
Viking Pot Type Space Heater, Models 120, 165 and 170	310-35-SA
Viking Range Oil Burner and Range Oil Burning Heater, Models 20, 30, 60, 65, 70 and 80	333-34-SA
Viking Range Water Heater, Models 222, 232 and 242	65-35-SA
Vitro-Heet Range Oil Burner, Model MD, sizes KR, KRF, KRF-1 and 1-R	355-34-SA

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BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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DIRECTORY

BOARD OF STANDARDS AND APPEALS
HARRIS H. MURDOCK, Chairman
BERNARD A. SAVAGE
CHARLES M. BLUM
CHIEF JOHN J. MCELLIGOTT
EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.
TELEPHONE—WORTH 2-0184.
OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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All hearings are held in Room 1013, Municipal Building. Borough of Manhattan.

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10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*

CALENDAR

DOCKET

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309-38-SM.....H.B.....“Plastalath” Prefrabricated Plaster, manufactured by Key Cast Stone Company, Material.

310-38-A.....H.B.Q.....110 70th avenue, north side, 104 ft. east of Queens boulevard (Block 2214, Lot 40), Forest Hills, Borough of Queens, N.B. 1783-38.

311-38-BZ.D.B.B. & H.B.B..2080-2086 Ocean avenue, northwest corner of Avenue P (Block 6766, Lot 53), Borough of Brooklyn, Order & Decisions.

312-38-A.....H.B.Q.....102-23 89th avenue, north side, 202 ft. east of 102nd street (Block 9288, Lot 133), Richmond Hill, Borough of Queens, Alt. 2025-38.

313-38-SM.....H.B.....Firestop Fireproof Paint, Odorless, manufactured by Fred Alban, New York City, Material.

314-38-A.....F.D.....479-485 Fifth avenue, 3-7 East 41st street, northeast corner and 14-16 East 42nd street (4th floor, East 42nd street wing) (Block 1276, Lot 1), Borough of Manhattan, 11841-L.C. & Decision.

315-38-BZ.....H.B.M.....Northwest corner of West 165th street and Broadway (Presbyterian Hospital), (Block 2138, part of Lot 40), Borough of Manhattan, Decision.

316-38-A.....H.B.B.....43 Debevoise place, east side, 100 ft. south of Lafayette street and 432 Hudson avenue (Block 2085, Lots 7 and 28), Borough of Brooklyn, Applic. 4082-38.

317-38-BZ.....H.B.B.....486-496 Brooklyn avenue, northwest corner of Lefferts avenue (Block 1322, Lot 32), Borough of Brooklyn, Alt. 12092-37.

318-38-A.....H.B.Q.....Northeast corner of 111th street and 44th avenue (Block 2015, Lot 78), Corona, Borough of Queens, Order No. 13-38, Alt. 448-36, Alt. 449-36 and Corr. 92-38.

319-38-A.....F.D.....494-498 Seventh avenue, 200-214 West 37th street, southwest corner and 205-221 West 36th street (22nd floor), (Block 786, Lot 51), Borough of Manhattan, 9940-L.C. & Decision.

320-38-A.....H.B.B.....240-248 East 29th street, west side, 85 ft. 7⅛ in. south of Cortelyou road (Block 5172, Lot 23), Borough of Brooklyn, E.S. 1885-38.

321-38-A.....H.B.Q.....73-04 178th street, southwest corner of 73rd avenue and 73-08 to 73-12 178th street, west side, 41 ft. and 81 ft. south of 73rd avenue (Block 7165, Lots 24, 25 and 26), Jamaica, Borough of Queens, N.B. 2692-38, N.B. 2693-38 and N.B. 2694-38.

322-38-A.....H.B.Q.....73-04 179th street, southwest corner of 73rd avenue and 73-08 to 73-12 179th street, west side, 45 ft. and 85 ft. south of 73rd avenue (Block 7166, Lots 24, 25 and 26), Jamaica, Borough of Queens, N.B. 2698-38, N.B. 2699-38 and N.B. 2700-38.

323-38-A.....H.B.Q.....73-03 178th street, southeast corner of 73rd avenue and 73-07 to 73-11 178th street, east side, 39 ft. and 79 ft. south of 73rd avenue (Block 7166, Lots 1, 2 and 3), Jamaica, Borough of Queens, N.B. 2695-38, N.B. 2696-38 and N.B. 2697-38.

324-38-A.....H.B.Q.....73-03 179th street, southeast corner of 73rd avenue and 73-07 to 73-11 179th street, east side, 40 ft. and 80 ft. south of 73rd avenue (Block 7167, Lots 1, 2 and 3), Jamaica, Borough of Queens, N.B. 2701-38, N.B. 2702-38 and N.B. 2703-38.

325-38-A.....H.B.Q.....75-88 180th street, northwest corner of Union turnpike and 75-80 to 75-84 180th street, west side, 40 ft. and 80 ft. north of Union turnpike (Block 7192, Lots 1, 2 and 3), Jamaica, Borough of Queens, N.B. 2704-38, N.B. 2705-38 and N.B. 2706-38.

326-38-A.....H.B.Q.....75-85 182nd street, northeast corner of Union turnpike and 75-75 to 75-79 182nd street, east side, 50 ft. and 90 ft. north of Union turnpike (Block 7199, Lots 1, 2 and 3), Jamaica, Borough of Queens, N.B. 2711-38, N.B. 2712-38 and N.B. 2713-38.

327-38-A.....H.B.Q.....75-80 182nd street, northwest corner of Union turnpike and 75-86 182nd street, west side, 49 ft. north of Union turnpike (Block 7196, Lots 41 and 42), Jamaica, Borough of Queens, N.B. 2709-38 and N.B. 2710-38.

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328-38-A.....H.B.Q.....75-85 180th street, northeast corner of Union turnpike and 75-79 180th street, east side, 77 ft. north of Union turnpike (Block 7195, Lots 41 and 42), Jamaica, Borough of Queens, N.B. 2707-38 and N.B. 2708-38.

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330-38-A.....H.B.M.....26 Second avenue (rear), east side, 81 ft. 6 in. north of East First street (Block 443, Lot 4), Borough of Manhattan, Alt. 373-36.

331-38-BZ.....H.B.M.....253-255 West 47th street, north side, 225 ft. east of Eighth avenue (Block 1019, Lots 10 and 11), Borough of Manhattan, N.B. 68-38.

332-38-BZ.....H.B.B.....1605-1615 Bushwick avenue, northeast corner of Stewart street (Block 3475, Lot 50), Borough of Brooklyn, Applic. 5196-38.

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558-24-BZ.....H.B.B.....21-23 Lenox road, north side, 166 ft. east of Flatbush avenue (Block 5064, Lot 106), Borough of Brooklyn, Alt. 8826-37.

534-37-BZ.....H.B.B.....144-146 and 148-150 Frost street, south side 100 ft. west of Graham avenue (Block 2739, Lots 15 and 17), Borough of Brooklyn, Applic. 15355-37.

DESIGNATIONS: H.B.—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

ORDER OF CERTIORARI SERVED ON BOARD OF STANDARDS AND APPEALS

On May 3, 1938, Gellman & Gellman, attorneys, served on board petition and order of certiorari, on behalf of Vito Fortuno, objector, in re decision of board of April 5, 1938, granting on condition, the appeal for a gasoline service station partly in a business and partly in a residence district, Cal. No. 429-37-BZ, premises 47-11 108th street and 108-09 48th avenue, northeast corner, Corona, Borough of Queens.

COURT DECISIONS

Flynn vs. Murdock—On February 9, 1937, board upheld and affirmed decision of commissioner of buildings that section 29 of the Multiple Dwelling Law did not apply to building converted from business use to dormitory purposes, and denied appeal of adjoining owner for revocation of permit; Cal. No. 382-36-A, premises 17 Bowery, Borough of Manhattan. Justice Valente sustained board (N.Y.L.J. July 28, 1937), holding that:

"Whatever may be the rule as to other types of Class B Multiple Dwellings, section 29, as far as it refers to 'apartments' does not apply to the type of lodging or rooming house, because apartments in that type are non-existent."

Mr. Justice Valente (N.Y.L.J. January 3, 1938) stated:

"In re Flynn (Murdock)—For the reasons indicated in disposing of a companion motion decided simultaneously herewith," (in re Campbell-Murdock) "the motion for reargument is granted and the motion to dismiss the order of certiorari and for other relief is denied."

Appellate Division, First Department (N.Y.L.J. April 30, 1938) decided: "Order unanimously affirmed. No opinion."

* * *

Campbell Jr., vs. Murdock—On February 9, 1937, board upheld and affirmed decision of commissioner of buildings that section 29 of the Multiple Dwelling Law did not apply to loft building converted to a lodging house, and denied appeal of adjoining owner for revocation of permit; Cal. No. 22-37-A, premises 110 Bowery, Borough of Manhattan. Justice Valente sustained board (N.Y.L.J. July 28, 1937), referring to memorandum in Flynn vs. Murdock, decided same date and holding:

"Whatever may be the rule as to other types of Class B Multiple Dwellings, section 29, so far as it refers to 'apartments' does not apply to the type of lodging or rooming house, because apartments in that type are non-existent."

Mr. Justice Valente (N.Y.L.J. January 3, 1938) stated:

"In re Campell (Murdock)—On reconsideration, the Court has arrived at the conclusion that the provisions of section 8 of the Multiple Dwelling Law throws no light one way or the other upon the proper interpretation of section 29 of the same statute. The Court previously declared that the respondents' construction of section 29 would require a disregard of the plain language of the statute, if it were not for the provisions of section 8. This view the Court still entertains, except that section 8 is now to he disregarded. Accordingly the motion is granted and the motion to dismiss the order of certiorari and for other relief is denied."

Appellate Division, First Department (N.Y.L.J. April 30, 1938) decided: "Order unanimously affirmed. No opinion."

* * *

Matter of Brevoort Savings Bank of Brooklyn (Murdock)—On October 19, 1937, board denied an appeal for a gasoline service station in a business district, under section 21, Cal. No. 246-37-BZ, at 2395-2405 Atlantic avenue, Borough of Brooklyn, on the ground that the premises were in the same portion of a street between intersecting streets as a public school, and further because practical difficulties and unnecessary hardship had not heen proven. Mr. Justice McCrate dismissed the certiorari (N.Y.L.J. January 11, 1938). Appellate Division, 2nd Department, affirmed order of Special Term sustaining board's determination. (N.Y.L.J. May 3, 1938).

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MAY 10, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May* 10, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 53-38-BZ—Application of Halsey, McCormack and Helmer, Inc., applicants, on behalf of Ridgewood Savings Bank, owner, reopened April 19, 1938 under new proposal, under sections 7b and 7c of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of an extension to an existing business building (Bank); (previously denied); premises 1838-1842 George street and 1002-1004 Forest avenue, southeast corner (Block No. 3575, Lot Nos. 31 and 33), Ridgewood, Borough of Queens.

CAL. NO. 128-38-BZ—Application, March 1, 1938, under section 21 of the building zone resolution, of Julius S. Rapson, applicant, on behalf of Beaudel Brothers, owners, to permit in a business use district the erection and maintenance of a gasoline service station and, also, a motor vehicle repair shop; premises 240-18 South Conduit avenue, southeast corner of Memphis avenue and southwest corner of Memphis avenue and 241st street (Block No. 4840, part of Lot No. 245), Rosedale, Borough of Queens.

CAL. NO. 127-38-BZ—Application, March 1, 1938, under section 21 of the building zone resolution, of James Russell Ashley, applicant, on behalf of Elmtree Realty Company, owner, to permit in a business use district the erection and maintenance of eight (8) buildings to be occupied by garage for forty (40) automobiles; premises 195-201 West 237th street, northeast corner of Broadway (Block No. 3270, Lot No. 40), Borough of The Bronx.

CAL. NO. 170-38-BZ—Application, March 10, 1938, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Benjamin Levinson and Maxwell R. Ginsberg, owners, to permit in a business use district the erection and maintenance of a gasoline service station (part of plot in question previously denied for use as gasoline service station); premises 201-02 to 201-14 47th avenue, 47-02 to 47-06 202nd street, southwest corner and 201-01 to 201-13 Rocky Hill road, northwest corner of 202nd street (Block No. 5560, Lot Nos. 1 and 3), Bayside, Borough of Queens.

CAL. NO. 60-37-BZ—Application of Philip T. Coffey, applicant and owner, reopened February 1, 1938, under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously withdrawn, including the residence use district); premises 32-05 Newtown avenue and 28-54 33rd street, northwest corner (Block No. 619, part of Lot No. 1), Astoria, Borough of Queens.

CAL. NO. 335-37-BZ—Application, July 1, 1937, under sections 7f and 21 of the building zone resolution, of Samuel Reice, applicant, on behalf of Edgar H. Myers, owner, to permit in a business use district the maintenance of a junk yard; premises 1040-1056 Rockaway avenue, west side, 140 ft. south of Linden boulevard (Block No. 3643, part of Lot No. 40), Borough of Brooklyn.

CAL. NO. 100-38-BZ—Application, February 17, 1938, under section 7h of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Three Eighty-Three Realty Corporation, owner, to permit in a retail use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 11-17 West 35th street, north side, 200 ft. west of Fifth avenue and 12-14 West 36th street, south side, 219 ft. west of Fifth avenue (Block No. 837, Lot Nos. 31, 32, 33, 34, 54 and 55), Borough of Manhattan.

CAL. NO. 613-37-BZ—Application, December 21, 1937, under sections 7h and 21 of the building zone resolution, of William C. Sommerfeld, applicant, on behalf of Three Bees, Inc., owner, to permit in a business use district the parking and storage of more than five (5) motor vehicles; premises 234-242 West 124th street, south side, 375 ft. west of Seventh avenue (Block No. 1929, Lot Nos. 49 to 52), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

MAY 10, 1938, 2 P. M.

Appeals from Administrative Orders

282-38-A-WF—40-02 National avenue and 102-26 Roosevelt avenue, southwest corner (Block No. 1974, Lot No. 3), Corona, Borough of Queens.

300-38-A-WF—49-01 104th street and 104-06 49th avenue, southeast corner (Block No. 1993, Lot No. 49), Corona, Borough of Queens.

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287-38-A—235 West 23rd street, north side, 347 ft. west of Seventh avenue (Block No. 773, Lot No. 24), Borough of Manhattan.

298-38-A—257-261 Moore street, north side, 159 ft. 10 in. west of Bogart street and 276-280 Siegel street (Block No. 3101, Lot No. 10), Borough of Brooklyn

251-38-A—256-260 Georgia avenue and 325 Belmont avenue, northwest corner (Block No. 3735, Lot No. 34), Borough of Brooklyn.

258-38-A—250 Myrtle avenue, south side, 90 ft. east of Ashland place and 99-113 Ashland place (Block No. 2068, Lot No. 12), Borough of Brooklyn.

268-38-A—160 East 117th street, south side, 60 ft. east of Lexington avenue (Block No. 1644, Lot No. 50), Borough of Manhattan.

314-38-A—479-485 Fifth avenue and 3-7 East 41st street, northeast corner and 14-16 East 42d street (4th floor East 42d street wing); (Block No. 1276, Lot No. 1), Borough of Manhattan.

319-38-A—494-498 Seventh avenue and 200-214 West 37th street, southwest corner and 205-221 West 36th street (22nd floor); (Block No. 786, Lot No. 51), Borough of Manhattan.

320-38-A—240-248 East 29th street, west side, 85 ft. 7⅛ in. south of Cortelyou road (Block No. 5172, Lot No. 23), Borough of Brooklyn.

321-38-A—73-04 178th street, southwest corner of 73rd avenue and 73-08 to 73-12 178th street, west side, 41 ft. and 81 ft. south of 73rd avenue (Block No. 7165, Lot Nos. 24, 25 and 26), Jamaica, Borough of Queens.

322-38-A—73-04 179th street, southwest corner of 73rd avenue and 73-08 to 73-12 179th street, west side, 45 ft. and 85 ft. south of 73rd avenue (Block No. 7166, Lot Nos. 24, 25 and 26), Jamaica, Borough of Queens.

323-38-A—73-03 178th street, southeast corner of 73rd avenue and 73-07 to 73-11 178th street, east side, 39 ft. and 79 ft. south of 73rd avenue (Block No. 7166, Lot Nos. 1, 2 and 3), Jamaica, Borough of Queens.

324-38-A—73-03 179th street, southeast corner of 73rd avenue and 73-07 to 73-11 179th street, east side, 40 ft. and 80 ft. south of 73rd avenue (Block No. 7167, Lot Nos. 1, 2 and 3), Jamaica, Borough of Queens.

325-38-A—75-88 180th street, northwest corner of Union turnpike and 75-80 to 75-84 180th street, west side, 40 ft. and 80 ft. north of Union turnpike (Block No. 7192, Lot Nos. 1, 2 and 3), Jamaica, Borough of Queens.

326-38-A—75-85 182nd street, northeast corner of Union turnpike and 75-75 to 75-79 182nd street, east side, 50 ft. and 90 ft. north of Union turnpike (Block No. 7199), Lot Nos. 1, 2 and 3), Jamaica, Borough of Queens.

327-38-A—75-80 182nd street, northwest corner of Union turnpike and 75-86 182nd street, west side, 49 ft. north of Union turnpike (Block No. 7196, Lot Nos. 41 and 42), Jamaica, Borough of Queens.

328-38-A—75-85 180th street, northeast corner of Union turnpike and 75-79 180th street, east side, 77 ft. north of Union turnpike (Block No. 7195, Lot Nos. 41 and 42), Jamaica, Borough of Queens.

329-38-A—332 East 14th street, south side, 275 ft. west of 2nd avenue (Block No. 455, Lot No. 23), Borough of Manhattan.

Variations of Labor Law.

186-38-S—71-77 Clinton avenue, east side, 100 ft. south of Park avenue and 66-74 Waverly avenue (Block No. 1888, Lot No. 41), Borough of Brooklyn.

271-38-S—196-204 Wallabout street, south side, 248 ft. 10 in. west of Lee avenue (Block No. 2263, Lot No. 31), Borough of Brooklyn.

272-38-S—206-216 Wallabout street, south side, 123 ft. 10 in. west of Lee avenue (Block No. 2263, Lot No. 31), Borough of Brooklyn.

MAY 17, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May* 17, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 38-38-BZ—Application, January 19, 1938, under section 21 of the building zone resolution, of Herman Kron, applicant, on behalf of Bowery-Chrystie Corporation, owner, to permit partly in an unrestricted use district and partly in a business use district the erection and maintenance of a gasoline service station and, also, the parking and storage of more than five (5) motor vehicles (premises allegedly on same street as a school); premises 167-175 Chrystie street, west side, 99.6 ft. south of Rivington street and 199-205 Bowery (Block No. 425, Lot No. 9), Borough of Manhattan.

CAL. NO. 370-30-BZ—Application of Bernard J. Sieban, applicant, on behalf of Sophie M. Sieban, owner, reopened February 23, 1938, under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station (previously withdrawn); premises 173-02 to 173-04 Horace Harding boulevard, 61-01 to 61-05 173rd street and 61-02 to 61-06 Fresh Meadow road (Block No. 6901, Lot No. 37), Flushing, Borough of Queens.

CAL. NO. 162-38-BZ—Application, March 11, 1938, under sections 7b and 21 of the building zone resolution, of Boris W. Dorfman, applicant, on behalf of Realty Freehold Corporation, owner, to permit the extension from a business use district into a residence use district of a proposed business building (stores) and, also, the omission of the required rear yard; premises 781-787 East 31st street, east side, 40 ft. north of Avenue H (Block No. 7559, Lot No. 8), Borough of Brooklyn.

CAL. NO. 436-37-BZ—Application, September 7, 1937, under

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sections 7h and 21 of the building zone resolution, of Herman Kron, applicant, on behalf of Chanler Estate, Inc., owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 239-255 East 3rd street, north side, 90 ft. west of Avenue C (Block No. 386, Lot Nos. 45 to 51), Borough of Manhattan.

CAL. NO. 464-37-BZ—Application, September 28, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Vincenza Gabella, owner, to permit in a residence use district the maintenanec of a garage for more than five (5) motor vehicles; premises 2214-2222 West 11th street, west side, 100 ft. south of Avenue V (Block No. 7139, Lot Nos. 12 and 14), Borough of Brooklyn.

CAL. NO. 438-37-BZ—Application, September 8, 1937, under sections 7h and 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Gralane Realty Co., Inc., and 550 Park Avenue Corporation, owners, to permit partly in a business use district and partly in a residence use district the use of the plot for the parking of more than five (5) motor vehicles; premises 41-15 to 41-45 Kissena boulevard, 138-01 to 138-19 Barclay street, northeast corner and 136-14 to 136-22 41st (Madison) avenue (Block No. 5044, Lot Nos. 1, 5, 7 and 11), Flushing, Borough of Queens.

CAL. NO. 568-37-BZ—Application, December 2, 1937, under sections 7g and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Theresa Van Houten, owner, to permit in a business use district the erection and maintenance of a garage for more than five (5) motor vehicles and, also, a gasoline service station; premises 8917-8923 Flatlands avenue, southwest corner of Remsen avenue (Block No. 8010, Lot No. 1), Borough of Brooklyn.

CAL. NO. 62-38-BZ—Application, February 2, 1938, under sections 7a and 21 of the building zone resolution, of Albert E. Wheeler, applicant, on behalf of Louis Roth, owner, to permit in a residence use district the erection and maintenance of a building to be used as office and store room (tinsmith and roofing shop); premises 5672 Riverdale avenue, east side, 218.67 ft. south of West 259th street (Block No. 3423A, Lot No. 129), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MAY 17, 1938, 2 P. M.

Appeals from Administrative Orders.

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

276-38-A—145-155 West 47th street, north side, 240 ft. east of Seventh avenue and 148-154 West 48th street (Block No. 1000, Lot No. 11), Borough of Manhattan.

600-37-A—841-843 Broadway and 53-63 East 13th street, northwest corner (Block No. 565, Lot No. 17), Borough of Manhattan.

Variations of Labor Law

220-38-S—15-19 East 26th street, north side, 120 ft. west of Madison avenue and 10-14 East 27th street (Block No. 856, Lot No. 11), Borough of Manhattan.

160-38-S—3869 Broadway, west side, 75 ft. north of West 161st street (Block No. 2137, part of Lot No. 18), Borough of Manhattan.

225-38-S—538-540 Fifth avenue, west side, 50 ft. south of West 45th street (Block No. 1260, Lot No. 38), Borough of Manhattan.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, May* 17, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 185-31-BZ—Application of Sidney H. Kitzler, applicant, on behalf of Estate of David Stern, owner, reopened April 26, 1938 for consideration as to amendment of resolution—re Application, granted on condition, under section 7a of the building zone resolution, permitting in a residence use and "C" area district the extension of an existing factory building (bakery) with the omission of the required rear yard; premises 1157-1161 Madison street, north side, 100 ft. east of Central avenue (Block No. 3360, Lot No. 52), Borough of Brooklyn.

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

CAL. NO. 116-38-BZ—Application, February 24, 1938, under section 7h of the building zone resolution, of Benjamin N. Brody, applicant, on behalf of Veronica Realty Corporation, owner, to permit, for a temporary period of not more than two (2) years, in a business use district, the parking

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and storage of more than five (5) motor vehicles; premises 312-338 West 59th street, south side, 114 ft. 10½ in. west of Broadway (Block No. 1049, Lot Nos. 44-56 inclusive), Borough of Manhattan.

CAL. NO. 497-37-BZ—Application, October 20, 1937, under section 7h of the building zone resolution, of Daniel Ginsberg, applicant, on behalf of William Losak, lessee, for Jacob Litvin and Anna Litvin, owners, to permit in a business use district the parking and storage of more than five (5) motor vehicles for a period of two (2) years in addition to the existing use of the premises for the sale of used cars; premises 1203-1235 East New York avenue, northeast corner of Ralph avenue and Union street (Block No. 1477, Lot No. 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MAY 24, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May* 24, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 181-38-BZ—Application, March 14, 1938, under sections 7a and 21 of the building zone resolution, of Leonard A. Swarthe, applicant, on behalf of Horace Smith, owner, to permit in a business use district the alteration and conversion of occupancy of part of an existing garage for more than five (5) motor vehicles (previously acted upon by the board) so as to include a gasoline service station; premises 410 City Island avenue, northeast corner of Ditmars street (Block No. 5645, Lot No. 1), Borough of The Bronx.

CAL. NO. 84-38-BZ—Application, February 10, 1938, under section 21 of the building zone resolution, of Samuel Rosenblum, applicant, on behalf of Kew Plaza Holding Corporation, owner, to permit in a residence use district the maintenance of a restaurant in part of the cellar story of an existing multiple dwelling; premises 80-40 Lefferts boulevard, north side, 100 ft. east of Austin street (Block No. 3353 (2142), Lot No. 59), Kew Gardens, Borough of Queens.

CAL. NO. 414-37-BZ—Application, August 23, 1937, under section 21 of the building zone resolution, of Meyer Cuttler, applicant, on behalf of Michael Berman, owner, to permit partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises 796 East 166th street, south side, 90 ft. west of Union avenue (Block No. 2670, Lot No. 35), Borough of The Bronx.

CAL. NO. 790-27-BZ—Application of Shapiro and Sikawitt, applicants, on behalf of D. & H. Garage Corporation, owner, reopened December 21, 1937, under section 21 of the building zone resolution, to permit in a business use district the maintenance of a motor vehicle repair shop, distributing station and garage for more than five (5) motor vehicles with the elimination of two (2) stores shown on original plans previously acted upon by the Board; premises 2170-2178 Jerome avenue, northeast corner of Cameron place (Block No. 3186, Lot No. 1), Borough of The Bronx.

CAL. NO. 571-37-BZ—Application, December 3, 1937, under section 21 of the building zone resolution, of Morris A. Marks and Joshua Tabatchnik, applicants, on behalf of 87th Shore Road Realty Corporation, owner, to permit in a residence use district the conversion of occupancy of part of the cellar story of an existing multiple dwelling to store use; premises 8701-8723 Shore road, 1-27 88th street, 8702-8724 Narrows avenue and 2-30 87th street (Block No. 6040, Lot No. 1), Borough of Brooklyn.

CAL. NO. 24-38-BZ—Application, January 15, 1938, under section 21 of the building zone resolution, of Gerald J. Friedberg, applicant, on behalf of Fanny Tozzi and Esther V. Tozzi, owners, to permit in a business use district the erection and maintenance of a garage for more than five (5) motor vehicles and a gasoline service station; premises 686-688 Bergen street, south side, 200 ft. west of Underhill avenue (Block No. 1145, Lot Nos. 32 and 33), Borough of Brooklyn.

CAL. NO. 192-38-BZ—Application, March 22, 1938, under section 21 of the building zone resolution, of Power and Hopkins, applicants, on behalf of Walter W. Welton, et al., owners, to permit in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop; premises 1679-1681 Jerome avenue, west side, 275 ft. north of Featherbed lane (Block No. 2861, Lot No. 32), Borough of The Bronx.

CAL. NO. 410-31-BZ—Application of Michael Levine, applicant, on behalf of Louise De Vito, owner, reopened March 22, 1938, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the alteration and maintenance of a gasoline service station (erection and maintenance of gasoline service station previously granted by the board under section 7f of the building zone resolution for a temporary period); premises 175-14 Horace Harding boulevard, south side, 117.71 ft. west of Utopia parkway (Block No. 2661, Lot No. 26), Flushing, Borough of Queens.

CAL. NO. 603-37-BZ—Application, December 20, 1937, under section 7c and 21 of the building zone

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resolution, of Thomas P. DeGraffenried, applicant, on behalf of John C. Gabler, owner, to permit partly in an unrestricted use district extending into a business use district the erection of a gasoline service station; premises 240-13 and 241-01 to 241-21 Northern boulevard and 44-20 to 44-48 Douglaston parkway, northwest corner (Block No. 3951, Lot No. 220), Douglaston, Borough of Queens.

CAL. NO. 304-38-BZ—Application, April 23, 1938, under section 21 of the building zone resolution, of New York Telephone Company, applicant and owner, to permit in an unrestricted use, "B" area and one and one-half (1½) times height district the erection of an extension to an existing telephone building—which extension exceeds the zoning requirements as to area and height; premises 221-231 East 37th street, north side, 230 ft. west of Second avenue (Block No. 918, Lot Nos. 14, 17 and 18), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman*

MAY 24, 1938, 2 P. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, May* 24, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 345-32-BZ—Application of Alphonsus Casey, applicant, on behalf of Patrick J. Reilly, owner, reopened February 23, 1938, for consideration as to extension of permit —re Application, previously granted on condition, under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station for a temporary period; premises north side of 47th avenue, 91 ft. east of Cross Island boulevard (Block No 1299, part of Lot No. 105), Bayside, Borough of Queens.

CAL. NO. 152-37-BZ—Application, April 3, 1937, under section 7h of the building zone resolution, of Michael Falzarano, applicant and lessee, on behalf of Bessie Greenwald, I. Rosenwasser and N. Glantz, owners, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution, reopened and restored to calendar April 5, 1938); premises 9508-9530 Church avenue, southeast corner of East 96th street (Block No. 4716, Lot Nos. 42 to 50 inclusive), Borough of Brooklyn.

CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent applicants, on behalf of Maude B Mowry, owner, to permit in a business use district the erection and maintenance of a gasoline service station: premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

CAL. NO. 534-37-BZ—Application of James J. Millman, applicant, on behalf of Nakoma Realty Corporation, owner, reopened May 3, 1938, under section 21 of the building zone resolution, for consideration and amendment to resolution to permit the building to be occupied as a public garage with a gasoline storage system and motor vehicle repair work—business use district; premises 144-146 and 148-150 Frost street, south side, 100 ft. west of Graham avenue (Block No. 2739, Lot Nos. 15 and 17), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, MAY 3, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the regular meeting of the board held on Tuesday morning, April 26, 1938 and the minutes of the regular meeting of the board held on Tuesday afternoon, April 26, 1938, were approved as printed in Bulletin No. 18, Volume XXIII.

BUILDING ZONE CASES

116-38-BZ.

APPLICANT—Benjamin N. Brody, for Veronica Realty Corporation, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under section 7h of the building zone resolution, to permit, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—312-338 West 59th street, south side, 114 ft. 10½ in. west of Broadway (Block No. 1049, Lot Nos. 44-56 inclusive), Borough of Manhattan.

APPEARANCES—

For Applicant: Benjamin N. Brody.

For Opposition: G. F. Gunther and L. J. Witkin.

ACTION OF BOARD—Laid over to May 17, 1938 at 2 P. M. for consideration by the board. No further argument.

MINUTES

62-38-BZ.

APPLICANT—Albert E. Wheeler, for Louis Roth, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under sections 7a and 21 of the building zone resolution, to permit in a residence use district the erection and maintenance of a building to be used as office and store room (tinsmith and roofing shop).

PREMISES AFFECTED—5672 Riverdale avenue, east side, 218.67 ft. south of West 259th street (Block No. 3423A, Lot No. 129), Borough of The Bronx.

APPEARANCES—

For Applicant: Albert E. Wheeler.

For Opposition: None.

ACTION OF BOARD—Laid over to May 17, 1938 at 10 A. M. upon request of applicant.

181-38-BZ.

APPLICANT—Leonard A. Swarthe, for Horace Smith, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under sections 7a and 21 of the building zone resolution, to permit in a business use district the alteration and conversion of occupancy of part of an existing garage for more than five (5) motor vehicles (previously acted upon by the board) so as to include a gasoline service station.

PREMISES AFFECTED—410 City Island avenue, northeast corner of Ditmars street (Block No. 5645, Lot No. 1), Borough of The Bronx.

APPEARANCES—

For Applicant: None.

For Opposition: Louis Silles and Joseph Azara.

ACTION OF BOARD—Laid over to May 24, 1938 at 10 A. M. upon request of objector's representative.

143-38-BZ.

APPLICANT—Samuel Rosenblum, for Northwest Building Corporation, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a residence use district the erection and maintenance of a business building (stores).

PREMISES AFFECTED—1486-1492 Ocean avenue and 1913-1929 Avenue J, northwest corner (Block No. 6712, Lot Nos. 1, 4 and 6), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel Rosenblum and Nathan H. Brandt.

For Opposition: D. H. M. Weynberg, W. A. M. Martin, Herman J. Strohm, Simon Newman and Jacob Cohn.

ACTION OF BOARD—Application withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Commissioners Savage and Blum and Assistant Chief Walsh	3
Negative: Chairman Murdock	1
Absent	0

374-37-BZ.

APPLICANT—Ruth Jakobi, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop.

PREMISES AFFECTED—818 East 182nd street, south side, 31.58 ft. west of Southern boulevard (Block No. 3111, part of Lot No. 59), Borough of The Bronx.

APPEARANCES—

For Applicant: Ruth Jakobi.

For Opposition: William Shea.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(374-37-BZ)

WHEREAS, Ruth Jakobi, owner, filed July 21, 1937, an application under the building zone resolution to permit in a business use district the conversion of occupancy of an existing building to motor vehicle repair shop; Premises: 818 East 182nd street, south side, 31.58 ft. west of Southern boulevard (Block No. 3111, part of Lot No. 59), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 3, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that East 182nd street is in a business use district, Southern boulevard and Mapes avenue are in business and residence use districts; and

WHEREAS, the decision of the Commissioner of Buildings, rendered June 21, 1937, re zone violation 106-1937, reads:

"A certificate of occupancy for the motor vehicle repair shop at above mentioned premises is hereby denied as the location is within a business district, as established by the amended building zone resolution, where such occupancy would be unlawful."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 78.4 ft. on Southern boulevard and 81.6 feet on East 182nd street; upon the Southern boulevard front of the plot there are located several store and dwelling structures; along the west lot line there are located eight individual metal garages; the structure in question (located on the East 182nd street front of the plot) is constructed of corrugated metal, one story in height and 16 ft. by 16 ft. in area; it is proposed to use this structure as a motor vehicle repair shop; and

WHEREAS, the site under appeal was inspected by a committee of the board, prior to the hearing; and

WHEREAS, the board deemed that the applicant failed to substantiate a basis of appeal under section 21 of the building zone resolution and was, therefore, not entitled to relief on the grounds of practical difficulties and unnecessary hardship.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed*, and that the application be and it hereby is *denied*.

379-33-BZ.

APPLICANT—Edward T. Curran, for Andrew Haurylak, owner.

SUBJECT—Application reopened March 22, 1938 (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station and also a motor vehicle repair shop (previously withdrawn also, previously denied for a gasoline service station).

PREMISES AFFECTED—79-08 Astoria boulevard and 23-49 79th street, southeast corner (Block No. 1032, Lot No. 54), East Elmhurst, Borough of Queens.

APPEARANCES—

For Applicant: Edward T. Curran and Andrew Haurylak.

For Opposition: Edward J. Victory, Leon Wagman and Gertrude Searles.

For Administration: M. Michalowitz, Department of Parks.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—
Affirmative 0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Absent 0

THE RESOLUTION—

(379-33-BZ)

WHEREAS, Andrew Haurylak, owner, filed December 18, 1933, an application under the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station premises; 79-08 Astoria boulevard and 23-49 79th street, southeast corner (Block No. 1032, Lot No. 54), East Elmhurst, Borough of Queens; and

WHEREAS, this application was denied April 10, 1934 and reopened and restored to calendar March 22, 1938 on the basis of new facts on the request of Edward T. Curran representing the owner; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 3, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Astoria boulevard, 79th street and 80th street are in business and residence use districts and 24th avenue is in a residence use district; and

WHEREAS, the decision of the Commissioner of Buildings, rendered May 4, 1936, re Applic. No. 1487-1936, reads:

"The erection of a gasoline station and auto repair shop in a business district is contrary to section 4 of the zone law."

and

WHEREAS the premises consist of an irregular shaped plot of ground having a frontage of 100.5 ft. on 79th street and 80.1 ft. on Astoria boulevard, upon which it is proposed to erect a one story structure 57 ft. by 20 ft. irregular in area, to be used as a motor vehicle repair shop, greasing and washing cars, salesroom and office and, also, to install the necessary tanks and pumps for a gasoline service station; and

WHEREAS, the site under appeal was inspected by a committee of the board, prior to the hearing; and

WHEREAS, the board deemed that the applicant failed to substantiate a basis of appeal under section 21 of the building zone resolution and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed*, and that the application be and it hereby is *denied*.

228-38-BZ.

APPLICANT—Henry V. Murphy, for Roman Catholic Diocese of Brooklyn, owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under sections 7c and 21 of the building zone resolution, to permit in a residence use district the extension in height of an existing office building (Chancery for Roman Catholic Diocese of Brooklyn).

PREMISES AFFECTED—73-79 Greene avenue and 380-384 Clermont avenue, northwest corner (Block No. 2121, Lot No. 41), Borough of Brooklyn.

APPEARANCES—
For Applicant: Henry V. Murphy.
For Opposition: Margaret McCarthy.

ACTION OF BOARD—Application granted on condition.

THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(228-38-BZ)

WHEREAS, Henry V. Murphy, for Roman Catholic Diocese of Brooklyn, owner, filed April 6, 1938, an application under the building zone resolution to permit in a residence use district the extension in height of an existing office building (Chancery for Roman Catholic Diocese of Brooklyn), Premises: 73-79 Greene avenue and 380-384 Clermont avenue, northwest corner (Block No. 2121, Lot No. 41), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 3, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Greene avenue is in a residence and business use district; Clermont avenue is in a residence use district; Adelphi street is in a residence use district and Lafayette avenue is in a residence use district; and

WHEREAS, the decision of the Acting Borough Superintendent of Buildings, rendered March 9, 1938 re Alt. Applic. No. 1038-38, reads:

"The erection of two additional stories for office use on top of an existing office building in a residence use district is contrary to Art. II, Sec. 3 of the building zone resolution."

and

WHEREAS, the building is of fireproof construction, 5 stories in height, with a frontage of 68.8 ft. on Greene avenue, and 50 ft. on Clermont avenue, occupied as Chancery for Roman Catholic Diocese of Brooklyn; it is proposed to add two additional stories for office use; and

WHEREAS, the site under appeal was inspected by a committee of the board, prior to the hearing; and

WHEREAS, the board deemed that the provisions of section 7, subdivision c of the building zone resolution, under which this application was made, empowered the board to exercise its discretion and to grant this application.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted*, under section 7-c, to permit the additional two stories proposed, *on condition* that the building shall not be further increased in height or area and granted only so long as the building is used as at present as the office building for the Chancery of the Roman Catholic Diocese of Brooklyn; that the construction of the additional story shall be of fireproof construction, similar to the balance of the building; and that all permits shall be obtained and all work completed within one year from the date of this action.

532-32-BZ.

APPLICANT—Sidney L. Strauss, for Frank Fischer, owner.

SUBJECT—Application reopened April 12, 1938 for consideration as to extension of time to obtain permits and to complete work, time having expired by limitation due to property condemnation for approach to Triborough Bridge—re application (decision of the superintendent of buildings) previously granted on condition, permitting in a business use district the change in area and construction of a gasoline service station (granted by the board March 14, 1933).

PREMISES AFFECTED—31-04 Astoria avenue and 25-25 31st street, southeast corner (Block No. 620, Lot Nos. 24 and 25), Astoria, Borough of Queens.

APPEARANCES—
For Applicant: Sidney L. Strauss.
For Opposition: None.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

MINUTES

Negative 0
Absent 0

THE RESOLUTION—

(532-32-BZ)

WHEREAS, this application, affecting premises southeast corner of Astoria avenue and 31st street (Block No. 620, Lot Nos. 24 and 25), Astoria, Borough of Queens, was granted by the board at its meeting March 14, 1933, on certain conditions, and applicant requested a modification of the time limit, which was granted by the board June 27, 1933, resolution amended December 12, 1933, and applicant now requests a further amendment and approval of plans.

Resolved, that the resolution adopted by the board March 14, 1933, as amended December 12, 1933, be and it hereby is amended to read as follows: "*granted*, incorporating into the present gasoline station area a triangular plot front for a distance of 108 ft. 1½ in. on 31st street and reducing the size of the plot, because of the portion taken for the widening of Astoria avenue, as indicated on plans marked 'Received November 17, 1933,' so that as reduced the plot will have a frontage on 31st street of 73.89 ft. on Astoria avenue 52.27 ft. and on the rear lot line 94.90 ft., *on condition* that all existing buildings on the plot shall be demolished and new buildings constructed against the easterly and southerly lot lines, in general conformity with the plans marked 'Received November 17, 1933'; that such accessory buildings shall be not over one story in height and shall include an office, greasing sections, laundry section and section for sales of accessories; that all these buildings shall be constructed as to their sides facing the public highways with face brick or architectural terra cotta, properly coped with stone or glazed terra cotta; that the fronts of the greasing sections shall be left open; that all skylights shall be glazed with thin glass, with screens over and under, and at least 5 ft. from any lot line; that these buildings shall be constructed of fireproof and incombustible materials, except that the roofs may be constructed of wood timbers and wood boarding, provided the ceilings underneath same are fire-retarded in accordance with the rules of the Board of Standards and Appeals and the roofs surfaced with incombustible material: that a wall not less than 7 ft. 6 in. in height shall be erected on such portions of the interior lot lines as are not taken up with walls of accessory buildings, constructed of face brick or terra cotta to match the accessory buildings and similarly coped; that these walls may rack back, starting from the new line of Astoria avenue, with a wall not less than 4 ft. in height and graduated at the rate of one foot in four to the height of 7 ft. 6 in.; that the entire area not covered by accessory buildings shall be cement paved; that a reinforced concrete curb not less than 12 in. in width and 12 in. in height shall be constructed on the street lines with not over two openings to Astoria avenue and two openings to 31st street; that these openings shall not exceed 18 ft. in width; that no part of any opening shall be nearer than 8 ft. to the interior lot line on Astoria avenue nor 8 ft. from the accessory store building on 31st street, nor nearer than 10 ft. to the corner formed by the intersection of Astoria avenue and 31st street; that opposite these openings there shall be openings in the street curb not over 20 ft. in width; that there shall be no excavation under any of the accessory buildings except the pits for the greasing stands; that no open flame shall be permitted on the premises; that no automobile repair work shall be done on the premises except such as may be readily done with the use of hand tools; that signs advertising non-conforming uses shall be restricted to the globes of the gasoline pumps and to permanent flat wall signs attached to the facades of the accessory buildings and to the interior side of the lot line walls; that all gasoline pumps shall be set back at least 10 ft. from the street line and not nearer than 10 ft. to any portion of the accessory building; that no portable gasoline tanks shall be used on or from the premises; that lights for general illumination shall be on pipe standards with metal reflectors so arranged as to shine downwardly; that the boiler for heating purposes shall be located in the southernmost section and that the floor of same may be depressed not over 4 ft., sufficient to permit the return lines from the radiators; that the heating shall be of a method not requiring a forced draught; that plans shall be submitted to the board for approval by the chairman of the board in behalf of the board before submission to the commissioner of buildings; that revised plans marked 'Received May 3, 1938' may be approved as provided in the resolution as amended December 12, 1933, if in general compliance with the conditions therein set forth, and permitting the reduction in number of pumps and permitting closure doors on the lubricating section of accessory building, provided exhaust fan with ventilating ducts through the roof are provided; also permitting mezzanine section over the office portion of the accessory building, provided same is used for storage of tires only and similar noncombustible material; and that all permits shall be obtained and all work completed within one year from the date of this amended resolution."

Adjourned, 12:25 P. M.

EDWARD V. BARTON, Chief Clerk.

NOTICE

WARNING

Notice is hereby given to all appellants and applicants, and to all lawyers, architects and engineers representing owners or lessees in proceedings before the board—

First, That if they do not appear in person or by representative at the hearing of their case, dismissal for lack of prosecution is likely to result.

Second, That due and ample notice of the date set for hearing is provided in the publication in this BULLETIN of the calendars of the board, each case being set down by Calendar Number and premises under the date of the hearing.

Third, That no plea of ignorance of the date of the hearing can be entertained in view of this publication and of the posting of the calendars on the bulletin board in the offices of the board and of the further publication of the calendars in the daily press.

Fourth, That no one is entitled to written notice of the date for the hearing in his case, and that the plea of failure to receive such notice is no excuse for neglect to appear.

Fifth, That the business of the board is to dispose of all cases promptly, for the reason that the pendancy of an appeal or application ties the hands of the administrative official in enforcing his order; therefore, no appeal or application will be held in abeyance by reason of failure of the appellant or applicant to file necessary data, or by any other method of delay.

Sixth, That no appeal or application will be accepted for filing unless, at the time of filing, all papers, plans and data required by law are supplied, as specified on the blank appeal or application forms.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, MAY 3, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

493-37-BZ.

APPLICANT—Nugent and Nugent, for Maude B. Mowry, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—71-20 to 71-32 Roosevelt avenue and 40-02 to 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

APPEARANCES—

For Applicant: Daniel F. Nugent.

For Opposition: M. Meyerwitz and Joseph Smith.

ACTION OF BOARD—Laid over to May 24, 1938, at 2 p.m. Applicant to submit new plans by May 17, 1938, for consideration by the board prior to the hearing. The plans submitted were considered by the board as not indicating an arrangement justifying favorable consideration in the event unnecessary hardship was proven.

497-37-BZ.

APPLICANT—Daniel Ginsberg, for William Losak, lessee, for Jacob Litvin and Anna Litvin, owners.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7H of the building zone resolution, to permit in a business use district the parking and storage of more than five motor vehicles for a period of two (2) years in addition to the existing use of the premises for the sale of used cars.

PREMISES AFFECTED—1203-1235 East New York avenue, northeast corner of Ralph avenue and Union street (Block No. 1477, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Paul Friedman.

For Opposition: None.

ACTION OF BOARD—Laid over to May 17, 1938, at 2 p.m., pending report from Police Department.

558-24-BZ.

APPLICANT—Lama and Proskauer, for Anna C. Schauf, owner.

SUBJECT—Application for consideration—reopening and restoration to calendar, previously withdrawn—re Application (decision of the commissioner of buildings) under sections 7a and 21 of the building zone resolution, to permit in a residence use district the alteration and extension of one (1) story in height of an existing garage for more than five (5) motor vehicles, additional story to be used as a non-storage garage.

PREMISES AFFECTED—21-23 Lenox road, north side, 166 ft. east of Flatbush avenue (Block No. 5064, Lot No. 106), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

ACTION OF BOARD—Application reopened subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

534-37-BZ.

APPLICANT—James J. Millman, for Nakoma Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—re Application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a business use district the alteration and conversion of part of two (2) existing buildings to a garage for more than five (5) motor vehicles.

PREMISES AFFECTED—144-146 and 148-150 Frost street, south side, 100 ft. west of Graham avenue (Block No. 2739, Lot Nos. 15 and 17), Borough of Brooklyn.

APPEARANCES—

For Applicant: James J. Millman and Frank Weinstein.

ACTION OF BOARD—Application reopened and set for hearing May 24, 1938, at 2 p.m.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

308-33-BZ.

APPLICANT—Hyman E. Kamen, for Alice Fadool, owner.

SUBJECT—Application for consideration—reopening under new proposal—re Application (decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a residence use district the alteration and change of occupancy of part of the first story of an existing apartment house from dwelling to business use (previously denied).

PREMISES AFFECTED—195 Prospect Park West, northwest corner of 15th street (Block No. 1103, Lot No. 48), Borough of Brooklyn.

APPEARANCES—

For Applicant: Paul Friedman.

For Administration: Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Application to reopen withdrawn.

THE VOTE TO WITHDRAW APPLICATION TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

324-37-BZ.

APPLICANT—Joseph M. Lonergan, for Mathilda Litchman and Bruno Bernabo, owners.

SUBJECT—Application (re decision of commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—4727-4729 Third avenue, west side, and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx.

MINUTES

APPEARANCES—
For Applicant: Joseph M. Lonergan, Chas. G. Keller and J. Nussbaum.
For Opposition: Ralph Litchman, Harry L. Marcus and Daniel F. Cohalan.
ACTION OF BOARD—Application withdrawn.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(324-37-BZ)

WHEREAS, Joseph M. Lonergan, for Mathilda Litchman and Bruno Bernabo, owners, filed June 29, 1937, an application under the building zone resolution to permit in a business use district the erection and maintenance of a gasoline service station; premises: 4727-4729 Third avenue, west side and 4728-4730 Park avenue, east side, junction of East 189th street (Block No. 3041, Lot Nos. 45 and 47), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 3, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the plans submitted for consideration showed a smaller area than that covered by the appeal; and

WHEREAS, the owner and joint applicant of the lot omitted, objected to the new proposal to eliminate his property; and

WHEREAS, the board deemed that if a smaller plot is to be considered, the application should be withdrawn and a new appeal filed; and

WHEREAS, applicant requested withdrawal of the application.

Resolved, that the application be and it hereby is withdrawn.

807-28-BZ.
APPLICANT—Alfred H. Eccles, for Mortgage Commission Realty Corporation, trustee.
SUBJECT—Application for consideration—reopening and extension of time—re Application (decision of the superintendent of buildings) under sections 7e, 7g and 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles.
PREMISES AFFECTED—80-84 Madison avenue, northeast corner of Union street (Block No. 848, Lot No. 1), Flushing, Borough of Queens.
APPEARANCES—
For Applicant: Edward White.
ACTION OF BOARD—Application reopened and time extended.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(807-28-BZ)

WHEREAS, this application affecting premises 80-84 Madison avenue, northeast corner of Union street (Block No. 848, Lot No. 1), Flushing, Borough of Queens, was granted by the board April 2, 1929, on certain conditions, time extended from time to time, and applicant requested a further extension.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on April 26, 1932, only so far as it refers to obtaining of permits and completion of work, so that as amended this portion of the resolution shall read:

". . . that all permits required shall be obtained within 9 months and all work involved shall be completed within one year from the date of this amended resolution, *on condition* that other than as amended herein the resolution adopted by the board on April 26, 1932, shall be complied with in all respects."

528-31-BZ.
APPLICANT—George William Horr, owner.
SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the superintendent of buildings) under section 7f of the building zone resolution, permitting in a business use district the maintenance of a gasoline service station for a temporary period.
PREMISES AFFECTED—70-52 Kissena boulevard, northwest corner of 70th road (Block No. 2235, Lot No. 1), Flushing, Borough of Queens.
APPEARANCES—
For Applicant: George W. Horr.
For Administration: Inspector Stone, Department of Housing and Buildings.
ACTION OF BOARD—Application reopened and permit extended.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO EXTEND PERMIT—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(528-31-BZ)

WHEREAS, this application affecting premises 70-52 Kissena boulevard, northwest corner of 70th road (Block No. 2235, Lot No. 1), Flushing, Borough of Queens, was granted by the board March 18, 1932, under section 7, subdivision F, for a temporary period of two years, on certain conditions; and

WHEREAS, the period of this variation was extended for a further period of two years, May 22, 1934 and June 2, 1936, and owner requested a further extension; and

WHEREAS, the general surrounding conditions of the neighborhood are substantially the same as they were when the permit was granted on March 18, 1932, and as extended May 22, 1934 and June 2, 1936 in view of the previous action declaring this an undeveloped area within the meaning of section 7, subdivision F of the building zone resolution, the board decms that the permit should be extended for two years from the date of this action under said section.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of May 22, 1934, by permitting the extension of the permit for a further period of two years from the date of this amended resolution, granted under section 7, subdivision F, *on condition* that in all other respects the resolution adopted by the board on March 18, 1932, shall be complied with.

101-32-BZ.
APPLICANT—Joseph Schafran, for Thema Rosen, owner.

MINUTES

SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the commissioner of buildings) under section 7h of the building zone resolution, permitting in a business use district, for a period not greater than two (2) years, the parking or storage of more than five (5) motor vehicles on a lot or plot unbuilt upon.

PREMISES AFFECTED—2871 Bailey avenue, west side, 107.59 ft. south of West 230th street (Block No. 3264, Lot No. 79 and part of Lot No. 70), Borough of The Bronx.

APPEARANCES—
For Applicant: Philip Rosen.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO EXTEND PERMIT—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(101-32-BZ)

WHEREAS, this application affecting premises 2871 Bailey avenue, west side, 107.59 ft. south of West 230th street (Block No. 3264, Lot No. 79 and part of Lot No. 70), Borough of The Bronx, was granted by the board May 19, 1936, resolution amended October 20, 1936, and owner requests a further extension of the permit; and

WHEREAS, the general surrounding conditions have not changed since the previous action by the board in granting a temporary permit under section 7, subdivision H.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on May 19, 1936 as amended October 20, 1936, only so far as it refers to the period of the permit, so that as amended the resolution shall read:

"*Resolved*, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7H, for a period of 2 years from May 19, 1938, to permit the plot consisting of the northerly portion of Lot 70 and Lot 79, now vacant and unbuilt upon, to be used for parking and storage of automobiles, *on condition* that the plot shall be graded *so as to be* substantially level; that there shall be constructed on the rear line parallel to the New York Central right-of-way a concrete wall of sufficient height to protect the right-of-way except that such wall may be omitted if the owner decides to construct the rear fence at a point at least 25 ft. easterly from such right-of-way and parallel thereto and provided the intervening space between the fence so constructed and the New York Central Right of Way shall have the fill at the proper angle of repose to prevent sliding of earth beyond the right-of-way line, that this plot shall be drained toward Bailey avenue; that there shall be erected on or near the rear line and on the interior lot lines and on the front building line along Bailey avenue a substantial wooden fence not less than 4 ft. in height and kept painted; that no portion of the plot shall be used for parking within 25 ft. of the northerly garages; that the plot shall be covered with gravel or steam cinders; that there shall be not over one opening to the proposed parking space located approximately in the center of the parking area at the Bailey avenue building line with a curb cut opposite not exceeding 25 ft. in width; that no cars shall be permitted to be parked or stored other than those which are in good mechanical condition, capable of being operated; that pleasure vehicles only shall be so stored or parked; that any light for illumination shall be on standards with metal reflectors reflecting downwardly and toward the parking space; that no part of this parking space shall be used for any use than herein permitted; that sufficient wide lanes shall be maintained at all times to permit entrance and exit; that signs shall be restricted solely to one sign on the front of the property advertising its use as a parking lot and with the rates to be charged; that no structure shall be erected on the parking area except a small office for the attendant; that the existing grease pits, if located within the parking area, shall be removed; that all permits shall be obtained within three months."

APPEALS FROM ADMINISTRATIVE ORDERS

276-38-A.

APPLICANT—Oscar Lowinson, for Alfred Hotel Corporation, lessee.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—145-155 West 47th street, north side, 240 ft. east of 7th avenue and 148-154 West 48th street (Block No. 1000, Lot No. 11), Borough of Manhattan.

APPEARANCES—
For Applicant: Oscar Lowinson.

ACTION OF BOARD—Laid over to May 17, 1938, at 2 p.m., on request of applicant.

282-38-A-WF.

APPLICANT—Sidney Zimmerman, for Filippe Prestifilipp, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—40-02 National avenue and 102-26 Roosevelt avenue, southwest corner (Block No. 1974, Lot No. 3), Corona, Borough of Queens.

APPEARANCES—
For Applicant: None.

ACTION OF BOARD—Laid over to May 10, 1938, at 2 p.m. No appearances. Applicant to be notified.

300-38-A-WF.

APPLICANT—Shirley Yasner, for Nicholas Coppola, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—49-01 104th street and 104-06 49th avenue, southeast corner (Block No. 1993, Lot No. 49), Corona, Borough of Queens.

APPEARANCES—
For Applicant: S. Yasner.
For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to May 10, 1938, at 2 p.m. Applicant to submit new proposal, as to smaller sign.

600-37-A.

APPLICANT—Hyman Fried, for Crawford Clothes, Inc., lessee.

SUBJECT—Appeal from an order of the commissioner of buildings.

PREMISES AFFECTED—841-843 Broadway and 53-63 East 13th street, northwest corner (Block No. 565, Lot No. 17), Borough of Manhattan.

MINUTES

APPEARANCES—
For Applicant: Hyman Fried.
For Administration: Inspector Dahlem, Department of Housing and Buildings.
ACTION OF BOARD—Laid over to May 17, 1938, at 2 p.m., on request of applicant.

287-38-A.

APPLICANT—Eastman Kodak Stores, Inc., lessee.
SUBJECT—Appeal from an order of the fire commissioner.
PREMISES AFFECTED—235 West 23rd street, north side, 347 ft. west of 7th avenue (Block No. 773, Lot No. 24), Borough of Manhattan.
APPEARANCES—
For Applicant: William F. Shepard and Thomas Roberts, Jr.
For Administration: Inspector Majorietta, Fire Department.
ACTION OF BOARD—Laid over to May 10, 1938, at 2 p.m., for inspection by a committee of the board.

298-38-A.

APPLICANT—Belroe Realty Corporation, owner.
SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—257-261 Moore street, north side, 159 ft. 10 in. west of Bogart street and 276-280 Siegel street (Block No. 3101, Lot No. 10), Borough of Brooklyn.
APPEARANCES—
For Applicant: Clarence Seid and Jerome Zirinsky.
For Administration: Benjamin Saltzman, Department of Housing and Buildings.
ACTION OF BOARD—Laid over to May 10, 1938, at 2 p.m. Applicant to file corrected plans.

302-38-A.

APPLICANT—William I. Hohauser, for Pall Mall Realty Corporation, owner.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—304-306 West 42nd street, south side, 125 ft. west of 8th avenue (Block No. 1032, Lot No. 37), Borough of Manhattan.
APPEARANCES—
For Applicant: Mike Schimenti.
For Administration: Fred Dahlem, Department of Housing and Buildings.
ACTION OF BOARD—Appeal withdrawn, case to be resubmitted to the borough superintendent.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

371-37-A.

APPLICANT—James A. Byrne, for Brooklyn Edison Company, Inc., owner.
SUBJECT—Appeal from an order of the fire commissioner.
PREMISES AFFECTED—380 Pearl street and 11-17 Willoughby street, northwest corner (Block No. 145, Lot No. 23), Borough of Brooklyn.
APPEARANCES—
For Applicant: James A. Byrne.
For Administration: Inspector Meyer, Fire Department.
ACTION OF BOARD—Appeal withdrawn, Fire Department to rescind order.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

424-37-A.

APPLICANT—Acme Shellac Products Corp., owner.
SUBJECT—Appeal from an order of the fire commissioner.
PREMISES AFFECTED—48-10 to 48-20 30th street, west side, 37 ft. north of Hunterspoint avenue (Block No. 115, Lot No. 201), Long Island City, Borough of Queens.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Appeal dismissed for lack of prosecution.
THE VOTE TO DISMISS—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(424-37-A)

WHEREAS, Acme Shellac Products Corporation, applicant and lessee, filed on August 27, 1937, an appeal with this board, relative to an order of the fire commissioner, affecting premises 48-10 to 48-20 30th street, west side, 37 ft. north of Hunterspoint avenue (Block No. 115, Lot No. 201), Long Island City, Borough of Queens; and
WHEREAS, applicant has failed to complete his papers, although duly notified to do so.
Resolved, that the appeal be and it hereby is *dismissed* for lack of prosecution.

48-38-A.

APPLICANT—John F. Meehan, for Corporation of Trinity Church, owner.
SUBJECT—Appeal from an order of the borough superintendent of buildings and an order of the fire commissioner.
PREMISES AFFECTED—120-122 Varick street and 12-14 Dominick street, southeast corner (Block No. 491, Lot Nos. 3, 4, 5, 7, 11 and 12), Borough of Manhattan.
APPEARANCES—
For Applicant: John F. Meehan.
For Administration: Charles Tilgner, Department of Education; Inspector Dahlem of Housing and Buildings; Inspector Meyer, Fire Department.
ACTION OF BOARD—Application withdrawn in part, and appeal denied in part.
THE VOTE TO WITHDRAW IN PART AND DENY IN PART—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(48-38-A)

WHEREAS, John F. Meehan, for the Corporation of Rector, Churchwardens & Vestrymen of Trinity Church in the City of New York, owner, filed on January 26, 1938, an appeal from a violation issued by the borough superintendent, Department of Housing and Buildings,

affecting premises Nos. 12-14 Dominick street (Block No. 491, Lot Nos. 11 and 12) and an order and decision of the fire commissioner, affecting premises No. 120-122 Varick street, southeast corner of Dominick street (Block No. 491, Lot Nos. 3, 4, 5 and 7), Borough of Manhattan; and

WHEREAS, the violation issued by the borough superintendent, dated February 23, 1938 (Zone Violation Order No. 159-37) reads as follows:

'You are hereby notified that the building situate on the whole of the lot on the south side of Dominick street, commencing about 100 feet from the southeast corner of Dominick street and Varick street, being a ....story building, about 50 feet front, 50 feet rear, 100 feet deep and .... feet in height, and occupied as a parking lot and known as Number 12-14 Dominick street and located in an unrestricted district in the Borough of Manhattan, in The City of New York, does not conform to section 21 of the building zone resolution of the Board of Estimate and Apportionment adopted July 25, 1916, in the respects noted below:

'In that of occupying the property as a parking space for more than 5 motor vehicles in a portion of a street between 2 intersecting streets in which there is an entrance or exit from a school.'

You are hereby directed to discontinue said use, in compliance with the requirements of the building zone resolution."

and

WHEREAS, the order of the fire commissioner, No. 9289-LC, dated October 19, 1937, reads as follows:

"Re Premises: 122 *Varick street, Man.*

Before a permit may be issued for your oil selling station, the following must be done:

1. Discontinue parking of motor vehicles at this location or exhibit certificate of occupancy authorizing such use.

It is unlawful to maintain an oil selling station without a permit. Please notify this department promptly when this order has been complied with."

and

WHEREAS, the decision of the fire commissioner, dated March 24, 1938, reads as follows:

"Your favor of March 4, 1938, regarding 122 Varick street, Manhattan, has just been referred to the writer for attention.

We regret to advise that this department does not rescind orders and re-issue them when an applicant has exceeded the time limit in which to file the appeal.

We have been informed that the Board of Standards and Appeals will accept a letter from this department. For that purpose, we are quoting order 9289-LC, issued against the Sinclair Refining Company, 1117 Grand avenue, Brooklyn, regarding premises 122 Varick street, Manhattan, which order reads as follows:

'Before a permit may be issued for your oil selling station, the following must be done:

1. Discontinue parking of motor vehicles at this location or exhibit certificate of occupancy authorizing such use.

It is unlawful to maintain an oil selling station without a permit. Please notify this department promptly when this order has been complied with.'"

and

WHEREAS, the premises consist of a plot located at the southeast corner of Varick street and Dominick street and having a frontage of 115.29 ft. on Dominick street and 121.20 ft. on Varick street, the westerly portion (Lots 3, 4, 5 and 7) is occupied as a gasoline service station and salesroom and for the parking of motor vehicles and the easterly portion (Lots 11 and 12) is occupied for the parking of more than five motor vehicles under Certificate of Occupancy No. 19340-33, and located in an unrestricted district; and

WHEREAS, the applicant contends that this plot is located in an unrestricted district. It is adjacent to the unpierced west wall of a public school and an oil selling station adjoining on the west; that the school which is adjacent to the plot in question is no longer used as an elementary school, but is presently used as a vocational school for students whose ages range from fourteen years up; that there is no drive-in or curb cut in front of this plot on Dominick street, same being separated by a substantial wood fence eight feet in height; that drive-in to parking space is through oil selling station in front of which are located legal curb cuts which were granted when oil selling station was erected prior to the adoption of section 21 of the building zone resolution pertaining to oil selling station; no doubt when the amendment to section 21, article 5 of the building zone resolution was adopted pertaining to parking lots, the restriction placed therein, namely, schools, was inserted to prevent automobiles from crossing sidewalk as a protection for school children against accidents; that it can be readily seen from the plans submitted that this parking lot is not detrimental to the safety of children within the interpretation of section 21, article 5 of the building zone resolution as amended June 28, 1935; that the wall of school adjacent to parking lot is unpierced; that the present legal curb cut for automobile drive-in on Dominick street is located 123 ft. from exit of school; that this parking lot is under the direct supervision of men in the employ of a legitimate oil company who receive special instructions as to the care and operation of a parking lot and the safety of pedestrians in the vicinity of the parking lot and oil selling station; and

WHEREAS, the board deemed that under the restricted provisions of section 21, as interpreted by the Court in the Matter of Boyd *vs.* Walsh and others, a parking lot on the same block as an entrance to a public school could not be permitted.

Resolved, that the appeal from the decision and the order of the fire commissioner, No. 9289-LC, be and it hereby is *withdrawn;* and that the order of the borough superintendent, No. 159-37, be and it hereby is *affirmed* and that the appeal as to this order be and it hereby is *denied.*

243-38-A.

APPLICANT—Interboro Chemical Co., for Edward W. Bloete, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—296 Pearl street, east side, 100 ft. north of Beekman street (1st floor); (Block No. 98, Lot No. 24), Borough of Manhattan.

APPEARANCES—

For Applicant: Morton G. Rose.

For Administration: Inspector Meyer, Fire Department.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(243-38-A)

WHEREAS, Interboro Chemical Co., for Edward W. Bloete, owner, filed April 8, 1938, an appeal from an order of the fire commissioner, affecting premises 296 Pearl street, east side, 100 ft. north of Beekman street (1st floor); (Block No. 98, Lot No. 24), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, dated March 9, 1938, re. Order No. 11762-LC, reads:

"1. Discontinue the maintenance of a drug and chemical supply house on these premises."

and

WHEREAS, the building is 4 stories, 37 ft. in height, 25 ft. by 65 ft. in area, of non-fireproof construction, located in an unrestricted use district, erected prior to 1916 and

occupied since 1933 as follows: Cellar—storage of grate bars, 1 person; 1st floor—storage of drugs and chemicals, 2 persons; 2nd floor—carpenter shop and office, 2 persons; 3rd floor—printer, 2 persons; 4th floor—manufacture of whisk brooms, 2 persons, for which no certificate of occupancy has been issued; and

WHEREAS, the applicant contends that the 1st floor of these premises has been occupied as a storehouse for miscellaneous drugs and chemicals as well as allied products, which materials are reshipped to customers in the original containers as received from suppliers or are repacked inot smaller packages as cartons, bottles or cans for resale to various outlets; that the applicant has been engaged in the above practices for 5 years; that from time to time the following items are stocked in various quantities never exceeding the following: acetone (15 gals.) in bottles; wood alcohol (25 gals.) bottles; chloroform (5 gals.) in cans, bottles; liquid soap (10 gals.) cans; muriatic acid (5 gals.) bottles; silicate of soda (20 gals.) cans and bottles; glycerine (10 gals.) bottles, cans; benzol (5 gals.) in cans; carbon tetrachloride (20 gals.) cans, bottles; denatured alcohol (25 gals.) cans, bottles, and one carboy nitric acid; that in addition to the above liquids, the following materials are stored in varied quantities—either in barrels or repacked cans or cartons, such items as alum, dental plaster, dental stone, copper sulphate, sal soda, sal ammoniac, borax, calcium carbonate trisodium phosphate and other dry chemicals. In addition to the products mentioned above on hand packing cartons, cans and cases are stored.

Resolved, that the order of the fire commissioner, No. 11762-LC be and it hereby is *modified* and that the appeal be and it hereby is *granted,* to permit the storage of limited quantities of various chemicals, as listed in the statement filed with this appeal, *on condition* that such quantities shall not be stored in greater quantities than therein mentioned; that all acids shall be stored in the rear portion of the building, where there is a 4-inch concrete floor and floor drain; that any nitric acid stored in the premises at the rear shall not exceed one carboy in quantity; that such sandpails and other portable fire-fighting appliances shall be maintained on the premises as the commissioner shall direct; that the person in charge of the chemicals shall hold a certificate of fitness.

269-38-A.

APPLICANT—Lloyd Gartner, for Rose Roth, owner.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—872 East 164th street, southwest corner of Stebbins avenue (Block No. 2690, Lot No. 144), Borough of The Bronx.
APPEARANCES—
For Applicant: Lloyd Gartner.
For Administration: Inspector Harris, Department of Housing and Buildings.
ACTION OF BOARD—Appeal withdrawn.
THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(269-38-A)

WHEREAS, Loyd Gartner, for Rose Roth, owner, filed April 16, 1938, an appeal from a decision of the borough superintendent of buildings affecting premises 872 East 164th street, southwest corner of Stebbins avenue (Block No. 2690, Lot No. 144), Borough of The Bronx; and

WHEREAS, the decision of the borough superintendent, dated April 13, 1938 on Building Application No. 302-1938, reads as follows:

"1. Objection not removed:
'Building must be made to conform in all respects to a Class "B" multiple dwelling hereafter erected. Sec. 4, subdiv. 8, Multiple Dwelling Law.'"

and

WHEREAS, the building is 3 stories, 36 ft. in height, 19 ft. by 55 ft. in area, of non-fireproof construction, located in a residence use district; erected in 1902 and occupied since 1932 as a sanitarium and doctor's office, for which Certificate of Occupancy No. 59 was issued March 18, 1932, on Alteration Application No. 55-1931; and

WHEREAS, it is proposed to convert the building into a Class "B" multiple dwelling with not more than 15 sleeping rooms,, occupancy to be as follows: Cellar—storage, kitchen and boiler room; 1st floor—4 furnished rooms; 2nd floor—5 furnished rooms; 3rd floor—5 furnished rooms; and

WHEREAS, the applicant contends that the building in question is a three story brick building erected in 1902 as a two family dwelling; that in 1920 the building was altered to a three family building; that in 1932 it was altered again to a sanitarium and doctor's office; that it is now proposed to convert this building into a Class "B" multiple dwelling with not more than 15 sleeping rooms; and

WHEREAS, the board deemed that this appeal was for a modification of the Multiple Dwelling Law, which the board was without power to grant and the applicant requested withdrawal of the appeal.

Resolved, that the appeal be and it hereby is withdrawn.

286-38-A.

APPLICANT—R. F. Woodhull, supervisor of buildings, for Brooklyn and Queens Y.M.C.A., owner.
SUBJECT—Appeal from an order of the fire commissioner.
PREMISES AFFECTED—1115-1119 Bedford avenue, east side, 75 ft. north of Monroe street (Block No. 1812, Lot No. 4), Borough of Brooklyn.
APPEARANCES—
For Applicant: R. F. Woodhull.
For Administration: Inspector Meyer, Fire Department.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(286-38-A)

WHEREAS, R. F. Woodhull, supervisor of buildings, for Brooklyn & Queens Y. M. C. A., owner, filed on April 19, 1938, an appeal from an order of the fire commissioner affecting premises 1115-1119 Bedford avenue, east side, 75 feet north of Monroe street (Block No. 1812, Lot No. 4), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner No. 74639-C, dated March 19, 1938, reads as follows:

"3. Forthwith, discontinue the use of and remove all fuel oil burners and fuel oil in open steel drum used for instruction on 3rd floor of premises for the reason that exposed acetylene and oxygen piping are located in same room in close proximity to oil burners; no plans have been filed with Department of Buildings and Housing, for same; no approved type storage tanks have been provided for fuel oil storage; no legal chimney provided; no approved fill pipes, terminals and vent pipes provided and fuel oil piping has not been tested."

and

WHEREAS, the building is three stories and basement, 37 ft. in height, 75 by 100 ft. in area, of fireproof construction, erected in 1920, located in a business use district and occupied as follows: Cellar—oil burners, motion picture instruction, electrical shop and Diesel shop, 50 persons; 1st floor—aviation shop and office, 25 persons; 2nd floor—

machine shop, welding shop, refrigeration shop and refrigeration class room, 50 persons; 3rd floor—automobile shop, automobile class room, oil burner shop and refrigeration shop—40 persons; for which Certificate of Occupancy No. 7637 was issued November 16, 1920, for a school of engineering, including automobile design operation and laying down of shafts; and

WHEREAS, the applicant contends that Order No. 74639-C requires the discontinuance of the use of fuel oil burners on the third floor of premises for various stated reasons, all of which can be remedied in accordance with existing codes except the fuel supply. The building is of fireproof factory type construction occupied as a trade school, and the burners are located in an enclosure separated from other areas on the third floor by a four inch hollow tile wall with an opening protected by a self-closing fire door. The burners are of approved makes, installed in accordance with code requirements, and used for educational demonstrations only. They are in actual operation for not more than fifteen minutes at a time and no steam is generated. Furthermore, it is desirable in the interest of safety to limit the period of operation. For these reasons only a very small quantity of oil is required. In view of these conditions, it is requested that the order of the fire commissioner be modified so as to permit the use of the oil burners in their present location on the third floor with an approved fuel oil safety can of not more than one gallon capacity connected to each oil burner unit, provided such regulations as may be determined by the board are complied with.

Resolved, that the order of the fire commissioner, No. 74639-C, be and it hereby is *modified* and that the appeal be and it hereby is *granted* to permit each experimental oil burner to be fed from a one-gallon tank by gravity through piping not over five feet in length and with a shut off on each individual line at the lowest point near the burner and at the tank; that at all times while these oil burners are in operation they shall be under the supervision of a qualified instructor familiar with the operation; and that in all other respects the installation shall comply with the Oil Burner Rules of the Board of Standards and Appeals.

294-38-A.

APPLICANT—John R. Robinson, lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—350 West 31st street, south side, 200 ft. east of 9th avenue (8th floor); (Block No. 754, Lot No. 68), Borough of Manhattan.

APPEARANCES—

For Applicant: Alexander R. Nagy and F. H. Andrews.

For Administration: Inspector Meyer, Fire Department.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(294-38-A)

WHEREAS, John R. Robinson, lessee, filed on April 20, 1938, an appeal from an order of the fire commissioner affecting premises 350 West 31st street, south side, 200 ft. east of 9th avenue (8th floor); (Block No. 754, Lot No. 68), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, No 12061-LC, dated March 23, 1938, reads:

"With reference to your application dated February 3rd, 1938, for a permit to maintain the storage of cylinders containing propane gas at above location, I regret to inform you that this department is without power to grant such a permit for the reason:

'Building is occupied as a factory and the use of any part of such building as a storage place for a highly inflammable gas is in the opinion of this department detrimental to public welfare:

YOU ARE THEREFORE, HEREBY, ADVISED TO:

1. Discontinue the storage of propane gas on these premises. Art. 17, Sec. C-19-90-O-A. New York City Administrative Code.

NOTE: Should an appeal be taken from this determination to the Board of Standards and Appeals, appeal must be filed with that body within thirty days of date of this notice.'"

and

WHEREAS, the building is 8 stories, 96 ft. in height, 80 by 98 ft. in area, of fireproof construction, equipped with a standpipe and sprinkler system and located in an unrestricted use district; erected in 1923 and occupied since March 1, 1938, as follows: Cellar—graining zinc plates, 10 persons; 1st floor—bindery, 10 persons; 2nd floor—machine shop and printing shop—10 persons; 3rd floor—same, 10 persons; 4th floor—same, 15 persons; 5th floor—storage of dry goods, 6 persons; 6th floor—office and print shop, 20 persons; 7th floor—print shop, 30 persons; 8th floor—signs storage, print shop and storage of steel and propane gas, 15 persons, for which Certificate of Occupancy No. 9759 was issued on new building 360-1922; and

WHEREAS, the applicant contends that it is proposed to carry a small stock of not more than 14 cylinders of propane gas in small Insto-Gas I.C.C. containers at any one time for emergency service to customers; that Insto-Gas cylinders and equipment are now used by many representative companies in New York City, for instance; Consolidated Edison Company of New York and affiliated companies, Otis Elevator, Interborough Rapid Transit, Pennsylvania R.R., New York Central R.R., hospitals, office buildings, breweries, shipyards, plumbers, painters, cable ships and U. S. Army Transport Service; that the general use of the product insures that the small stock requested will turn over very rapidly; that a complete change of stock will occur every day or so; that there will be no transference of liquids or filling of cylinders on the premises. The gas is handled in the cylinders as a unit package. All cylinders are filled at the Phil-Gas bulk station at Mt. Kisco, N. Y., and shipped to our store room where they are merely exchanged for empty cylinders for customers; that marketing propane in these cylinders is the applicant's principal business which provides a most vital incentive for them to guard with utmost vigilance against any circumstances or conditions that might impair public safety and the successful future of their business.

Resolved, that the order of the fire commissioner, No. 12061-LC, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* permitting the storage of not over fourteen 18 lb. cylinders of propane in the space indicated on the 8th floor of the building, *on condition* that the standpipe system and the sprinkler system shall be maintained in compliance with all laws and rules applicable thereto; that no propane cylinders shall be stored other than those approved by the Interstate Commerce Commission; that no cylinder shall be opened on the premises; that cylinders shall be stored on racks not over 20 ft. from the exterior window; that there shall be a louvered section in the exterior window adjacent not less than 3 sq. ft, which shall be maintained at all times; that no open flame shall be permitted on the premises occupied by this applicant; and that in all other respects all laws, rules and regulations shall be complied with.

295-38-A.

APPLICANT—DeRose & Cavalieri, for Lamauro Brothers, lessees.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

MINUTES

PREMISES AFFECTED—756 10th avenue, east side, 75 ft. 5 in. north of West 51st street (Block No. 1061, Lot No. 4), Borough of Manhattan.
APPEARANCES—
For Applicant: Anthony M. De Rose.
For Administration: Inspector Dahlem, Department of Housing and Buildings.
ACTION OF BOARD—Appeal withdrawn.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(295-38-A)

WHEREAS, De Rose & Cavalieri, for Lamauro Brothers, lessees, filed on April 21, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, affecting premises 756 10th avenue, east side, 75 ft. 5 in. north of West 51st street (Block No. 1061, Lot No. 4), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent on Alt. App. 3907-37, dated March 24, 1938, reads as follows:

"4. Interior stair from cellar to store in bakery is not permissible. Sec. 59 MDL. Reconsideration is denied."

and

WHEREAS, the building is five stories, 55 ft. in height, 25 ft. by 60 ft. in area, of nonfireproof construction, and occupied as follows: Cellar—storage and boilerroom; 1st floor—store and bakery; 2nd to 5th floors, inclusive, apartments, for which no certificate of occupancy has been issued; and

WHEREAS, the applicant contends that the cellar space is used for firing of ovens only; that it will be entirely separated from the balance of the cellar by a 4-inch terra cotta partition and stair will be enclosed at cellar and first story with masonry and fireproof self-closing door provided at top and bottom; that the stair becomes necessary due to the fact that this is a cellar fired oven and the fire hazard is not greater than a steam boiler; that it would be a hardship to operate the bakeoven without access to the fire chamber and as section 59 recognizes a dumbwaiter opening communicating between stories, it is respectfully requested that section 59 of the Multiple Dwelling Law be modified in this case; and

WHEREAS, the board deemed that this appeal was for a modification of the Multiple Dwelling Law, which the board is without power to grant; and

WHEREAS, the applicant requested a withdrawal of the appeal.

Resolved, that the appeal be and it hereby is *withdrawn*.

296-38-A.
APPLICANT—John J. Costa, for Guiseppe Sparacio, owner.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—207 Avenue A, west side, 25 ft. south of East 13th street (Block No. 440, Lot No. 32), Borough of Manhattan.
APPEARANCES—
For Applicant: Anthony C. Consentina.
For Administration: Inspector Dahlem, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(296-38-A)

WHEREAS, John J. Costa, for Guiseppe Sparacio, owner, filed on April 21, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, affecting premises 207 Avenue A, west side, 25 ft. south of East 13th street (Block No. 440, Lot No. 32), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated March 31, 1938, on Alt. App. 545-37, reads as follows:

"15. The aggregate width of all steps beyond the building line may not exceed 20% of building frontage. Adequate cheek pieces or rails, 3 ft., should be provided. Sec. 170 Bldg. Code."

and

WHEREAS, the building is four stories in height, 25.9 ft. by 98 ft. in area, of nonfireproof construction, located in a business use district and occupied as follows: 1st floor—undertaking parlor; 2nd, 3rd and 4th floors—one family each; and

WHEREAS, the applicant contends that the new condition is much safer than existed prior to the alteration.

Resolved, that the decision of the borough superintendent, on Alt. Applic. No. 545-37, be and it hereby is *modified*, and that the appeal be and it hereby is *granted*, permitting the steps, as shown, beyond the building line, *on condition* that only one step shall be constructed at each of the three entrances, as indicated on plans filed with this appeal, steps not to exceed 12 inches in width beyond the building line and that the total width of all the steps shall not exceed the total dimensions indicated, and that cheek pieces or guard rails, as required by the Building Code, shall be installed.

297-38-A.
APPLICANT—Frederick C. Genz, for Reinhard & Hofmeister, for W. P. Chrysler Building Corporation, owner.
SUBJECT—Appeal from an order and a decision of the fire commissioner.
PREMISES AFFECTED—405 Lexington avenue, east side, from East 42nd street to East 43rd street, 145 East 42nd street and 134-142 East 43rd street (Block No. 1297, Lot Nos. 23 and 45½), Borough of Manhattan.
APPEARANCES—
For Applicant: Frederick C. Genz and Frederick D. Halama.
For Administration: Inspector Meyer, Fire Department.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(297-38-A)

WHEREAS, Reinhard & Hofmeister, for W. P. Chrysler Building Corporation, owner, filed on April 21, 1938, an appeal from an order and a decision of the fire commissioner, affecting premises 405 Lexington avenue, 145 East 42nd Street and 134-42 East 43rd street (Block No. 1297, Lot Nos. 23 and 45½), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, No. 11826-LC, dated March 10, 1938, reads as follows:

"9. Make refrigerating machinery room or rooms vapor-tight to prevent the passage of irritant refrigerant from passing to other parts of the building. (Escalator opens on 1st floor.) This refers to escalator opening."

and

WHEREAS, the decision of the fire commissioner, dated April 19, 1938, reads as follows:

"Your favor of April 8, 1938, regarding premises 405 Lexington avenue, Manhattan, has just been referred to the writer for attention. Be advised that this department does not reissue orders when an applicant has exceeded the time limit in which to file an appeal.

"As we have been informed that the Board of Standards and Appeals will accept a letter from this department as a basis for an appeal we are forwarding this communication, which will certify that on March 10, 1938, we issued order No. 11826-LC, against the INTERNATIONAL AUTOMOBILE SALON, at 405 Lexington avenue, item 9 of which, read as follows:

'9. Make refrigerating machinery room or rooms vapor-tight to prevent the passage of irritant refrigerant from passing to other parts of the building. (Escalator opens on 1st floor.) This refers to escalator opening.'"

and

WHEREAS, the building is 71 stories and tower, 1,047 ft. in height, 200 ft. 9¼ in. by 220 ft. in area, of fireproof construction, equipped with a standpipe system; erected in 1930; and occupied since November, 1936, as follows: 1st floor—bank, stores, restaurant and automobile showroom, 300 persons; 2nd floor—showrooms and offices, 427 persons; 3rd floor and above—offices and club, as permitted by Certificate of Occupancy No. 16595, issued July 7, 1930; and

WHEREAS, the applicant contends that the showroom on the 2nd floor is separated from all building stairs and elevators by solid partitions and solid self-closing fireproof doors; that all offices opening off the lounge at the head of escalators are closed off from same with fireproof self-closing doors; that the lounge is separated from the building proper by solid partitions and self-closing doors, without louvres or other openings; that the air conditioning installation in this space is direct expansion and uses Freon (F-12) as refrigerant; the Bureau of Mines considers, in its official pamphlet that where there is less than 30 lbs. of Freon for each 1,000 cubic feet of volume, there is no hazard; this particular space has a volume of 117,400 cubic feet volume and the total poundage of Freon in the systems supplying this space is 170 pounds, or approximately 1½ lbs. per 1,000 cu. ft. Also, there are large windows at either end of this automobile showroom having the greater portion of same made up of swing sash.

Resolved, that the order of the fire commissioner, No. 11826-LC, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* permitting the direct method of refrigeration with Freon for ventilation of second floor, as indicated, the machinery room to be on the 3rd floor directly above, *on condition* that such machinery room shall be separated with fireproof construction satisfactory to the fire commissioner; that the amount of Freon used in the system shall at no time exceed 170 lbs.; that no other type of refrigerant shall be substituted for the F-12 without the approval of the fire commissioner; that the window openings shall be maintained at all times so as to provide natural ventilation when required; that in all other respects the refrigerating system shall comply with the requirements of the Administrative Code applicable thereto and be maintained to the satisfaction of the fire commissioner.

299-38-A.

APPLICANT—Broad Channel Bathing Park, Inc., owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—West side of Cross Bay boulevard, 997 ft. south of 20th road, Broad Channel, Borough of Queens.

APPEARANCES—

For Applicant: E. A. Hammer.

For Administration: Inspector Meyer, Fire Department.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(299-38-A)

WHEREAS, the Broad Channel Bathing Park, Inc., owner, filed on April 22, 1938, an appeal from an order of the fire commissioner, affecting premises west side of Cross Bay boulevard, 997 ft. south of 20th road, Broad Channel, Borough of Queens; and

WHEREAS, the order of the fire commissioner, No. 74834-LC, dated March 29, 1938, reads as follows:

"With reference to your application dated March 19, 1938, for a permit to store and use 5 cylinders of liquefied chlorine at premises located at Cross Bay boulevard and 22nd road, Broad Channel, Queens, please be advised that this department is without power to grant such a permit for the reason that a recent inspection shows that the premises are used as a place of public assembly in violation of chapter 19, title C, part 1, article 17, which reads as follows:

'No permit shall be issued for the storage or use of liquefied chlorine in any building used for a hotel, lodging house, tenement house or dwelling or in any building, lot or enclosure located within 50 feet of the nearest wall of a building occupied as a hospital, school, theatre or other place of public amusement or assembly.'

You are therefore ordered to remove all cylinders of liquefied chlorine from the premises and to discontinue the further storage and use of liquefied chlorine gas on said premises."

and

WHEREAS, the building is one story, 9 ft. in height, 20 ft. by 9 ft. in area, fireproof constructed; erected in 1933; located in an undetermined district and used for the storage of chlorine in connection with the swimming pools located on same plot, which is approximately 18 acres in area; and

WHEREAS, the applicant contends that it operates swimming pools located on the corner of Cross Bay boulevard and 22nd road in Broad Channel, Borough of Queens, and is obliged under the regulations of the Board of Health of the City of New York to maintain a residual of chlorine in the pools at all times; that he can only do this if he can use and store chlorine.

Resolved, that the order of the fire commissioner, No. 74834-LC, be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition,* permitting the use and storage of not over 5 cylinders of liquefied chlorine, no cylinder to exceed 150 lbs. capacity; that these cylinders, during the period the swimming pools are in operation, shall be stored in a fireproof building with fixed windows and closely fitting door; that the cylinders when stored shall be in upright position and securely held in place by metal braces; that when being drawn from, the chlorine shall be fed through a Wallace & Tiernan, or equal, mixing valve; that there shall be installed a 1 inch line connected from the water service with an open shower bath type sprinkler head over the cylinders when stored or in use; that this sprinkler system shall be controlled by a valve located on the exterior of the building; that this fireproof building shall be not nearer than 50 ft. to any part of the pool or place where people are assembled; that a gas mask, as approved by the Bureau of Mines for use on liquefied chlorine shall be maintained on the exterior of the building in a proper cabinet, so as to be available at all times; that a proper sign shall be placed on the building, warning persons from entering; and that the person in charge shall hold a certificate of fitness from the fire commissioner.

MINUTES

312-38-A.

APPLICANT—William A. Blecher, for Valadas Rapeika and Helen Rapeika, owners.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—102-23 89th avenue, north side, 202 ft. east of 102nd street (Block No. 9288, Lot No. 133), Richmond Hill, Borough of Queens.

APPEARANCES—

For Applicant: William A. Blecher.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(312-38-A)

WHEREAS, William A. Blecher, for Valadas and Helen Rapeika, owners, filed April 28, 1938, an appeal from a decision of the borough superintendent, affecting premises 102-23 89th avenue, north side, 202 ft. east of 102nd avenue (Block No. 9288, Lot No. 133), Richmond Hill, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated April 25, 1938, re Alt. Applic. No. 2025-38, reads:

"The construction of an extension to a frame dwelling within 2 ft. of a side lot line is contrary to section 4.1.5 of the Building Code."

and

WHEREAS, the building is 2½ stories, 24 ft. in height, 20 ft 5 in. by 34 ft. 5 in. in area, of frame construction, located in a residence "C" area district, erected in 1913 and occupied as follows: Cellar—heating plant; 1st floor dwelling—one family; 2nd floor—same; and

WHEREAS, applicant requests permission to erect a one-story frame addition and cellar the full width of the existing structure; the existing structure being 6 inches from the lot line on one side and 9 ft. and 1 inch from the lot line on the other side. The combined distances from lot lines 9 ft. and 7 inches which is more than the minimum required under Sec. 4.1.3 of the Building Code. If this permission is not granted it will mean that the room will have to be decreased in width and make same very small; that plans for a similar alteration in another building were filed on February 23rd, 1938, Alt. 977-1938; that structure and its new addition being ten and three-quarters of an inch from the lot line; that these plans, Alt. 977-1938, were approved on March 15th, 1938; that on the strength of that approval, Mr. Rapeika was advised that the extension could be built the full width of the existing structure and thereafter he purchased the property.

Resolved, that the decision of the borough superintendent, in acting on Alt. Applic. No. 2025-38, be and it hereby is *modified,* and that the appeal be and it hereby is *granted, on condition* that the wall above grade of the extension adjacent to the side building line shall be constructed in accordance with the requirements of the Building Code for frame construction outside of the fire limits, C 26-248.0 (4.1.3, subdivision C), provided that there shall be no openings in this wall to the adjoining premises and that the proposed extension will not exceed one-story in height above grade; that the extension shall not exceed in area that shown on the plans filed with the alteration application and in no event beyond what is permitted under the zoning resolution, and granted only so long as the intervening space between this building and the buildings on the adjoining lots on either side shall be not less than 9 ft.; and that in all other respects the building and occupancy shall comply with all laws, rules and regulations applicable thereto.

80-38-A.

APPLICANT—Harry A. Wagner, part owner.

SUBJECT—Application for consideration—reopening and amendment—re Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—147-08 46th avenue and 46-05 Parsons boulevard, southeast corner (Block No. 5452 (1230), Lot No. 3), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Sidney P. Bates.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(80-38-A)

WHEREAS, Otillie Miller, adjoining owner, filed on February 9, 1938, an application for a revocation of certificate of occupancy, affecting premises 147-08 46th avenue and 46-05 Parsons boulevard, southeast corner (Block No. 5452, old Block 1230, Lot No. 3), Flushing, Borough of Queens; and

WHEREAS, the decision of the acting borough superintendent, Department of Housing and Buildings, Queens, dated January 10, 1938 (Correspondence No. 4964(37), reads as follows:

"A letter dated January 7, 1938, signed by one Otillie Miller and yourself, relative to the above-mentioned premises, is hereby acknowledged.

"Please be advised that, under the provisions of Sec. 646, subd. G of the Greater New York Charter, I am without power to revoke certificate of occupancy No. 2730, affecting the above premises.

"The power of revocation lies with the Board of Standards and Appeals, Municipal Building, New York City."

and

WHEREAS, the building in question is 1½ stories, 15 ft. in height, approx. 20 ft. by 14 ft. in area, located on a plot fronting 108.12 ft. on Parsons boulevard and 70.71 ft. on 46th avenue, Queens, located in a residence use "F" area district, erected prior to 1907 and occupied since December 28, 1937, as follows: 1st floor—store; 2d floor—store, for which certificate of occupancy No. 2730-37 was issued December 10, 1937, permitting the occupancy of a 1½ story frame building as a store; and

WHEREAS, the applicant contends that the property in question was located in a residence district since prior to zoning in 1916; that the original plot consisted of lots 1 and 2; that the old building as it existed on lot 2 in the rear was built subsequent to the owner's purchase in 1906 and in violation of private restrictions contained in the deed; that the original building located on lot 2 in the rear was a mere shack, built for use as a real estate office and was intended only for temporary use; that the private restrictions in the deed expired January 1, 1915, and the existing building remained and was used in a residential area until 1916; that on July 25, 1916, when the plot was zoned for residence, the original building became a non-conforming use; that some time between 1920 and 1925 said building was removed from lot 2 in the rear, after being partly dismantled and was reconstructed upon an entirely new foundation on

lot 1 on the corner; that this moving and reconstruction was done without a permit or certificate of occupancy and was therefore unlawful; that the commissioner of buildings has no discretion or power to vary the use from one lot to another; that the only authority on which the commissioner of buildings could grant certificate of occupancy No. 2730 would be section 6 of the zoning resolution; that the present building on the corner was not an existing building on lot 1 on July 25, 1916; that the change of non-conforming use could only be accomplished where said non-conforming use was lawful and the commissioner of buildings had no power whatever under section 6 or any other section to grant a certificate of occupancy for use as a store under the amended building zone resolution; and

WHEREAS, the premises were the subject of an inspection by a committee of the board, report of which was read at this hearing and which report follows:

REPORT OF COMMITTEE

March 18, 1938.

Cal. No. 80-38-A.

147-08 46th street, 45-05 Parsons boulevard, Flushing, Borough of Queens.

This is an appeal for revocation of certificate of occupancy No. 2730, issued on December 1, 1937, for a store in a building formerly used as a real estate office. It appears that the one-story frame building in question was erected prior to zoning as an office for the real estate company which was engaged in selling the lots in the surrounding area. When zoning was adopted in 1916, the plot upon which this real estate office was located was placed within a residential use district of the most restricted "F" area. The building was continued as a real estate office and around 1925 was changed in position on the lot and placed on a new foundation. This was done without a permit from the Department of Buildings and could not have been legally permitted under section 6. Recently the occupancy has been changed from office use to store use and the building is now so occupied.

The committee finds that this change of use from an office occupancy to a store occupancy cannot be permitted as a matter of right under section 6. There has been no application filed with this board for a zoning variance.

The committee recommends that the certificate of occupancy be revoked.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
PATRICK WALSH,
Committee.

and

WHEREAS, this appeal to revoke the certificate of occupancy was granted March 22, 1938, and owner of premises requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on March 22, 1938, so that as amended it shall read:

Resolved, that the decision of the acting borough superintendent of buildings be and it hereby is reversed and that certificate of occupancy No. 2730, be and it hereby is *revoked.* . . . in the event, however, that the building is not increased in height or area and is to be occupied solely for the use as previously (prior to 1916)—as a real estate office, a Certificate of Occupancy for such use may be issued but such use shall not be further changed unless a zoning variance is granted by this board and that the term of such occupancy certificate shall be limited to *ten* (10) *years* from the date of this amended resolution; and, that all signs, other than a neat sign advertising the real estate office use, shall be removed and no other signs displayed.

VARIATIONS OF LABOR LAW

239-38-S.

APPLICANT—Ansonia Fire Prevention Engineering Co., Inc., for 115 Wooster Street Corporation, owner.

SUBJECT—Variation of the labor law as cited in an order of the commissioner of buildings and a decision of the borough superintendent of buildings.

PREMISES AFFECTED—115-121 Wooster street, west side, 101 ft. south of Prince street and 433 West Broadway (Block No. 501, Lot Nos. 11 and 20), Borough of Manhattan.

APPEARANCES—

For Applicant: George E. Green.

For Administration: Fred Dahlem, Department of Housing and Buildings; Inspector Maher, Fire Department.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(239-38-S)

WHEREAS, Ansonia Fire Prevention Engineering Co., Inc., applicant, for 115 Wooster Street Corporation, owner, filed on April 7, 1938, an application for a variation of the Labor Law as cited in an order of the commissioner of buildings of Manhattan and a decision of the borough superintendent, Department of Housing and Buildings, Manhattan, affecting premises 115-21 Wooster street, west side, 101 ft. south of Prince street and 433 West Broadway (Block No. 501, Lot Nos. 11 and 20), Borough of Manhattan; and

WHEREAS, the order of the commissioner of buildings, No. 30071-LD, dated September 22, 1936, reads as follows:

"An inspection of premises 115-17 Wooster street, 433 West Broadway, 119-21 Wooster street, Borough of Manhattan, shows that the following must be done to comply with the provisions of the Labor Law:

1. Enclose the interior stairways in No. 115-17 Wooster street and in 119-21 Wooster street from cellar to 3 ft. above the roof in fire retarded materials, as per section 271 of the Labor Law and Rules of the Board of Standards and Appeals.

2. Arrange the party wall fire escape at rear of buildings serving as required means of egress to comply with the Labor Law.

Among the defects noted are the following: (e)—No fireproof passageway from termination of fire escape to street (terminated on 2nd story)."

and

WHEREAS, the decision of the borough superintendent, dated March 9, 1938, reads as follows:

"You are advised that your request of rescindment of Order 30071-LD must be denied. This confirms our letter dated November 10, 1937."

and

WHEREAS, the building is six stories, 84 ft. in height, 100 ft. by 200 ft. in area; erected in 1896 and occupied as follows: Building No. 115-117 Wooster street: Cellar—boilerroom and storage, 1 person; 1st story—cutting cardboard, 2 persons; 2nd story—cutting metal moldings for automobiles, 4 persons; 3rd story—stockroom for infant's wear, no persons; 4th story—storage, office and cleaning of infant's wear, 10 persons; 5th story—manufacturing embroidery, 12 persons; 6th story—storage of machine baled woolen clippings, no persons. Building No. 119-121 Wooster street: Cellar—storage; 1st floor—office, shipping and receiving; 2nd floor—storage of machine baled woolen clippings; 3rd floor—same; 4th floor—manufacturing infants wear, 30 persons; 5th floor—machine baling of woolen clippings. Entire building, with the exception of

4th story is occupied by one tenant with 11 persons throughout. Building No. 433 West Broadway is occupied throughout for the storage of woolen clippings by one tenant, 11 persons throughout, the same tenant occupying cellar story, 1st, 2nd, 3rd and 5th stories of No. 119-21 Wooster street. No certificate of occupancy has been issued. The building is equipped with a sprinkler system, three interior stairs, which extend from the top story to the street and are 36 in. wide of wood construction, enclosed in wood studs and plaster, equipped with wood doors; there are three fire escapes which extend to the roof by ladder and to the street by sliding drop ladders. The windows on the course of the fire escape at the rear of the Wooster street section are fireproof, self-closing. The windows on the course of the other two fire escapes are wood sash, glazed with plain glass. The building to the north is one and two stories lower and to the south, one story lower; and

WHEREAS, the applicant contends that similar orders placed on these premises were modified by the Labor Dept. in a resolution adopted May 29, 1916; that the requirements of the resolution, which called for the erection of a fire wall dividing No. 119-121 Wooster street and 433 West Broadway, were compiled with under approved Alt. Applic. No. 1649-1916; that the reissuance of these orders is due solely to the fact that the occupancy in No. 115-117 Wooster street was changed from a one-tenant occupancy into a tenant factory; that, however, No. 119-121 Wooster street was changed from a tenant factory into a one-tenant occupancy with the exception of the 4th floor, which is occupied by the tenant of the 4th floor in No. 115-117 Wooster street; that the entire building at No. 433 West Broadway is occupied by the same tenant who occupies practically all of No. 119-121 Wooster street; that in addition to the interior stairways and fire escape in question there is a sub-standard fire escape on the West Broadway side and another substandard party fire escape on the Wooster street side; that the buildings are also equipped with sprinkler systems supplied by gravity and pressure tanks; that the sprinkler system is equipped with central office waterflow alarms; that in view of the fact that the general occupancy of these buildings has remained the same for a number of years past, and in view of the numerous exits and the further fact that these buildings are sprinklered, this application should be granted.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law, and that the application be and it hereby is *granted*, as to Order of the commissioner of buildings, No. 30071-LD, permitting the plot to be occupied as a tenant factory, *on condition* that the modification of the Labor Law as granted by the State Industrial Commission on May 29, 1916, shall be complied with; that in all other respects the building and occupancy shall comply with the Labor Law and all other laws, rules and regulations applicable thereto; that the sprinkler system shall be maintained in accordance with the Rules of the Board of Standards and Appeals; that the water flow alarm shall be maintained and central office alarm shall be maintained; that the sub-standard fire escape shall be maintained in serviceable and safe condition, as permitted by the modification granted by the State Industrial Commission and that the occupancy per section shall be limited to the legal capacity of the primary means of exit without extra allowance for the sprinkler system.

634-28-S.

APPLICANT—Sidney L. Strauss, for Addie A. Steeger, owner.

SUBJECT—Application for consideration—reopening and amendment—Variation of the labor law as cited in an order of the commissioner of buildings.

PREMISES AFFECTED—142-154 East 32nd street, south side, 95 ft. east of Lexington avenue (Block No. 887, Lot No. 64), Borough of Manhattan.

APPEARANCES—

For Applicant: Sidney L. Strauss.

For Administration: Inspector Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(634-28-S)

WHEREAS, Sidney L. Strauss, for Addie A. Steeger, owner, filed July 26, 1928, a petition for a variation from the requirements of the labor law, as cited in orders of the fire commissioner, affecting premises 142-154 East 32nd street, south side, 95 ft. east of Lexington avenue (Block No. 887, Lot No. 64), Borough of Manhattan; and

WHEREAS the orders of the fire commissioner, dated June 18, 1928, read:

"Order No. 39164-LD:

"1. Enclose the interior stairway at west side of building, serving as a required means of exit, and the landings, platforms and passageways connecting therewith on all sides with partitions of fire resisting material extending continuously from the 1st story to 3 ft. above the roof, constructed as per Sec. 271 of the Labor Law or carry out a proper alternative method of complying with the requirements of Sec. 271 of the Labor Law.";

and

"Order No. 39166-LD:

"1. Provide free and unobstructed passageway 36 in. wide so as to connect interior stairways east and west sides of building. Sec. 271 of the Labor Law.";

and

WHEREAS, the building is fireproof, six stories (70 ft.) in height, 108 ft. 4 in. by 89 ft. in area; OCCUPIED: 1st story, warehouse, 11 persons; 2nd story, printing and manufacture of art objects, 39 persons; 3rd story, printing, 26 persons; 4th story, laboratory, 43 persons; 5th story, printing and manufacture of art novelties; 28 persons; 6th story, manufacture of furniture, 17 persons; EQUIPPED with a fire alarm signal system; EXITS: two interior fireproof stairways, extending from the first story to roof; easterly stairway enclosed in fireproof partitions with fireproof doors at openings; the westerly stairway opening on each story to a public stair and elevator hall which is enclosed with fireproof partitions with fireproof doors at the openings therein; a fire escape on the rear of the building, having fireproof openings along the course thereof, extending from the roof to the first story balcony, with EGRESS from the termination of the fire escape by means of a door leading into the premises at the rear; ROOFS of adjoining buildings: to west, 20 ft. lower; and

WHEREAS, petitioner, in view of the presence of the existing fire escape on the rear of the building, requests the acceptance of existing conditions.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on November 27, 1928, so that as amended it shall read:

"*Resolved*, that the order of the fire commissioner, Order No. 39166-LD, Item 1, be and it hereby is *affirmed*, and that the petition as to this order be and it hereby is *denied*.

Resolved, further, that the Board of Standards and Appeals does hereby *make a variation* in the require-

ments of the labor law, and that the petition be and it hereby is *granted,* as to Order No. 39164-LD, Item 1, affecting the westerly stairs, *on condition* that the public corridor enclosing stairs shall be constructed of fireproof material with openings therein equipped with self-closing fireproof doors, opening out; that the non-fireproof partitions, as indicated on revised plans marked 'Received March 22, 1938', and enclosing spaces within tenants' areas for office or showroom work only may be permitted to remain *for a period not exceeding two* (2) *years* from the date of this amended resolution, provided such partitions are reduced in height to not over 7 ft.; that the resolution adopted by the board on November 27, 1928, shall be complied with in all respects and no further non-fireproof partitions shall be constructed in any part of the building; and that the occupancy of the building shall not exceed the occupancy as stated in new application form marked Received April 27, 1938'."

APPLIANCES SUBMITTED FOR APPROVAL

99-38-SA.

APPLICANT—Conran Standpipe Company, Inc., owner.
SUBJECT—Conran System of Mono Rail Nozzles, approval of.
APPEARANCES—
For Applicant: William F. Conran.
ACTION OF BOARD—Appliance approved in accordance with report of committee of the board.
THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(99-38-SA)

WHEREAS, Conran Standpipe Company, Inc., owner, filed February 17, 1938, an application with the Board of Standards and Appeals for approval of their system known as the Conran System of Mono Rail Nozzles; and

WHEREAS, this system was referred to the engineer of the board for test and report; and

WHEREAS, the report of the committee of the board of which the engineer was a member was substantially as follows:

The Conran systems of Mono Rail Nozzles consist of a nozzle in ring form with a number of small jets discharging water in a general rearward direction, the jet reaction propels the nozzle forward with its supply hose along an overhead supporting rail. The nozzle is of bronze and the rail of iron or steel. The rails may be installed on the underside of the deck or floor of a pier or wharf running across its width at intervals of about 25 ft. so as to permit fighting of a fire in what is now an inaccessible place for fire-boat or other hose streams.

Application is made to the Board of Standards and Appeals for approval of this device in New York City so that under the provisions of section 487B and section 490-2 of the Charter, the fire commissioner may use such apparatus where conventional fire-fighting means cannot be used due to substructure obstructions, water to be supplied to the apparatus from fire-boats, engine companies, standpipes, pumps, tanks or City water mains capable of supplying 60 lbs. pressure per square inch at the nozzle coupling.

The device was tested by the Underwriters' Laboratories and was approved Guide No. 2590 Laboratories File No. EX1222.

The committee believes that there is danger of corrosion of the rail when exposed to salt water and that definite provision must be made to prevent this.

It is recommended that the Conran Mono Rail Nozzle system be approved for use in New ork City on certain conditions.

(Signed) BERNARD A. SAVAGE,
Commissioner.
LESLIE V. HUBER,
Engineer.

Resolved, that the Board of Standards and Appeals does hereby approve the Mono Rail Nozzles for voluntary installations for fighting fires under piers and wharfs when constructed and installed in accordance with the above report and on the following conditions:

1. The protected area covered by a single unit of the device shall not exceed 50 feet in width.
2. If the water supply is from a land source the pressure shall be checked for the required 50 lbs.
3. The nozzle and jet tips shall be of bronze and shall be capable of discharging 500 gallons per minute at 50 lbs. pressure.
4. A ladder with hooks adjusted to fit string piece of wharf shall be provided for each side of pier for purpose of operating the device.
5. The rails and mono-rail wheels shall be frequently painted with saltwater resisting paint and the trolley carrier wheels shall be of the dust and corrosion-proof type, equipped with bronze bushings, lubricated with graphite.
6. Any hose couplings used shall be fire department standard 2½ inch hose couplings.
7. An enamel sign with white letters on a red background shall be provided along the string piece of pier indicating that the pier is protected by the mono-rail system and the fire department shall be notified of each installation.
8. The device shall be tested at frequent intervals so as to indicate that it is in operating condition at all times.
9. The device shall bear a label permanently attached thereto reading "Approved by the Board of Standards and Appeals for use in New York City under Cal. No. 99-38-SA."

130-38-SA.

APPLICANT—Wm. H. Stevens, for Security Fire Door Company, owner.
SUBJECT—Electro-Mechanical Interlock, Type PA—approval of.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Appliance approved in accordance with report of committee of the board.
THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(130-38-SA)

WHEREAS, Wm. H. Stevens, agent for the Security Fire Door Company, owner, filed March 2, 1938, an application with the Board of Standards and Appeals for approval of the device known as Electro-Mechanical Interlock, Type PA; and

WHEREAS, this device was submitted to the engineer of the board for test and report. The report of the committee of the board of which the engineer was a member on this device, is as follows:

The interlock consists of a box in which the contacts are mounted. The open side is covered with a No. 18 U.S. gauge plate fastened to the box with four screws. The stationary contacts are made of ⅜ in. square copper bars that are riveted to a 3/16 in. x ⅝ in. x 2⅛ in. bakelite block. This assembly is attached

to steel angles by screws, using mica plate insulation between the bakelite block and the steel angle. The steel angles are fastened to the box with screws. The movable contact bars are made of 1/8 in. x 3/8 in. copper bars and are mounted on 3/16 in. x 1/4 in. steel pins, which are riveted to bakelite blocks. There is a bronze compression spring placed between the contact bar and a steel washer resting against the bakelite block. This contact bar is held in place by means of a cotter pin at the end of the steel pin.

This contact bar is mounted on steel angles, using mica plate insulator between the bakelite block and the steel angle. The steel angles are fastened to a malleable iron slide bar, which is made to move upward or downward by means of the mechanism in the upper end of the interlock, so that a circuit can be opened or closed at the contacts.

The upper end of the slide bar is made into a hook to engage a lug on the malleable iron crank plate. The crank plate is pivoted on a stud fastened in the side of the box. This crank plate is also provided with a crank pin to engage a malleable iron forked lever which is clamped to a shaft. This shaft is journaled in the two sides of the box and projects sufficiently outside of the box to allow a malleable iron lever to be clamped on the shaft. A lock lever is provided with an adjustable roller lever made of steel. This lock lever has a fibre roller to engage a cam fastened to the elevator cam.

A bronze compression spring is placed between a projection on the box and the lever, so that the lever will be forced to its outward position and slide bar to its upward position.

A lock bar made of steel is attached at its lower end to the door arm and is supported in a guide plate on top of the box so that it will move downward in front of the interlock as the door is being opened. The lock bar is provided with a lost to engage the lug on the lock lever so that the door will be closed in the closed position.

OPERATION OF INTERLOCK

As the elevator car approaches a floor landing, the cam will engage roller on lever, causing lever to move inward so that lug will clear slot in lock bar. The door is then unlocked and can be opened. The inward movement of lock lever will cause the forked end of lever to also move inward and as the forked end of lever engages crank pin on crank plate it wil' cause crank plate to rotate on pivot. The lower edge of crank plate which is in contact with the slide bar will cause slide bar to move downward and one set of contacts will be opened and the other set of contacts will be closed, establishing a closed circuit in the power lines to the door operator motor, so that the door operator will function when the door opening push button is pushed.

The lock bar will be pulled down with the door in the act of being opened, and will maintain the lock lever in its inward position so that certain circuits cannot be opened and other circuits cannot be closed until the door is again closed and locked.

One circuit is used for the elevator control circuit when a retiring cam is used on the car and the cam must be retired to establish a closed circuit to allow the elevator equipment to function and move the car.

When a stationary cam is used on the car, it will be necessary to use a contact, and cam which is attached to the door arm will close the circuit in contact when the door is closed and as the car with the stationary cam is moved away from the landing the door will be locked immediately.

There are two steps on the lug to engage slot in lock bar. When slot engages the top or upper step on lug, the door is locked and circuit closed at contact or any other contact when slot engages the lower step on lug. Then the door is locked with both circuits open. Consequently the door must be completely closed before the elevator car can be moved.

It is recommended that the device known as the Electro-Mechanical Interlock Type PA be approved for use with elevators in New York City on condition that the device shall be constructed and installed in accordance with the above report and on condition that the device shall bear a label permanently affixed thereto reading "Approved by the Board of Standards and Appeals for use in New York City under Cal. No. 130-38-SA."

(Sgd.) CHARLES M. BLUM,
Commisioner.
LESLIE V. HUBER,
Engineer.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Electro-Mechanical Interlock Type PA, constructed as specified and tested, for use in New York City as required under the provisions of C26-897.0 (13.2.3.1.2) B.C., C26-907.0 (13.2.3.2.1), B.C., *on condition* that the device bear a label permanently affixed thereto reading:

NOTICE
Approved by the
BOARD OF STANDARDS AND APPEALS
For use in New York City
UNDER CAL. No. 130-38-SA.

205-38-SA.

APPLICANT—Abraham Semless, agent, for The Philadelphia Drying & Machinery Co., owner.

SUBJECT—PDM Low Pressure Oil Burner—approval of.

APPEARANCES—
For Applicant: None.

ACTION OF BOARD—Appliance approved in accordance with report of the engineer of the board.

THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(205-38-SA)

WHEREAS, Abraham Semless, agent for The Philadelphia Drying Machinery Co., owner, filed March 28, 1938, an application with the Board of Standards and Appeals for approval of the device known as the P.D.M. Low Pressure Oil Burner; and

WHEREAS, the device was submitted to the engineer of the board and the division of combustibles of the fire department for test and report; and

WHEREAS, the report of the engineer of the board, supplementary to that of the representatives of the division of combustibles, was substantially as follows:

This oil burner is of the low pressure air atomizing type and was installed in a bake oven.

The burner is of the manual operated type and consists only of a burner head. The burner head is of a specially L shaped brass casting. The lower leg of the L is connected to the air supply line and the oil is admitted to an inner chamber of the casting on the outer side of the burner.

The air and oil mixed in the head is expelled from the orifice of the burner in a fine mist.

This burner is of the fully manual type and has an expanding gas pilot light for ignition purposes.

The air is supplied by means of a blower and the oil pressure by means of an approved Viking pump set.

This burner was operated and tested and was found to operate as designed. It is therefore recommended

that the P.D.M. Low Pressure Oil Burner be approved for manual operation only in commercial and industrial installations when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals, when used with fuel oil not heavier than No. 5 U. S. Department of Commerce standards.

Resolved, that the Board of Standards and Appeals does hereby approve the device known as the P.D.M. Low Pressure Oil Burner for use in commercial and industrial installations for manual operation with fuel oil not heavier than No. 5 U. S. Department of Commerce standards when installed in accordance with above report and the Oil Burner Rules of the Board of Standards and Appeals, *on condition* that the device shall bear a label permanently affixed thereto, reading as follows:

APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. No. 205-38-SA.

23-37-SA.

APPLICANT—Michael Kliegman, for Silent Heet Oil Burner Co., owner.

SUBJECT—Application for reopening — amendment — change of name — re Silent Heet Oil Burner, Models A, B and E.

APPEARANCES—
For Applicant: Michael Kliegman.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(23-37-SA)

WHEREAS, Michael Kliegman of Silent Heet Oil Burner Co., for Quiet Heet Mfg. Corp., owner, filed January 21, 1937, an application with the Board of Standards and Appeals, for approval of the device known as the Silent Heet Oil Burner, Models A, B and E; and

WHEREAS, the device was submitted to the engineer of the board and the Division of Combustibles of the Fire Department for test and report; and

WHEREAS, the report of the engineer of the board supplemented by that of the representatives of the Division of Combustibles was substantially as follows:

The burner under test and inspection was a Model B. This burner was installed in a conventional type steam heating plant, used for domestic purposes. It is of the pressure atomizing gun type, consisting of a Robbins & Meyer or General Electric 1/6 H.P. motor, a Sirocco type fan, a Webster fuel unit, consisting of pump, strainer and regulating valve and a Harsch nozzle.

Ignition — Electric — Webster transformer, 110 to 10,000 volts.

Controls—Minneapolis-Honeywell Protecto-Relay R-117-3 and Pressuretrol L-404.

The Models A and E are identical with the above model with the exception that the Model A has a square base and the transformer is mounted directly upon the top of the blower. The Model B has a round base with the transformer at the side. The capacity of these burners is from 1½ to 3½ gallons per hour. With the oil supply shut off and a cold combustion chamber, the burner was operated and the controls on two successive tests shut the burner down in 90 and 94 seconds respectively. The burner was then put in normal operation for a period of approximately 1 hour. The controls functioned as designed. During the period of test there were no flare backs due to faulty ignition, the flame was clean and free of soot and smoke and examination of the combustion chamber showed no undue carbon deposits.

As a result of this inspection and test, it is recommended that the Silent Heet Oil Burner, Models A, B and E be approved for domestic and commercial use when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals with fuel oil not heavier than No. 3, U. S. Dept. of Commerce standards.

and

WHEREAS, this device was approved May 11, 1937, and on May 25, 1937, the resolution was amended to permit the marketing of the burner under the names Edison, Stromberg and Ideal, Models A, B and E on June 22, 1937, the resolution was further amended to include the name, Benat Oil Burner Models A, B and E and on July 13, 1937, the resolution was further amended to include the names, Creveling, Hillcrest, Sun-Glo, the Capitol Oil Burner, and the Master Gulf Oil Burner, Models A, B and E; and

WHEREAS, the applicant now requests a further amendment of the resolution, to permit the marketing of the Silent Heet Oil Burner, Models A, B and E, under the additional name of Mazda Oil Burner, Models A, B and E.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Silent Heet Oil Burner, Models A, B and E for domestic and commercial installations, when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals, and when used with fuel oil not heavier than No. 3, U. S. Dept. of Commerce standards, *on condition* that there shall be permanently attached to each burner installed a laber reading:

NOTICE
Approved by the
BOARD OF STANDARDS AND APPEALS
For use in New York City
UNDER CAL. No. 23-37-SA.

Resolved further, that this device may also be marketed under the names of Edison Oil Burner, Models A, B and E, as the Stromberg Oil Burner, Models A, B and E, as the Ideal Oil Burner, Models A, B and E, as the Benat Oil Burner, Models A, B and E, as the Creveling Oil Burner, Models A, B and E, as the Hillcrest Oil Burner, Models A, B and E, as the Sun-Glo Oil Burner, Models A, B and E, as the Capitol Oil Burner, Models A, B and E, as the Master Gulf Oil Burner, Models A, B and E, and as the Mazda Oil Burner, Models A, B and E, provided that under whichever name marketed the requirements herein shall be complied with.

Adjourned, 5.30 P. M.

EDWARD V. BARTON, *Chief Clerk*

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*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, April 5, 1938, as they appeared in Bulletin No. 15, Vol. XXIII are hereby corrected to read as follows:

THE RESOLUTION—

(528-37-BZ)

WHEREAS, Jacob Morgenthaler, for Jacob Morgenthaler's Sons, owner, filed November 5, 1937, an application under the building zone resolution to permit in a business use

district the alteration of a garage for more than five (5) motor vehicles (granted by the board) by the removal of a portion thereof and the extension over the plot of an existing gasoline service station with the conversion of a portion of the premises to a brake-testing station; Premises: 164-176 Fourth avenue and 334-344 Douglass street, southwest corner (Block No. 420, Lot No. 34 and part of Lot No. 37), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, April 5, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 4th avenue is in a business use district; Douglass street is in an unrestricted and business use district, and Degraw street is in an unrestricted and business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered January 28, 1938, re App. No. 17650-1937, reads:

"1. Extending gasoline station in a business zone is contrary to article II, section 6, zone resolution and contrary to Cal. No. 795-23-BZ.

"2. Brake testing in a business zone contrary to Board of Standards and Appeals decision."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 90 ft. on 4th avenue, 100 ft. on Douglass street and a distance of 60 ft. along the west lot line, upon the north portion of the premises there is located a one story building having a frontage of 60 ft. on 4th avenue and 100 ft. on Douglass street occupied as a garage for more than 5 motor vehicles; motor vehicle repair shop and auto showrooms (on the 4th avenue front) granted under Cal. No. 795-23-BZ. There is also located on the plot a gasoline service station—plans for same approved on May 23, 1934; premises described as beginning at a point on the west side of 4th avenue, 60 ft. south from the intersection of Douglass street; running thence south 75 ft., thence west 15 ft., thence north 75 ft., thence east 15 ft. to point of beginning. It is proposed to construct a masonry wall at a point 42 ft. east of the west wall of the existing garage and to use this part of the building as a garage for more than five motor vehicles; to erect another wall at a point of 25 ft. 6 in. south of above noted proposed wall and to use this part of the existing building as lubritorium and brake testing space; to erect a boiler room to south of this area; to discontinue the south portion (40 ft.) of the existing gasoline station; to remove the east (32 ft.) section of the existing building and to increase the area (to the west) of the existing gasoline station so that the area of the station will be 32 ft. on Douglass street, 90 ft. on 4th avenue and a distance of 40 ft. along the south lot line; and

WHEREAS, the board deemed after inspection and consideration, that in view of the action under Cal. No. 795-23-BZ, under which the portion of the premises at the southwest corner of Douglass street and Fourth avenue, then occupied in part as a gasoline station, was permitted to be used as a garage, motor repair shop and showroom, and in view of the proposal to combine a part of the area to the south now used as a gasoline station and to discontinue a part for a distance of 40 ft. along Fourth avenue, now so used, and to devote that part to a conforming use in no way connected with the proposed rearranged station, that the present proposal under suitable conditions will be an improvement and is justified under the provisions of section 21 of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* as to Alt. App. 17650-37, permitting the premises for a distance of 90 ft. southerly along Fourth avenue from the corner formed by the intersection with Douglass street, and westerly for a distance of 40 ft. along the interior lot line, thence northerly parallel to Fourth avenue for a distance of 30 ft., thence westerly 18 ft., thence northerly for a distance of 60 ft. to Douglass street and along Douglass street for a distance of 59 ft. to the intersection with Fourth avenue, to be occupied as a gasoline service station, *on condition* that there shall be constructed an unpierced masonry wall to separate the gasoline station from the garage portion to the west to be continued as such and for motor vehicle repairing, as permitted under Cal. No. 795-23-BZ; that all buildings and structures shall be removed from the proposed gasoline station area, except that a portion of the existing garage building easterly from the above required masonry wall may be reconstructed as the accessory building for car washing and greasing, office, toilets and storeroom; that such reconstruction shall be of fireproof materials, except that the roof beams and roof boarding, door frames and doors may be of wood, provided there are no exterior windows or other openings to adjoining premises not included within the gasoline service station, and provided the ceilings throughout are fire-retarded in compliance with the rules of the Board of Standards and Appeals; that any skylights shall be of metal frames; that any mezzanine space may be used for light storage of non-combustible materials only; that all greasing equipment shall be of the hydraulic type; that the heater room shall be constructed of fireproof materials, separated from the accessory building and enterable from the exterior only; that the floor of the accessory building and the entire gasoline selling area shall be cement paved; that all greasing pits shall be discontinued and filled to grade; that there shall be erected on interior lot lines where walls of accessory buildings and heater room do not occur, masonry walls continuously to Fourth avenue; that such walls shall be not less than six feet in height, except that at the Fourth avenue building line, the height may be four feet and ramped or stepped up to the six-foot height within a distance of 8 feet; that no gasoline pumps shall be erected nearer than fifteen (15) feet from either street building line; that pumps shall have masonry pedestals, as approved for parkway use to a height of approximately four (4) feet; that gasoline storage tank and piping installation shall be of new materials; that curb cuts shall not exceed two (2) from Fourth avenue, each not exceeding thirty (30) feet in width and one from Douglass street not exceeding twenty-five (25) feet in width; that no part of any curb cut shall be nearer than five (5) feet to any lot line as extended nor to the street intersection; that there shall be constructed and maintained a concrete curb not less than twelve (12) inches in height at the intersection of the street lines and extending five (5) feet along each street line; that all existing curb cuts not herein permitted, except for existing entrance to garage, shall be restored; that new concrete sidewalks shall be constructed; that signs shall be restricted to a permanent flat sign erected upon the front of the accessory building and to the illuminated globes of the gasoline pumps and to one post standard erected within the building lines near the street intersection for support of a sign which may be illuminated, advertising only the brand of gasoline for sale and provided such sign does not extend over the building line for a distance of more than seven (7) feet; that there shall be no roof signs or temporary signs; that no portable gasoline tanks shall be used; that there shall be no repairing carried on or parking of cars other than those being serviced; that working plans marked "Received March 31, 1938" when corrected to comply with the requirements of this resolution may be approved for general arrangement and design; that all permits shall be obtained and all work completed within one year from the adoption of this resolution.

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* Correction—The date of "March 13" changed to "March 31", in the sixth line from the bottom of the resolution.

RULES

EXTRACTS FROM CHAPTER 19, ARTICLE 18 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, RELATING TO REFRIGERATING SYSTEMS

ARTICLE 1.
General Provisions.

§C19-2.0. Definitions.

Unless otherwise expressly stated, whenever used in this chapter the following terms shall respectively be deemed to mean:

34. Refrigerating system, a combination of apparatus in which a refrigerant is circulated for the purpose of extracting heat.

(a) The parts of the system are the compressor, generator, condensor, absorber, receiver, shell type or tube type apparatus, pipes, vessels, or other parts, containing refrigerant.

(b) Direct refrigeration, a system in which the refrigerant is circulated to the substance or space refrigerated.

(c) Indirect refrigeration, a system in which brine cooled by the refrigerant is circulated to the substance or space refrigerated.

(d) Refrigerant is the chemical agent other than brine used to produce refrigeration.

(e) Irritant refrigerant, any refrigerant which when breathed attacks the throat or lungs.

(f) Hydrocarbon refrigerants, any refrigerant of the hydrocarbon class.

(g) Flammable refrigerant, any refrigerant which will burn or explode when mixed with certain proportions of air.

(h) Refrigerating machinery room, a room in which is located a refrigerating system containing refrigerant, but not including expansion coils when located in cold storage rooms or expansion coils when located in refrigerator boxes.

(i) Factor of safety, the multiple three and one-third (3⅓), the product of which and the test pressure, constitutes the probable rupture pressure.

(j) Pressure imposing element, that apparatus which draws the refrigerant from the low pressure or low temperature side of the system and discharges it into the high pressure or high temperature side of the system.

(k) Pressure limiting device, a pressure or temperature responsive mechanism for automatically stopping the operation of the pressure imposing element.

(l) Brine, any liquid which having been cooled by the refrigerating system is used for the transmission of heat.

(m) Pressure relief device, a pressure relief valve, a rupture member, fusible plug or other approved device for relieving the pressure.

(n) Pressure relief valve, a valve held shut by a spring or other means to automatically relieve pressure in excess of its setting.

(o) Rupture member, a device that will automatically rupture at a pre-determined pressure.

(p) Liquid receiver, a vessel permanently connected to a system by inlet and outlet pipes for storage of a liquid refrigerant.

(q) Container, a cylinder for the shipment of refrigerant constructed to conform to the regulations of the Interstate Commerce Commission.

(r) Mixer, a vessel or device in a system for mixing the ammonia or other soluble vapor with water.

(s) Stop valve, a cut-off valve for use during normal operation.

(t) Service valve, a key-operated shut-off valve used only during shipment, installation or repairs.

(u) Fusible plug, a device having a predetermined-temperature fusible member for the relief of pressure.

(v) Public buildings, commercial buildings and residence buildings are buildings as so defined by Article 4, C26-235.0 of the Administrative Code of the City of New York.

(a) **Public Buildings.** Public buildings are structures or parts of structures in which persons congregate for civic, political, educational, religious or recreational purposes, or in which persons are harbored to receive medical, charitable or other care or treatment, or in which persons are held or detained by reason of public or civic duty, or for correctional purposes, including among others, court houses, schools, colleges, libraries, museums, exhibition buildings, lecture halls, churches, assembly halls, lodge rooms, club houses with more than five sleeping rooms, dance halls, theatres, bath houses, hospitals, asylums, armories, fire houses, police stations, jails and passenger depots.

(b) **Residence Buildings.** Residence buildings are structures or parts of structures in which sleeping accommodations are provided, except such as may for other reasons be classed as public buildings, including multiple dwellings as defined in the Multiple Dwelling Law.

(c) **Commercial Buildings.** Commercial buildings are structures or parts of structures, which are not public buildings or residence buildings, including among others, office buildings, factory buildings, salesrooms (stores), markets, restaurants, warehouses, freight depots, car barns, stables, garages, motor vehicle repair shops, factories, laboratories, smoke houses, grain elevators, coal pockets, central station power plants and electric sub-stations.

ARTICLE 3.
Bonds and Fees.

§C19-24.0. Fees for Permits.

Applicants for permits under the provisions of this chapter shall pay annual fees as follows:

35. Refrigerating systems:

Class A systems	$20.00
Class B systems	10.00
Class C systems containing over six pounds of refrigerant	5.00
Class C systems containing six pounds or less of refrigerant	1.00

ARTICLE 18.
Refrigerating Systems.

C19- 96.0. Permits.
C26-214.0. Supervision.
C19- 97.0. Classification.
C19- 98.0. Permissible locations.
C19- 99.0. Refrigerating machinery rooms and ventilation.
C19-100.0. Open flames and electrical equipment.
C19-101.0. Testing.
C19-102.0. Piping.
C19-103.0. Safety devices.
C19-104.0. Size of safety devices.
C19-105.0. Location and discharge of safety devices.
C19-106.0. Operating precautions.
C19-107.0. Equipment diagrams.

§C19-96.0. Permits.

(a) Except as hereinafter provided in this article it shall be unlawful to maintain or operate a refrigerating system without a permit.

(b) A permit will not be required for a Class C system when maintained or operated in the residence portion of a dwelling containing not more than two families, or in the residence portions of either a tenement house or a business building.

(c) It shall be unlawful to maintain or operate any refrigerating system employing a refrigerant other than those specified in this article without a permit issued upon such conditions, consistent with the provisions of this article, as are deemed by the fire commissioner necessary in the interest of public safety.

NOTE:—The Fire Chief and Commissioner prescribed under date of April 4, 1934, the following:

RULES

1. That the refrigerants dichlorodifluoromethane, known as "Freon" ("Kinetic No. 12" also "F-12") CCl_2F_2 also dichlorotetrafluoroethane ("F-114") $C_2Cl_2F_4$ and monofluorotrichloromethane ("F-11" $CFCl_3$ are non-flammable and non-irritant, unless otherwise hereinafter provided, and shall be regulated in accordance with the provisions of Article 18 of Chapter 10 of the Code of Ordinances, as such, except, when used in a room or rooms in which there is an open flame or apparatus to produce an open flame, when the provisions of said article covering irritant refrigerants shall apply.

2. That refrigerating systems employing F-11; F-12 or F-114 are restricted to parts of a building so specified in Section 219 (b) for refrigerants other than non-irritant and non-flammable.

3. That refrigerating systems employing F-11; F-12 or F-114 used for air conditioning are restricted to the indirect method except that the direct method may be used in parts of a building so specified in Section 219 (b) for refrigerants other than non-irritant and non-flammable.

4. That refrigerating systems employing F-11; F-12 or F-114 shall not be installed or maintained in or on the stairways, halls, lobbies, entrances, exits or auditoriums of any building.

5. That refrigerating systems employing F-11; F-12 or F-114, shall not be installed or maintained in a hospital, unless the entire system is confined in a fireproof machinery room, used for no other purpose, and in which no open flame shall be employed, except that the Class "C" system containing not more than 10 pounds of refrigerant may be used in a diet kitchen which shall be cut off from the rest of the building by a tight fitting self-closing door or doors and provided with a window or windows to the outside air. All open flames, and/or apparatus for producing an open flame, in diet kitchens where these refrigerants are used shall be vented to the outside air as herinafter required in Paragraph 8.

6. That refrigerating systems employing F-11; F-12 or F-114 may be installed or maintained in a hospital private room, having tight partitions and tight fitting self-closing door or doors and where not more than two persons are helpless and/or given medical treatment, provided there is no open flame and/or apparatus for producing an open flame in such room and when the system contains not more than 10 pounds of refrigerant.

7. That a refrigerating system employing F-11; F-12 or F-114 shall not be installed or maintained in a theatre and/or motion picture theatre unless the entire system is confined in a fireproof machinery room, used for no other purpose, and in which no open flame and/or apparatus to produce such open flame shall be employed.

8. That a refrigerating system employing F-11; F-12 or F-114 when used in a room or rooms in which there is an open flame or apparatus to produce such open flame, such open flame and/or apparatus shall be provided with a hood and independent mechanical ventilation so arranged as to convey all the products of combustion to the outside of the building. This provision shall apply only to diet kitchens of hospitals and to Class "C" systems in schools, churches, dance halls, court rooms, police stations, jails, asylums, subways, passenger depots, rooms opening into passenger depots and/or subways and such other places as are deemed by the Fire Commissioner necessary in the interest of public safety.

9. That each refrigerating machinery room in any building in which F-11; F-12 or F-114 are used, shall be maintained vapor-tight and provided with tight fitting, self-closing doors, in accordance with Section 220-1-(a).

10. That each refrigerating machinery room in which F-11; F-12 or F-114 is used, shall be adequately ventilated directly to the outside air in accordance with Section 220-(2) a-b-c and d.

11. Tests pressures and setting of safety valves for systems employing F-11, F-12 or F-114, shall be included in Section 222 (a) as follows:

Refrigerant	Column No. 1	Column No. 2	Column No. 3
F-11	25	15	15
F-12	180	120	135
F-114	60	30	30

12. That the size of pressure relief valves for systems in which F-11, F-12 or F-114 is employed, shall be as follows:

Capacity of System	Number Required
Up to 30 tons	One ½ inch
30 to 60 "	One ¾ "
60 to 100 "	One 1 "
100 to 175 "	One 1¼ inches
175 to 250 "	One 1½ "
250 to 450 "	One 2 "
450 to 900 "	Two 2 "

13. That the storage of F-11, F-12 or F-114 shall conform with Section 227-3 (e) for other refrigerants.

14. That all other sections or parts of Article 18 of the Refrigerating Code not so mentioned, shall be complied with.

15. That refrigerating systems employing F-11, F-12 or F-114, installed prior to May 19, 1932, shall be inspected, and if found to comply with the rules, or if in the opinion of the Fire Commissioner, the installations are of a non-hazardous character, a permit may be issued. Installations which have been made in hospitals, theatres, asylums and places of public assembly shall be made to comply strictly with these rules.

(d) A permit, where required, shall be applied for forty-eight hours after installation is completed, containing the name of the person for whom the system is installed and the place of location of the system.

(e) Only the refrigerant specified in the permit shall be used in the system.

(f) Refrigerating systems to which these provisions cannot be applied, may be maintained and operated subject to such conditions as are deemed necessary by the fire commissioner.

§C26-214.0. Refrigeration System Operators; Certificate of Qualification.

(a) It shall be unlawful to maintain or operate in any building any refrigerating system containing more than fifty (50) pounds of refrigerant except under the personal supervision, direction or control of either a duly licensed engineer or a person who has obtained a certificate of qualification from the superintendent to operate such a system. Where the system contains two hundred (200) pounds or less of refrigerant and is fully automatic, only one qualified operator will be required.

(b) It shall be unlawful to maintain or operate in a public building or exhibition hall any Class C system permitted for exhibition or demonstration purposes except under the personal supervision, direction or control of either a duly licensed engineer or a person who has obtained a certificate of qualification from the superintendent to operate such a system.

(c) Upon receipt of such certificate the applicant therefor shall pay an annual license fee as follows: For the initial fee $5, and for renewal thereof the sum of $1 provided application for such renewal be made for within thirty days prior to the expiration of such certificate. Any such certificate may be revoked or suspended for cause at any time by the superintendent.

§C19-97.0. Classifications.

(a) The total amount of refrigerant common to a system operating through one or more evaporators, shall be considered the capacity of the system and determine its class.

(b) A Class A system is a system containing one thousand (1,000) pounds or over of refrigerant, or capable of thirty (30) tons capacity or over.

(c) A Class B system is a system capable of less than thirty (30) tons capacity, or containing less than one thousand (1,000) pounds of refrigerant and more the amounts provided for in a Class C system.

(d) A Class C system is a system containing not more than twenty (20) pounds of refrigerant.

§C19-98.0. Permissible Locations.

(a) It shall be unlawful to install any Class A or Class B systems in any public building as defined by subdivision a of section C26-235.0 of the code, until plans have been filed with and approved by the fire commissioner, and no refrigerant shall be placed in the system until a permit has been obtained from the fire commissioner.

(b) The direct method of refrigeration shall not be used in any building, whether or not a permit is required for installation therein, outside of the refrigerating machinery room except in buildings used exclusively for ice making or for refrigerating purposes, or when such method is not carried above the first floor in business buildings, or in the business sections of business buildings provided the entire system is confined to one floor in the space occupied by a single tenant, or in the business section of a residence building when not carried above the first floor, or in a residence building occupied by not more than two families, or in any building provided a non-irritant and non-flammable refrigerant is used. The provisions of this subdivision shall not apply to a building in which installation was made prior to December 13, 1927.

(c) It shall be unlawful to use brine in any brine circulating system that will generate flammable vapor at a temperature below 100 degrees Fahrenheit when tested in a Tagliabue open cup tester, and no refrigerant shall be used as a brine.

(d) It shall be unlawful to install or maintain a Class A system using ammonia in any building above the first floor level unless such building is used exclusively for ice making or refrigerating purposes. The provisions of this subdivision shall not apply to a building in which installation was made prior to December 13, 1927.

(e) Systems on demonstration in exhibition halls shall be limited to the unit type containing not more than ten (10) pounds of refrigerant.

(f) It shall be unlawful to install or maintain a refrigerating system employing an irritant or inflammable refrigerant in or on:

1. The stairways, halls, lobbies, entrances, exits or auditoriums of any building;
2. Dance halls, court rooms, police stations, jails, subways, theatres, or motion picture theatres;
3. Waiting or public rooms in a railroad passenger depot or rooms opening directly therein;
4. Rooms opening directly into a subway, or theatre, or motion picture theatre, or where persons are detained or confined;
5. A school unless the refrigerating system is used exclusively for instructions or research purposes;
6. A hospital or asylum in which persons are confined or given medical treatment or helpless. Unless otherwise required by this section, such refrigerating system shall be cut off from the building by unpierced fireproof construction.

The foregoing provisions do not apply to hermetically sealed unit systems containing not more than six (6) pounds of refrigerant when located in dance halls, police stations, diet kitchens of hospitals, or laboratories, and when located in rooms shut off from the rest of the building by tight partitions and tight-fitting, solid, self-closing doors and located in a room having a window to the outside air.

(g) An intermittent absorption type of refrigerating machine shall not be permitted in a Class A system. Such a type of machine shall be permitted in a Class B system only when a heating medium of low pressure steam is used in its operation.

(h) The use of methyl and ethyl chloride, sulphur dioxide, or a hydro-carbon refrigerant will not be permitted in Class A systems.

(i) A Class B system using ethyl chloride or a hydrocarbon refrigerant shall not be installed or maintained in the Borough of Manhattan or in other built-up sections of the city. Elsewhere, it shall be installed or maintained only in a fireproof building of not more than one story in height, and shall be located on the ground floor, which shall be of unpierced fireproof construction. The refrigerating machinery room shall be cut off from the rest of the building by unpierced fireproof walls of not less than eight inches (8″) of brick or six inches (6″) of reinforced concrete. Direct exit therefrom leading to the open air and not to any other part of the building shall be maintained and shall be provided with vapor-tight, self-closing, fireproof doors.

§C19-99.0. Refrigerating Machinery Rooms and Ventilation.

a. Refrigerating machinery rooms.

1. All refrigerating machinery rooms in which an irritant refrigerant is used shall be maintained vapor-tight except that all doors which open to other parts of the building shall only be required to be self-closing and close fitting, and shall be kept closed at all times, except during entrance or exit. All other openings that may permit the passage of vapor to other parts of the building shall be vapor-tight and kept closed. No opening from elevator shafts shall be permitted in the refrigerating machinery room. This provision, however, shall not apply to dumbwaiter shafts the door openings of which are protected with self-closing fire doors or to a system containing less than six (6) pounds of refrigerant. Closets solely contained within and opening only into the refrigerating machinery room shall be considered as part of the room in which it opens.

2. In Class A and Class B systems in which an irritant refrigerant is used, the doors of the refrigerating machinery rooms shall open outwardly.

b. Ventilation.

1. Each Class A, B and C refrigerating machinery room of any system shall be independently provided with means for adequate ventilation to the outer air. The ventilation shall consist of a window or windows opening directly to the open air, or mechanical means capable of exhausting the foul air from the room.

2. When a window or windows are used, if placed in opposite walls so as to provide a through air circulation to the outer air, a total area of inlet and outlet, respectively, of not less than that specified in Column D of the table in subdivision 4 shall be provided. When a window or windows are placed in one wall a total area shall be provided not less than that specified in column E of such table.

3. When mechanical means are used they shall consist of a power-driven exhaust fan of the enclosed case blower type which shall be capable of removing from the refrigerating machinery room the amount of air specified in column B of the table in subdivision 4. The inlet to the fan shall be located near the refrigerating equipment. The outlet from the fan shall terminate not less than six (6) feet above the sidewalk and in no case under a stairway or fire escape. Where air ducts are used on either the inlet or discharge side of the fan they shall each have an area not less than that specified in Column C of such table. Sharp bends in the run of the ducts shall be avoided. The control for such mechanical means of ventilation shall be easily accessible and located outside of the refrigerating machinery room.

4.

	Pounds of Refrigerant in System.	Mechanical Cu. Ft. per Minute Discharge.	Window Area Mechanical Sq. Ft. Duct Area.	Window Area in Sq. Ft. for each Opposite Side.	Window Area in Sq. Ft. for One Side Only.
	A	B	C	D	E
Up to ...	20	150	1/4	1	6
	50	250	1/3	1 1/2	12
	100	400	1/2	2	16
	150	550	2/3	2 1/2	19
	200	680	2/3	3	25
	250	800	1	3 1/2	29
	300	900	1	4	32
	400	1,100	1 1/4	4 1/2	38
	500	1,275	1 1/4	5	42

600	1,450	1 1/2	6	45
700	1,630	1 1/2	6 1/2	48
800	1,800	2	7	51
900	1,950	2	7 1/2	55
1,000	2,050	2	8	59
1,250	2,350	2 1/4	9	68
1,500	2,800	2 1/2	11	78
1,750	3,150	3	12 1/2	87
2,000	3,500	3 1/2	14	95
2,500	4,150	4	16	113
3,000	4,500	4 1/2	18	130
4,000	6,000	6	24	167
5,000	7,500	7 1/2	30	204
6,000	9,000	9	36	241
7,000	10,500	10 1/2	42	278
8,000	12,000	12	48	315
9,000	13,000	13	52	342
10,000	14,000	14	56	360
12,000	17,000	17	68	425
14,000	19,000	19	75	470
16,000	22,000	22	86	540
18,000	24,000	24	92	580
20,000	26,500	26	100	630
25,000	33,000	33	121	760
30,000	39,000	39	142	870
35,000	44,000	44	155	940
40,000	51,000	51	176	1,060
45,000	56,000	56	190	1,120

Note—Door openings leading directly to the open air shall be considered equivalent to windows for the requirements specified in columns "D" and "E" of this table.

5. Where a non-irritant or nonflammable refrigerant is employed, the requirements as given in the table in subdivision 4 may be reduced by one-half. When air or water is employed as the refrigerant no ventilation shall be required.

6. In lieu of mechanical means of ventilation in refrigerating machinery rooms where a Class A system or a Class B system using ammonia is installed, a water deluge may be provided which shall consist of a sprinkler system having open heads of not less than one-quarter inch (¼") orifice spaced not more than eight feet apart in any direction, and such system shall be located above all the refrigerating apparatus and piping in the refrigerating machinery room. Not more than one head shall be installed on a ¾-inch pipe; five heads on a 1-inch pipe; six heads on a 1¼-inch pipe. The deluge system shall be permanently connected with the main house supply or other assured source from which a constant water pressure of not less than twenty pounds per square inch can be maintained on the inlet side of the main control valve or valves at all times. The control valve or valves for such water deluge system shall be manually operated and easily accessible, and shall be labeled and located outside of the refrigerating machinery room.

§C19-100.0. Open Flames and Electrical Equipment.

a. Open flames.

No fire-flame or arc light will be permitted in a Class A or B refrigerating machinery room in which a flammable refrigerant is used.

b. Electrical equipment.

1. All Class A and B refrigerating systems containing more than fifty (50) pounds of refrigerant shall have an emergency switch controlling all of the electrically-operated refrigerating machinery or the remote control of such a switch located outside of the refrigerating machinery room where it can be quickly reached and operated in case of necessity.

2. Where the operating mechanism in any system is dependent upon electrical control, such control in a pressure limiting device shall be on a closed circuit. Nothing herein contained shall require a hand reset on an automatic type of refrigerating machine.

§C19-101.0. Testing.

Every part of any refrigerating system, except pressure gauges and control mechanism shall be tested to at least the following pressures: Class A and B systems containing over fifty (50) pounds of refrigerant shall be tested after installation and proved tight before being operated. A dated declaration of such test, signed by the tester, shall be posted in the machinery room.

Refrigerant.	Col. 1. High Pressure Side.	Col. 2. Low Pressure Side. With Safety Valves.	Col. 3. Low Pressure Side. Without Safety Valves.
Carbon dioxide	1,500	750	1,000
Ethane	1,050	520	760
Ammonia	300	150	225
Propane	250	115	175
Methyl chloride	155	80	120
Sulphur dioxide	135	100	100
Iso-butane	90	45	70
Butane	75	35	50
Ethyl chloride	30	15	25
Dichloromethane	12	12	12
Dichloroethylene	12	12	12
Trichloroethylene	12	12	12

§C19-102.0. Piping.

a. Piping.

1. All piping, liquid receivers or vessels containing the refrigerant, shall be supported on or by strong and durable materials. This provision shall not apply to Class C installations.

2. The arrangement of stop valves, relief devices, and other similar devices, when used shall be as shown on the diagram for Class A and B systems in section C19-107.0 of the code.

3. Every system which may be charged after installation shall have the charging connection located on its low pressure side.

b. Gauge glasses.

Liquid level gauge glasses, except those of the bull's eye type, shall have automatic closing shut-off valves and such glasses shall be adequately protected against injury by slotted metal casings.

§C19-103.0. Safety Devices.

a. Construction and setting.

1. Pressure relief valves, pressure limiting devices and rupture members shall be set to prevent the pressure from exceeding the test pressure. The pressure at which the device is set to function shall be indicated thereon. (See section C19-101.0 of the code, columns 1 and 2 of table.)

2. Fusible plugs shall relieve the pressure at a temperature not exceeding 280 degrees Fahrenheit.

b. Use of stop valves.

1. It shall be unlawful to locate a stop valve between a pressure relief device or pressure limiting device and the part of the system protected thereby, unless two pressure relief devices of required size are used, and so arranged that only one pressure relief device can be cut off for repair purposes at any one time.

2. A Class B system in which no stop valves are used and in which the pressure will equalize throughout the system when the pressure imposing element is not in operation may be protected by only one pressure relief device located on the high pressure side.

c. Ammonia mixer.

1. The low pressure side of a Class A ammonia system shall be provided with a hand-operated valve for discharging the ammonia into water through a mixer to the sewer in case of emergency.

2. The ammonia mixer shall be constructed of steel and shall be capable of withstanding a pressure of at least fifty (50) pounds per square inch.

3. It shall be unlawful to locate a valve in the ammonia

emergency discharge line, except for the manually-operated valve discharging into the water and ammonia mixer, but there may be one stop valve located inside the building for repair purposes only. This valve shall be sealed open and labeled "Keep Open."

4. The manually operated pressure relief valve shall be located in a locked box which can be opened by members of the Fire Department by means of a Fire Department key. The door of the box shall be on the public thoroughfare side of the building in an easily accessible location and not less than eighteen (18) inches or more than five (5) feet above the sidewalk level. The box shall be permanently labeled with letters of not less than one (1) inch reading "For Fire Department Use Only." The relief valve shall be labeled "Ammonia." A sign shall be posted within the box reading "Do Not Open Valve Until Water Is Flowing."

5. A single standard three (3) inch fire department connection shall be provided through which the necessary water may be supplied to the mixer. The fire department connection shall be located near the box and not less than eighteen (18) inches or more than twenty-four (24) inches above the sidewalk level and shall be permanently labeled having letters not less than one (1) inch high reading "To Ammonia Mixer." A check valve so set as to prevent gases from reaching the fire department connection shall be installed in the water line between the fire department connection and the water and ammonia mixer.

6. The fire department shall have sole use of the mixer and supply the necessary water.

7. In systems using over twenty-seven thousand (27,000) pounds of ammonia there shall be provided one additional water and ammonia mixer for each twenty-seven thousand (27,000) pounds of ammonia or fraction thereof so used in excess.

8. The ammonia mixer and its connection for a Class A system shall conform to the diagram in section C19-107.0 of the code.

§C19-104.0. Size of Safety Devices.

(a) The size of pressure relief valves shall be as follows:

Capacity of System.	CO_2 and Ethane, No. Req., Size.	Other Refrigerants, No. Req., Size.
Up to 30 tons.....	1—½"	1—½"
30 to 60 tons.....	1—½"	1—¾"
60 to 100 tons.....	**1—½"**	**1—1"**
100 to 175 tons.....	1—½"	1—1¼"
175 to 250 tons.....	1—¾"	1—1½"
250 to 450 tons.....	1—1"	1—2"
450 to 900 tons.....	.....	2—2"

(b) Where rupture members are permitted and used, the equivalent area of the relief valve specified must be provided.

(c) Fusible plugs may be used on all Class C systems and on all Class B systems of the hermetically sealed compression type containing not more than fifty (50) pounds of refrigerant. The free discharge opening shall be one-sixteenth (1/16) inch in diameter.

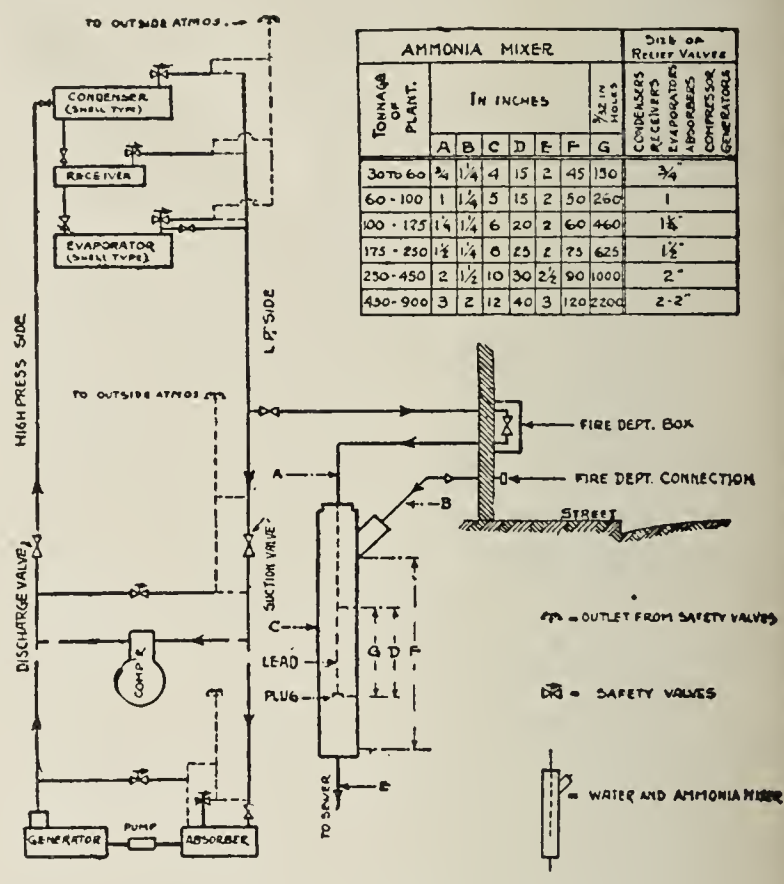
§C19-105.0. Location and Discharge of Safety Devices.

a. Location.

A pressure limiting device shall be provided on the high pressure side of each water-cooled refrigerating system containing more than six (6) pounds of refrigerant. A pressure relief valve shall be provided on the high pressure side of each water-cooled refrigerating system containing twenty (20) pounds or more of refrigerant, but it shall not be necessary to discharge the refrigerant to the outside air or water tank from any such refrigerating system containing fifty (50) pounds or less of refrigerant, any other provision of part 1, of this title, to the contrary notwithstanding.

b. Location and discharge of safety devices.

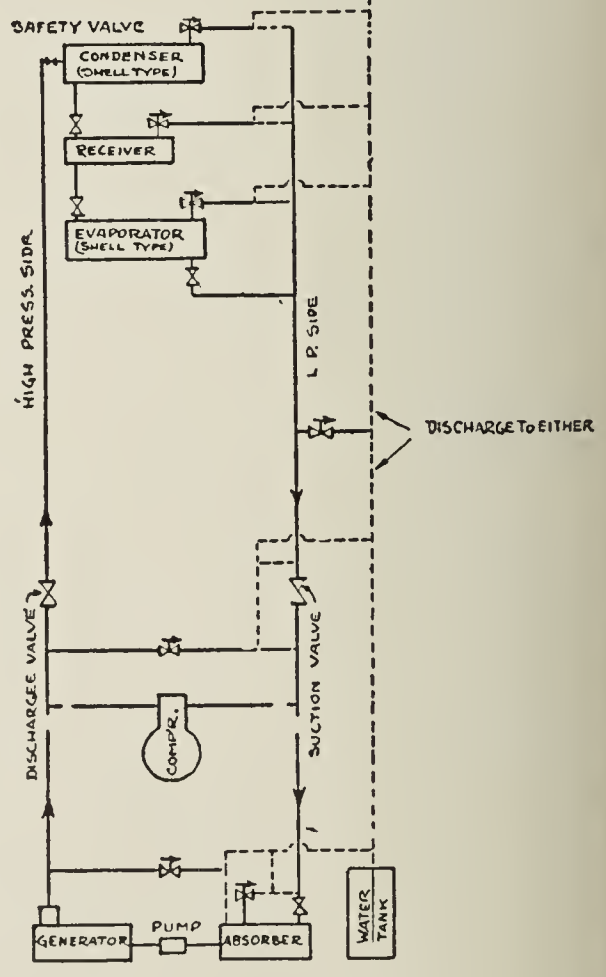
1. Each compressor or generator of a Class A or B



AMMONIA MIXER								Size of Relief Valves
Tonnage of Plant.	In Inches							
	A	B	C	D	E	F	G	Condensers Receivers Evaporators Absorbers Compressor Generators
30 to 60	¾	1¼	4	15	2	45	150	¾"
60 - 100	1	1¼	5	15	2	50	260	1"
100 - 175	1¼	1¼	6	20	2	60	460	1¼"
175 - 250	1½	1¼	8	25	2	75	625	1½"
250-450	2	1½	10	30	2½	90	1000	2"
450-900	3	2	12	40	3	120	2200	2-2"

ARRANGEMENT OF PRESSURE RELIEF DEVICES FOR CLASS "A" EQUIPMENT

SECTION C19-107.0



ARRANGEMENT OF PRESSURE RELIEF DEVICES FOR CLASS "B" EQUIPMENT

SECTION C19-107.0

system containing more than 100 pounds of refrigerant shall be protected by a pressure relief valve connected into the high pressure side between the main stop valve and the compressor or generator to relieve excessive pressure as hereinafter provided.

2. A rupture member may be substituted for the relief valve in CO_2 systems or systems operating below atmospheric pressure.

3. Shell type apparatus such as liquid receivers, condensers, evaporators, liquid separators and absorbers of Class A and Class B systems containing more than fifty (50) pounds of refrigerant, and Class B systems containing fifty (50) pounds or less of refrigerant which can be shut off by stop valves, shall each be equipped with a pressure relief valve, discharging as hereinafter provided.

4. Class C systems and Class B systems containing fifty (50) pounds or less of refrigerant so constructed that, when subjected to abnormal outside temperature such as that generated in a fire, they may burst due to the expansion of the refrigerant, shall be protected by a pressure relief device.

5. A pressure relief valve shall be required on the low pressure side of a Class B system into which the relief valve or valves on the high pressure side discharge, as so shown on equipment diagram of section C19-107.0 of the code.

c. Discharge of pressure relief valve.

1. Where ammonia is used in Class A systems, the discharge from relief valves must be conducted to the outside atmosphere or into that part of the low pressure side protected by the mixer as specified in subdivision C, of section C19-103.0 of the code. If it is discharged to the outside atmosphere it must be piped above the roof or not less than 12 feet above the grade. The discharge pipe shall be not less than the size of the relief valve outlet. The discharge from more than one relief valve may be run into a common header, the area of which shall be equal to the area of the pipes connected thereto. The outlet orifice shall be turned downward.

2. Where more than fifty (50) pounds of ammonia is used in a Class B system, the discharge from relief valves shall be piped to the outside atmosphere as specified for Class A systems, or to the low pressure side as shown in diagrams in section C19-107.0 of the code, or into a tank of water which shall be used for no purpose except ammonia discharge. At least one gallon of fresh water shall be provided for every pound of ammonia contained in the system. The water used shall be prevented from freezing without the use of salt or chemicals. The tank shall be substantially constructed of not less than one-eighth (⅛) of No. 11 U. S. gauge iron. No horizontal dimensions of the tank shall be greater than one-half (½) the height. The tank shall have a hinged cover or, if of the enclosed type, shall have a vent hole at the top. All pipe connections shall be through the top of the tank only. The discharge pipe from the pressure relief valves shall discharge the ammonia in the center of the tank near the bottom. The tank shall be as securely supported as any other portion of the system. There shall be no opening in the tank below the water level.

3. Where more than fifty (50) pounds of any refrigerant other than ammonia is used, the discharge from relief valves shall be to the atmosphere as specified for Class A ammonia systems. Carbondioxide may be discharged into the room if the same contains at least 10 cubic feet of capacity per pound of refrigerant used.

4. Arrangements of pressure relief devices for Class A and B systems shall conform to the diagrams in section C19-107.0 of the code.

§C19-106.0. Operating Precautions.

a. Masks and helmets.

1. In a Class A system which operates above atmospheric pressure, there shall be provided at least two helmets or masks.

2. In a Class B system in which more than fifty (50) pounds of ammonia, sulphur dioxide or other irritant refrigerant is used, there shall be provided at least one helmet or mask.

3. Only helmets or masks that have been approved by the United States Bureau of Mines as suitable for the refrigerant employed shall be used, and they shall be kept in operative condition in an easily accessible case or cabinet located immediately outside the refrigerating machinery room.

b. Signs.

1. On Class A and Class B systems containing more than fifty (50) pounds of refrigerant there shall be painted on and affixed in a permanent manner to the main steam control, main electrical and remote control switches, receivers, containers and shell type coolers, signs having letters not less than one and one-half inches (1½") high, designating the part and refrigerant contained therein.

2. The seller of every Class A or B system shall furnish the purchaser with a sign bearing his name at least 8½" by 11" in size, which gives the rated refrigeration capacity and the quantity and kind of refrigerant required for the satisfactory operation of the system. The purchaser shall conspicuously and permanently display this sign in the machinery room. The quantity and name of the proper refrigerant content and the rated refrigeration capacity shall be stamped on all Class C systems near to or on the name plate.

3. The following information shall be posted in Class A and B machinery rooms where over fifty (50) pounds of refrigerant is used: (a) The names and addresses of the engineers or operators in charge; (b) Location of nearest fire alarm box; (c) The name, address and telephone number of physician to be called in case of emergency; (d) Instructions for safely shutting down the plant in case of emergency.

c. Storage of refrigerant.

1. Refrigerant not contained in the refrigerating system shall be stored only in non-inflammable or non-irritant containers conforming to the regulations prescribed by the Interstate Commerce Commission for the transportation of such refrigerant.

2. Only two containers holding not more than a total of three hundred (300) pounds of inflammable or irritant refrigerant shall be stored in the refrigerating machinery room of a Class A system.

3. Only one container holding not more than one hundred and fifty (150) pounds of inflammable or irritant refrigerant shall be stored in the refrigerating machinery room of a Class B system.

4. In a Class C system no refrigerant other than that used in the system shall be stored in the refrigerating machinery room.

5. If a greater amount of inflammable or irritant refrigerant than that permitted in a refrigerating machinery room is desired, it shall be stored in a fireproof building or enclosure used for no other purpose.

6. When the refrigerant is withdrawn from a system it shall be discharged only into a suitable absorbent or containers conforming to the regulations of the Interstate Commerce Commission for the transportation of such refrigerant. It shall be unlawful to permit any refrigerant to escape into the refrigerating machinery room.

7. Containers shall be connected to the system only during period of charging or withdrawing the refrigerant.

§C19-107.0. Equipment Diagrams.

(See arrangement of pressure relief devices for Class A and Class B equipment.)

ARTICLE 27.
Penalties.

§C19-152.0. Violations.

Any person who shall wilfully violate or neglect or refuse to comply with any provisions of part 1, of this title, except the provisions of article twenty-six, in addition to any other penalties prescribed by law, shall, upon conviction, be punished by a fine of not more than $500, or by imprisonment not exceeding six months, or by both.

RULES

RULES FOR LIQUEFIERS USED TO CONVERT SOLID CARBON DIOXIDE TO A LIQUID AND /OR A GAS, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 214, ARTICLE 17 OF CHAPTER 10 OF THE CODE OF ORDINANCES

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS JUNE 26, 1936.

EFFECTIVE, JULY 27, 1936.

(262-35-SR)

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 718-A, sub-division 3 of Chapter XIV-A of the Charter of the City of New York for the carrying into effect the provisions of Section 214, Article 17, Chapter 10 of the Code of Ordinances.

Rule 1. Certificate of Approval.

A Certificate of Approval shall be obtained by the manufacturer from the Fire Chief and Commissioner for each type of liquefier or converter to be used for the conversion of solid carbon dioxide to liquid carbon dioxide as in full compliance with these Rules. A Certificate of Approval shall also be obtained from the Fire Chief and Commissioner for each system used to convert solid carbon dioxide to liquid carbon dioxide for filling portable cylinders or other containers as in full compliance with these Rules.

Rule 2. Certificate of Fitness.

A Certificate of Fitness shall be obtained from the Fire Chief and Commissioner for each operator of a liquefier system used to convert solid carbon dioxide to liquid carbon dioxide for filling portable cylinders or other containers.

Rule 3. Inspection Test Report.

A disinterested inspection service, approved by the Fire Chief and Commissioner, shall inspect all material and workmanship of all liquefiers at the place of manufacture and shall verify compliance with these Rules, witness all tests and shall furnish the Fire Chief and Commissioner with a test report as follows:

A. Test reports for liquefiers, other than redesigned portable cylinders, shall show all information called for in paragraph 23, I. C. C. Specification 3A, except as follows:
   1. "Marks stamped into shoulder of cylinder." This shall be as per Rule "11 Marking" hereinafter specified. Actual markings shall be shown on test report.
   2. "Record of hydrostatic tests." This shall be as per Rule "9 Testing" hereinafter specified.
   3. Statement shall be furnished that liquefier covered in said test report comply with these Rules, and Certificate of Approval Number for the type of liquefier covered in said test report.

B. Test report for converted portable cylinders for liquefier use shall show for each converted cylinder the following:
   1. Liquefier Serial Number.
   2. Original number of cylinder used for conversion.
   3. Original ownership initials of cylinders used for conversion.
   4. Original I. C. C. marking of cylinder used for conversion.
   5. Original manufacturing test date of cylinder used for conversion, and name of original manufacturer.
   6. Test pressure applied to cylinder before conversion.
   7. Total expansion obtained on cylinder before conversion.
   8. Permanent expansion obtained on cylinder before conversion.
   9. Per cent expansion obtained on cylinder before conversion.
   10. Elastic expansion obtained on cylinder before conversion.
   11. Outside diameter and length of cylinder before conversion.
   12. A statement that the above cylinders before conversion into liquefiers were tested in a water jacket in accordance with these Rules and I. C. C. Regulations and the results appear above.
   13. A statement that the top thickness, opening for cover plate and distance across the corner where the side wall meets the bottom and at 45° to the side wall, was measured and the dimensions were found to conform with Rule 6, F. G. H and I.
   14. A statement that after assembly each liquefier was given an open hydrostatic test to 3,000 lbs. and this pressure was held for at least two minutes without showing a pressure recession of more than 75 lbs.
   15. The liquefier was marked as follows: (See Rule "11 Marking" for requirements.)
   16. A statement that these liquefiers conform to these Rules, and that the type of liquefier has been approved under New York City Fire Department Certificate of Approval Number .....

Rule 4. Construction Other Than Screw Thread Type.

New liquefiers designed for the purpose of converting solid CO^2 to liquid CO^2 shall be constructed of seamless drawn steel in accordance with Specifications of I. C. C. governing cylinders for CO^2. Closure devices other than screw thread type shall conform with the following:

A. The minimum wall thickness for a test pressure of 3,000 lbs. per sq. in. shall be in accordance with the following formula:

$$t = \frac{OD \times P \times .43}{S}$$

Where OD = Outside diameter of container
t = Wall thickness.
P = 3,000 lbs. PSI.
S = Minimum yield point of hard steel (not to be figured in excess of 50,000 lbs.).

B. The "Top" is defined as that portion of the liquefier in which the closure device is installed and where the ice is introduced.

C. The minimum thickness of the top before machining shall be at least 3½ times the wall thickness.

D. The minimum thickness of the top after machining shall be at least 3 times the wall thickness.

E. The minimum distance from edge of the hole cut or shaped for the closure device to the outside of wall shall be 4½ times the wall thickness.

F. The maximum width of the machined seat shall not be more than 1½ times the wall thickness.

G. The outside radius connecting the top of the liquefier to its side wall shall not be more than 1½ times the wall thickness.

H. The inside radius connecting the side wall to the top before machining, shall not be less than 2½ times the wall thickness.

In lieu of the requirements as set forth in C to H inclusive above:

The top portion of the liquefier including closure plate

shall be designed with a factor of safety of not less than two at a test pressure of 3000 lbs. per sq. inch. The design shall be proven by a test to destruction for each type of liquefier before a certificate of approval shall have been issued.

I. A large fillet shall be provided in the corner of the machined seat where it meets the inside radius.

Rule 5. Construction Screw Thread Type.

New liquefiers designed for the purpose of converting solid CO^2 to liquid CO^2 shall be constructed of seamless drawn steel in accordance with specifications of I. C. C. governing cylinders for CO^2. Closure device of the screw thread type shall conform with the following:

A. The minimum wall thickness for a test pressure of 3,000 lbs. per sq. in. shall be in accordance with the following formula:

$$t = \frac{OD \times P \times .43}{S}$$

Where OD = Outside diameter of container.
t = Wall thickness.
P = 3,000 lbs. PSI.
S = Minimum yield point of hard steel (not to be figured in excess of 50,000 lbs.)

B. The thread of the device shall be designed with a factor of safety of not less than 4 at a test pressure of 3,000 lbs. per sq. in. and the wall thickness after cutting thread shall not be less than that specified in Rule 5-A above.

Rule 6. Conversion of Portable Cylinders for Liquefier Use.

Seamless portable cylinders made to I. C. C. Specification 3 or 3A for oxygen or carbon dioxide and originally designed and used for the transportation of compressed or liquefied gases shall be acceptable for alteration or conversion into carbon dioxide liquefiers only under the following conditions;

A. Cylinders which have been in a fire shall not be used for conversion into liquefiers until they have been properly heat treated and retested as specified in paragraph 423, of the I. C. C. Regulations.

B. Cylinders which show surface dents, or which fail to give a clear ring on being struck with a hammer, shall not be used for conversion into liquefiers.

C. Before conversion into liquefiers, each cylinder shall be submitted to a hydrostatic test of 3,000 lbs. pressure in a water jacket under the conditions specified in paragraph 424 of the I. C. C. Regulations and the total and permanent expansion shall be recorded. A cylinder shall be condemned when it leaks or when the permanent expansion exceeds 10 per cent of the total expansion.

D. If in the hydrostatic test in the water jacket the net elastic expansion (total expansion less permanent expansion) at 3,000 lbs. exceeds the allowable limit given in the following table for the type of cylinder involved, such cylinder shall not be used for conversion into a liquefier. If the cubic capacity of a cylinder to be tested varies from the standard capacity given in the table for that type, then the allowable limit of elastic expansion will be varied in the same proportion.

TABLE I.

Type	*Cubic Capacity*	*Elastic Expansion Allowable Limit*
220 ft. oxygen	2,660 cu. in.	170 c.c.
200 ft. oxygen	2,660 cu. in.	170 c.c.
50 lbs. CO^2	2,360 cu. in.	150 c.c.

E. No cylinders designed and used for a portable container shall have the thickness of the side wall reduced by any cutting of threads in the process of conversion into a liquefier, except as specified in Rule "5-B Construction Screw Thread Type."

F. If the closure is formed by using a portion of the former bottom as a seat, this shall only be permissible if the dimensions of the liquefier conform to those shown in the Tables II. III and IV.

TABLE II.

Type	*Minimum Bottom Thickness*
220 ft. oxygen	.66 in.
200 ft. oxygen	.66 in.
50 lbs. CO^2	.66 in.

TABLE III.

Type	*Maximum Opening Permitted*
220 ft. oxygen	6⅛ in. x 7⅛ in.
200 ft. oxygen	6⅛ in. x 7⅛ in.
50 lbs. CO^2	5¾ in. x 6¾ in.

TABLE IV.

Type	*Minimum Thickness across corner at Point where the outside of the side wall meets the inside radius of bottom and at 45° to side wall.*
220 ft. oxygen	⅝ in.
200 ft. oxygen	⅝ in.
50 lbs. CO^2	⅝ in.

G. The maximum width of the machined seat for the gasket of liquefier shall be 5/16 in., and the inside radius connecting this seat to the side wall of the cylinder shall not be less than ⅛ in.

H. The minimum thickness of closure plate shall be 5 times the wall thickness of the cylinder. The closure plate shall be of a good grade of billet steel. Castings not permitted.

I. Before conversion into a liquefier, the cylinder shall meet a new hydrostatic test at the pressure at which such cylinder was originally tested, provided however, that no cylinder shall be converted unless for its original use it was tested to 3,000 lbs. pressure. Such new test shall be in a water jacket before conversion into a liquefier.

Rule 7. Spuds.

Spuds for chain connections or for reinforcing valve or pipe connections of not over ¾ in. pipe size shall be welded before heat treatment at place of manufacture of the liquefier.

Rule 8. Safety Devices.

Each liquefier shall be provided with two safety devices of frangible disc type attached to the liquefier at a point not lower than 6 inches from the top. The cross section area of the discharge channel, or channels (of the safety device, or devices) shall be at least .006 sq. in. for each 25 lbs. of liquefier water capacity and .00024 sq. in. additional for each additional pound of water capacity. Safety devices having two or more outlets shall be so constructed that these outlets will have a combined total area of not less than one and one-half times that prescribed for the safety discharge channel. The frangible disc of the safety devices shall be designed to release at a pressure of not more than 2,000 lbs. per sq. in.

Rule 9. Testing.

Each liquefier after assembly shall be tested hydrostatically by an approved independent testing agency for not less than two minutes to a pressure of 3,000 lbs. per sq. in. without showing a pressure recession of more than 75 lbs.

per sq. in. The inspection service shall file a satisfactory record on test report stating that the liquefier passed the above required test.

Rule 10. Quinquennial Test.

Liquefiers used for any purpose shall be retested at least every five years to a pressure of 3,000 lbs. per sq. in. in the same manner and under the same requirements as at the time and place of manufacture and the date of retest shall be stamped thereon.

Rule 11. Marking.

Each liquefier shall bear marking as follows:

A. Name of owner.
B. Serial number.
C. Name or trade mark of manufacturer.
D. Date of manufacture.
E. Test pressure.
F. Inspection service mark.
G. Maximum filling charge based on filling to not more than 68 per cent of the water content by weight.

Rule 12. Filling.

Each liquefier shall be placed and used in a vertical position with filling effected while liquefier is properly secured.

Rule 13. Maximum Charge.

Liquefiers shall not be filled with solid carbon dioxide in excess of 150 lbs. nor in excess of 68 per cent by weight of the water capacity of the liquefier.

Rule 14. Use of CO^2 Systems and Liquefiers.

A. Carbon dioxide liquefier converting systems for filling portable cylinders shall not be used in any building occupied in whole or in part as a residence or as a multiple dwelling, or as place of public assembly, or in a building not used exclusively for manufacturing purposes.
B. Except in buildings used exclusively for the manufacture of carbon dioxide or other compressed gases, not more than 8 liquefiers of a maximum combined capacity of 1,200 lbs. of carbon dioxide shall be headed in a battery and not more than one such battery shall be permitted in a building.
C. Liquefiers may be manifolded only by the use of extra heavy steel or wrought iron pipe, or extra heavy seamless copper or brass tubing, of not larger than ¾ in. I. P. S. Fittings shall be high pressure forged steel or extra heavy bronze hydraulic type.
D. Each manifold shall be protected by a frangible disc safety device of the same size and type as those prescribed for the liquefier, and designed to release at a pressure of not more than 2,000 lbs. per sq. in. In addition, the liquid manifold shall be protected by a spring safety valve so set as to relieve the pressure at not more than 1,600 lbs. per sq. in.
E. When carbon dioxide gas is conducted through pressure reducing valve between liquefier and point of use, the use of a heater will be permitted, but said heater shall be so arranged that heat may be applied indirectly. This heater shall consist of a coil immersed in water. The source of heat shall then be applied to the water but not directly to the coil.

Rule 15. Test of Piping.

Each liquefier or battery of liquefiers to be used for the filling of portable cylinders or other containers with liquid carbon dioxide and all the piping connected thereto, shall be hydrostatically tested in the presence of the representatives of the Fire Chief and Commissioner before the solid carbon dioxide is first put into the system. A hydrostatic pressure of 2400 lbs. per sq. in. shall be maintained for fifteen minutes, released for five minutes, and again applied for a period of fifteen minutes without any visible leak or reduction of pressure. This test shall be repeated at least every five years.

Rule 16. Approval Systems for Filling Portable Cylinders.

Each liquefier or battery of liquefiers used for filling portable cylinders or other containers, shall be permanently labeled or marked showing the Fire Department Certificate of Approval Number together with date of last test.

Rule 17. Acceleration.

Defrosting, or acceleration of liquefaction, shall be by use of water only, the water shall be of a temperature not above 85° Fahrenheit.

Rule 18. CO^2 Portable Cylinders.

A. Portable cylinders or other containers to be filled with liquid carbon dioxide shall be constructed and marked in accordance with the Specifications of the Interstate Commerce Commission for carbon dioxide cylinders and shall have been tested within intervals of not more than five years as evidenced by official marking. Cylinders not so constructed and marked shall not be filled with carbon dioxide.
B. The maximum filling of liquid carbon dioxide, with one pound allowable variation in each cylinder, shall not be over 20 lbs. for standard cylinders 5½ in. in diameter by 51 in. long, nor over 50 lbs. for standard cylinders 8½ in. in diameter by 51 in. long and larger. No cylinder shall be filled with carbon dioxide to more than 68 per cent of the water capacity, by weight, of the cylinder.
C. The amount of liquid carbon dioxide charged into portable cylinders or other containers shall be determined by weight by use of a dial scale having a movable indicator, and this weight shall also be checked after disconnecting from the charging line.

Rule 19. Existing Installations.

Liquefiers or converters to which these rules and regulations cannot be applied, may be maintained and operated, if approved by the Board of Standards and Appeals, under such conditions as are deemed necessary in the interest of public safety.

NOTICE

MULTIPLE DWELLING LAW ON SALE

Copies of the Multiple Dwelling Law are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50c; by mail 54c.

Copies of the Supplemental Rules and Regulations of the Tenement House Department on Fire Retarding, Fire Escapes, Fire Stairs and Fire Towers are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 10c; by mail 12c.

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BULLETIN
OF THE
BOARD OF STANDARDS AND APPEALS
CITY OF NEW YORK

THE LIBRARY OF THE MAYOR'S OFFICE OF CITY RECORDS

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DIRECTORY

BOARD OF STANDARDS AND APPEALS
HARRIS H. MURDOCK, Chairman
BERNARD A. SAVAGE
CHARLES M. BLUM
CHIEF JOHN J. MCELLIGOTT
EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.
TELEPHONE—WORTH 2-0184.
OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman.*

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DOCKET

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333-38-A.....H.B.M.....262 Madison avenue and 22 East 39th street, southwest corner (Block 868, Lot 60), Borough of Manhattan, Alt. 1251-38.

334-38-A.....F.D.....4910 Farragut road, south side, 350 ft. south of East 49th street (Block 4788, Lots 1 and 2), Borough of Brooklyn, 74937-L.C.

335-38-SA.....F.D.....Bethlehem Oil Burner, Crusader Model, Appliance.

336-38-SA.....F.D.....Marvelo Oil Burner, Models MB, MB-1 and MB-2, Appliance.

337-38-SA.....H.B.....Gleason-Tiebout Glass Searing Apparatus, Appliance.

338-38-BZ.....H.B.Q.....193-12 to 193-20 Salermo avenue and 194-02 to 194-08 Dunton avenue, southwest corner (Block 1431, Lot 159), Holliswood, Borough of Queens, Decision re: 1090-38.

339-38-A.....H.B.B.....157-161 Ocean avenue, east side, 468 ft. 11 in. south of Lincoln road (Block 5026, Lot 20), Borough of Brooklyn, Applic. 471-38.

340-38-BZ....H.B.Bx.....2686-2690 Jerome avenue, east side, 146.76 ft. north of East Kingsbridge road (Block 3317, part of Lot 6), Borough of The Bronx, N. B. 170-38.

341-38-SM.....H.B.....Bird Roofing Material, Paroid and Neponset, manufactured by Bird & Son, Inc., Material.

342-38-A.....H.B.Q.....Northeast corner of 162nd street and Cryders lane, east side of 162nd street, from Cryders lane to 14th avenue (Block 4595, Lot 80), Beechhurst, Borough of Queens, N.B. 2781-38, N.B. 2782-38, N.B. 2783-38 & N.B. 2784-38.

343-38-A.....F.D.....167 Perry street, north side, 122 ft. east of West street (Block 100, Lot 67), Borough of Manhattan, 11637-L.C. & Decision.

344-38-BZ.....H.B.B.....942-958 DeKalb avenue, southwest corner of Lewis avenue (Block 1601, Lot 24), Borough of Brooklyn, Applic. 3251-38.

345-38-SA.....H.B.....Vigilant Vacuum Breaker (Plumbing Device), manufactured by Crane Company, Appliance.

346-38-A.....H.B.M.....2473-2475 Broadway and 254 West 92nd street, southwest corner (Block 1239, Lot 55), Borough of Manhattan, Alt. 831-38.

347-38-BZ.....H.B.Bx.....182 St. Georges Crescent and 185 East 206th street, northeast corner (Block 3313, Lots 1-7 incl.), Borough of The Bronx, N.B. 663-37.

348-38-A.....F.D.....35-39 West 45th street, north side, 427 ft. west of Fifth avenue (Block 1261, Lot 19), Borough of Manhattan, 12579-L.C.

349-38-A-WF..H.B.Q.....103-08 Roosevelt avenue, south side, 75 ft. east of National avenue (Block 1975, Lot 8), Corona, Borough of Queens, Alt. 1824-38.

350-38-BZ....H.B.Bx.....2858-2866 Webster avenue, east side, 51.43 ft. south of East 200th street and 410-416 East 200th street (Block 3273, Lot 122), Borough of The Bronx, Decision.

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6-27-BZ.....H.B.M.....211-225 West 61st street, north side, 400 ft. east of West End avenue (Block 1153, Lots 17-24 incl.), Borough of Manhattan, Decision.

DESIGNATIONS: H.B.—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

CERTIORARI ORDERS SERVED ON THE BOARD OF STANDARDS AND APPEALS

On May 11, 1938, Abraham Schlefstein, attorney, served on the Board order of certiorari in behalf of John Castagna, owner, in re decision of Board of April 5, 1938, denying gas station in a business district, under Cal. No. 472-37-BZ, at premises 2761-2773 Cropsey avenue, Borough of Brooklyn.

* * *

On May 11, 1938, Matthew W. Wood, attorney, served on the Board order of certiorari in behalf of Boyd H. Wood Company, owner, in re decision of Board of April 5, 1938, affirming decision of Acting Superintendent of Buildings, regarding pent house, affecting premises 124-138 Bay Ridge parkway, Borough of Brooklyn, Cal. No. 214-38-A.

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Certificate of Occupancy, approved forms	Aug. 2, 1932—Vol. 17, No. 31

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Concrete Rules (Hydrated Lime)	Aug.	3, 1937—Vol. 22,	No. 31
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Fire Alarm Rules (Interior)	Apr.	5, 1938—Vol. 23,	No. 14
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Fuel Oil Pumps	Apr.	19, 1938—Vol. 23,	No. 16
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MAY 17, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May* 17, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 38-38-BZ—Application, January 19, 1938, under section 21 of the building zone resolution, of Herman Kron, applicant, on behalf of Bowery-Chrystie Corporation, owner, to permit partly in an unrestricted use district and partly in a business use district the erection and maintenance of a gasoline service station and, also, the parking and storage of more than five (5) motor vehicles (premises allegedly on same street as a school); premises 167-175 Chrystie street, west side, 99.6 ft. south of Rivington street and 199-205 Bowery (Block No. 425, Lot No. 9), Borough of Manhattan.

CAL. NO. 370-30-BZ—Application of Bernard J. Sieban, applicant, on behalf of Sophie M. Sieban, owner, reopened February 23, 1938, under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station (previously withdrawn); premises 173-02 to 173-04 Horace Harding boulevard, 61-01 to 61-05 173rd street and 61-02 to 61-06 Fresh Meadow road (Block No. 6901, Lot No. 37), Flushing, Borough of Queens.

CAL. NO. 162-38-BZ—Application, March 11, 1938, under sections 7b and 21 of the building zone resolution, of Boris W. Dorfman, applicant, on behalf of Realty Freehold Corporation, owner, to permit the extension from a business use district into a residence use district of a proposed business building (stores) and, also, the omission of the required rear yard; premises 781-787 East 31st street, east side, 40 ft. north of Avenue H (Block No. 7559, Lot No. 8), Borough of Brooklyn.

CAL. NO. 436-37-BZ—Application, September 7, 1937, under sections 7h and 21 of the building zone resolution, of Herman Kron, applicant, on behalf of Chanler Estate, Inc., owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 239-255 East 3rd street, north side, 90 ft. west of Avenue C (Block No. 386, Lot Nos. 45 to 51), Borough of Manhattan.

CAL. NO. 464-37-BZ—Application, September 28, 1937, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Vincenza Gabella, owner, to permit in a residence use district the maintenanec of a garage for more than five (5) motor vehicles; premises 2214-2222 West 11th street, west side, 100 ft. south of Avenue V (Block No. 7139, Lot Nos. 12 and 14), Borough of Brooklyn.

CAL. NO. 438-37-BZ—Application, September 8, 1937, under sections 7h and 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Gralane Realty Co., Inc., and 550 Park Avenue Corporation, owners, to permit partly in a business use district and partly in a residence use district the use of the plot for the parking of more than five (5) motor vehicles; premises 41-15 to 41-45 Kissena boulevard, 138-01 to 138-19 Barclay street, northeast corner and 136-14 to 136-22 41st (Madison) avenue (Block No. 5044, Lot Nos. 1, 5, 7 and 11), Flushing, Borough of Queens.

CAL. NO. 568-37-BZ—Application, December 2, 1937, under sections 7g and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Theresa Van Houten, owner, to permit in a business use district the erection and maintenance of a garage for more than five (5) motor vehicles and, also, a gasoline service station; premises 8917-8923 Flatlands avenue, southwest corner of Remsen avenue (Block No. 8010, Lot No. 1), Borough of Brooklyn.

CAL. NO. 62-38-BZ—Application, February 2, 1938, under sections 7a and 21 of the building zone resolution, of Albert E. Wheeler, applicant, on behalf of Louis Roth,

CALENDAR

owner, to permit in a residence use district the erection and maintenance of a building to be used as office and store room (tinsmith and roofing shop); premises 5672 Riverdale avenue, east side, 218.67 ft. south of West 259th street (Block No. 3423A, Lot No. 129), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

MAY 17, 1938, 2 P. M.

Appeals from Administrative Orders.

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

276-38-A—145-155 West 47th street, north side, 240 ft. east of Seventh avenue and 148-154 West 48th street (Block No. 1000, Lot No. 11), Borough of Manhattan.

600-37-A—841-843 Broadway and 53-63 East 13th street, northwest corner (Block No. 565, Lot No. 17), Borough of Manhattan.

320-38-A—240-248 East 29th street, west side, 85 ft. 7⅛ in. south of Cortelyou road (Block No. 5172, Lot No. 23), Borough of Brooklyn.

342-38-A—Northeast corner of 162nd street and Cryders lane, east side of 162nd street, from Cryders lane to 14th avenue (Block No. 4595, Lot No. 80), Beechhurst, Borough of Queens.

193-38-A—17 East 54th street, north side, 110 ft. west of Madison avenue (Block No. 1290, Lot No. 13), Borough of Manhattan.

280-38-A—162-10 Jamaica avenue, south side, 70 ft. east of 162nd street, 92-15 Union Hall street and 92-14 New York boulevard (Block No. 1052, Lot Nos. 4, 6, 13 and 79), Jamaica, Borough of Queens.

284-38-A—44-48 East 14th street, south side, 49 ft. 9 in. west of Broadway and 45-51 East 13th street (Block No. 565, Lot Nos. 11, 13 and 14), Borough of Manhattan.

246-38-A—52-08 Grand avenue, south side, 249.56 ft. west of Garrison street (Block No. 2317, part of Lot No. 1), Maspeth, Borough of Queens.

333-38-A—262 Madison avenue and 22 East 39th street, southwest corner (Block No. 868, Lot No. 60), Borough of Manhattan.

354-38-A—Southwest corner of Washington avenue and Eastern parkway (Block No. 1183, Lot No. 26); (Brooklyn Museum), Borough of Brooklyn.

Variations of Labor Law

220-38-S—15-19 East 26th street, north side, 120 ft. west of Madison avenue and 10-14 East 27th street (Block No. 856, Lot No. 11), Borough of Manhattan.

160-38-S—3869 Broadway, west side, 75 ft. north of West 161st street (Block No. 2137, part of Lot No. 18), Borough of Manhattan.

225-38-S—538-540 Fifth avenue, west side, 50 ft. south of West 45th street (Block No. 1260, Lot No. 38), Borough of Manhattan.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, May* 17, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 185-31-BZ—Application of Sidney H. Kitzler, applicant, on behalf of Estate of David Stern, owner, reopened April 26, 1938 for consideration as to amendment of resolution—re Application, granted on condition, under section 7a of the building zone resolution permitting in a residence use and "C" area district the extension of an existing factory building (bakery) with the omission of the required rear yard; premises 1157-1161 Madison street, north side, 100 ft. east of Central avenue (Block No. 3360, Lot No. 52), Borough of Brooklyn.

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

CAL. NO. 116-38-BZ—Application, February 24, 1938, under section 7h of the building zone resolution, of Benjamin N. Brody, applicant, on behalf of Veronica Realty Corporation, owner, to permit, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles; premises 312-338 West 59th street, south side, 114 ft. 10½ in. west of Broadway (Block No. 1049, Lot Nos. 44-56 inclusive), Borough of Manhattan.

CAL. NO. 497-37-BZ—Application, October 20, 1937, under section 7h of the building zone resolution, of Daniel Ginsberg, applicant, on behalf of William Losak, lessee, for Jacob Litvin and Anna Litvin, owners, to permit in a business use district the parking and storage of more than five (5) motor vehicles for a period of two (2) years in addition to the existing use of the premises for the sale of used cars; premises 1203-1235 East New York avenue, northeast corner of Ralph avenue and Union street (Block No. 1477, Lot No. 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

MAY 24, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May* 24, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 181-38-BZ—Application, March 14, 1938, under sections 7a and 21 of the building zone resolution, of Leonard A. Swarthe, applicant, on behalf of Horace Smith, owner, to permit in a business use district the alteration and conversion of occupancy of part of an existing garage for more than five (5) motor vehicles (previously acted upon by the board) so as to include a gasoline service station; premises 410 City Island avenue, northeast corner of Ditmars street (Block No. 5645, Lot No. 1), Borough of The Bronx.

CAL. NO. 84-38-BZ—Application, February 10, 1938, under section 21 of the building zone resolution, of Samuel Rosenblum, applicant, on behalf of Kew Plaza Holding Corporation, owner, to permit in a residence use district the maintenance of a restaurant in part of the cellar story of an existing multiple dwelling; premises 80-40 Lefferts boulevard, north side, 100 ft. east of Austin street (Block No. 3353 (2142), Lot No. 59), Kew Gardens, Borough of Queens.

CAL. NO. 414-37-BZ—Application, August 23, 1937, under section 21 of the building zone resolution, of Meyer Cuttler, applicant, on behalf of Michael Berman, owner, to permit partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises 796 East 166th street, south side, 90 ft. west of Union avenue (Block No. 2670, Lot No. 35), Borough of The Bronx.

CAL. NO. 790-27-BZ—Application of Shapiro and Sikawitt, applicants, on behalf of D. & H. Garage Corporation, owner, reopened December 21, 1937, under section 21 of the building zone resolution, to permit in a business use district the maintenance of a motor vehicle repair shop, distributing station and garage for more than five (5) motor vehicles with the elimination of two (2) stores shown on original plans previously acted upon by the Board; premises 2170-2178 Jerome avenue, northeast corner of Cameron place (Block No. 3186, Lot No. 1), Borough of The Bronx.

CAL. NO. 571-37-BZ—Application, December 3, 1937, under section 21 of the building zone resolution, of Morris A. Marks and Joshua Tabatchnik, applicants, on behalf of 87th Shore Road Realty Corporation, owner, to permit in a residence use district the conversion of occupancy of part of the cellar story of an existing multiple dwelling to store use; premises 8701-8723 Shore road, 1-27 88th street, 8702-8724 Narrows avenue and 2-30 87th street (Block No. 6040, Lot No. 1), Borough of Brooklyn.

CAL. NO. 24-38-BZ—Application, January 15, 1938, under section 21 of the building zone resolution, of Gerald J. Friedberg, applicant, on behalf of Fanny Tozzi and Esther V. Tozzi, owners, to permit in a business use district the erection and maintenance of a garage for more than five (5) motor vehicles and a gasoline service station; premises 686-688 Bergen street, south side, 200 ft. west of Underhill avenue (Block No. 1145, Lot Nos. 32 and 33), Borough of Brooklyn.

CAL. NO. 192-38-BZ—Application, March 22, 1938, under section 21 of the building zone resolution, of Power and Hopkins, applicants, on behalf of Walter W. Welton, et al., owners, to permit in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop; premises 1679-1681 Jerome avenue, west side, 275 ft. north of Featherbed lane (Block No. 2861, Lot No. 32), Borough of The Bronx.

CAL. NO. 410-31-BZ—Application of Michael Levine, applicant, on behalf of Louise De Vito, owner, reopened March 22, 1938, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the alteration and maintenance of a gasoline service station (erection and maintenance of gasoline service station previously granted by the board under section 7f of the building zone resolution for a temporary period); premises 175-14 Horace Harding boulevard, south side, 117.71 ft. west of Utopia parkway (Block No. 2661, Lot No. 26), Flushing, Borough of Queens.

CAL. NO. 603-37-BZ—Application, December 20, 1937, under sections 7c and 21 of the building zone resolution, of Thomas P. DeGraffenried, applicant, on behalf of John C. Gabler, owner, to permit partly in an unrestricted use district extending into a business use district the erection of a gasoline service station; premises 240-13 and 241-01 to 241-21 Northern boulevard and 44-20 to 44-48 Douglaston parkway, northwest corner (Block No. 3951, Lot No. 220), Douglaston, Borough of Queens.

CAL. NO. 304-38-BZ—Application, April 23, 1938, under section 21 of the building zone resolution, of New York Telephone Company, applicant and owner, to permit in an unrestricted use, "B" area and one and one-half (1½) times height district the erection of an extension to an existing telephone building—which extension exceeds the zoning requirements as to area and height; premises 221-231 East 37th street, north side, 230 ft. west of Second avenue (Block No. 918, Lot

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Nos. 14, 17 and 18), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman*

MAY 24, 1938, 2 P. M.

Appeal from Administrative Order

251-38-A—256-260 Georgia avenue and 325 Belmont avenue, northwest corner (Block No. 3735, Lot No. 34), Borough of Brooklyn.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, May* 24, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 345-32-BZ—Application of Alphonsus Casey, applicant, on behalf of Patrick J. Reilly, owner, reopened February 23, 1938, for consideration as to extension of permit —re Application, previously granted on condition, under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station for a temporary period; premises north side of 47th avenue, 91 ft. east of Cross Island boulevard (Block No. 1299, part of Lot No. 105), Bayside, Borough of Queens.

CAL. NO. 152-37-BZ—Application, April 3, 1937, under section 7h of the building zone resolution, of Michael Falzarano, applicant and lessee, on behalf of Bessie Greenwald, I. Rosenwasser and N. Glantz, owners, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution, reopened and restored to calendar April 5, 1938); premises 9508-9530 Church avenue, southeast corner of East 96th street (Block No. 4716, Lot Nos. 42 to 50 inclusive), Borough of Brooklyn.

CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent, applicants, on behalf of Maude B. Mowry, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

CAL. NO. 534-37-BZ—Application of James J. Millman, applicant, on behalf of Nakoma Realty Corporation, owner, reopened May 3, 1938, under section 21 of the building zone resolution, for consideration and amendment to resolution to permit the building to be occupied as a public garage with a gasoline storage system and motor vehicle repair work—business use district; premises 144-146 and 148-150 Frost street, south side, 100 ft. west of Graham avenue (Block No. 2739, Lot Nos. 15 and 17), Borough of Brooklyn.

CAL. NO. 127-38-BZ—Application, March 1, 1938, under section 21 of the building zone resolution, of James Russell Ashley, applicant, on behalf of Elmtree Realty Company, owner, to permit in a business use district the erection and maintenance of eight (8) buildings to be occupied by garage for forty (40) automobiles; premises 195-201 West 237th street, northeast corner of Broadway (Block No. 3270, Lot No. 40), Borough of The Bronx.

CAL. NO. 170-38-BZ—Application, March 10, 1938, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Benjamin Levinson and Maxwell R. Ginsberg, owners, to permit in a business use district the erection and maintenance of a gasoline service station (part of plot in question previously denied for use as gasoline service station); premises 201-02 to 201-14 47th avenue, 47-02 to 47-06 202nd street, southwest corner and 201-01 to 201-13 Rocky Hill road, northwest corner of 202nd street (Block No. 5560, Lot Nos. 1 and 3), Bayside, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

JUNE 1, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Wednesday morning, June* 1, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 168-28-BZ—Application of William H. Garbade, applicant, on behalf of Adelaide F. Garbade, owner, reopened November 23, 1937, under section 7f of the building zone resolution, to permit, for a temporary period of not more than two (2) years, in a business use district, the erection and maintenance of a gasoline service station (previously denied); premises 54-82 to 54-90 Kissena boulevard, northwest corner of North Hempstead turnpike (Block No. 5179 (1056), Lot No. 1), Flushing, Borough of Queens.

CAL. NO. 318-30-BZ—Application of Samuel Rosenblum, applicant, on behalf of Edward F. McNally, owner, reopened March 8, 1938, under sections 7c and 21 of the building zone resolution, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a garage for more than five (5) motor

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vehicles and, also, a gasoline service station; premises 441-451 89th street and 8814-8824 Fifth avenue, northwest corner (Block No. 6065, Lot Nos. 32 and 35), Borough of Brooklyn.

CAL. NO. 619-37-BZ—Application, December 28, 1937, under section 7h of the building zone resolution, of John J. Dunnigan, applicant, on behalf of Joseph Havender, owner, to permit, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles; premises 3664-3696 Jerome avenue and 3653-3663 Bainbridge avenue, west side, 74 ft. south of Jerome avenue (Block No. 3329, Lot No. 100), Borough of The Bronx.

CAL. NO. 250-38-BZ—Application, April 11, 1938, under section 21 of the building zone resolution, of Harry Hurwit, applicant, on behalf of Trustees of Columbia University, owner, to permit in a residence use district the erection and maintenance of a gasoline service station and, also, the parking and storage of more than five (5) motor vehicles; premises 9-10 East street, west side, from Cherry street to Grand street, 615-625 Grand street and 506-530 Cherry street (Block No. 264, Lot No. 20), Borough of Manhattan.

CAL. NO. 289-38-BZ—Application, April 20, 1938, under section 21 of the building zone resolution, of Shreve, Lamb and Harmon and Harrison and Fouilhoux, applicants, on behalf of the Board of Higher Education, City of New York, owner, to permit partly in a residence use district and partly in a business use district, "B" area and one and one-half (1½) times height district the erection of the street walls of a building (Hunter College) not conforming with the height requirements of the building zone resolution; premises 657-699 Park avenue, 924-942 Lexington avenue, 57 East 68th street and 54 East 69th street (Block No. 1403, Lot No. 1), Borough of Manhattan.

CAL. NO. 29-38-BZ—Application, January 18, 1938, under section 7h of the building zone resoltion, of Theodore R. Feinberg, applicant, on behalf of Hotels Statler Company, Inc., owner, to permit in a retail use district the parking and storage of more than five (5) motor vehicles for a temporary period of two (2) years; premises 251-253 West 33rd street, north side, 225 ft. east of Eighth avenue and 250 West 34th street (Block No. 783, Lot Nos. 12, 13 and 72), Borough of Manhattan.

CAL. NO. 448-37-BZ—Application, September 16, 1937, under section 7h of the building zone resolution, of Max Fuchs, applicant, on behalf of 460 Eighth Avenue Corporation, owner, to permit, for a temporary period of two (2) years, in a retail use district, the parking and storage of more than five (5) motor vehicles; premises 255 West 33rd street, north side, 200 ft. east of Eighth avenue (Block No. 783, Lot No. 11), Borough of Manhattan.

CAL. NO. 1146-37-BZ-Application of William Sparago, applicant, on behalf of Vincenza Montana, owner, reopened June 22, 1937, under section 21 of the building zone resolution, to permit in a business use district the change of occupancy of an existing garage for more than five (5) motor vehicles to a garage for more than five (5) motor vehicles and a motor vehicle repair shop (the existing garage granted by the Board); premises 4509-4511 18th avenue, east side, 359 ft. 6 in. south of McDonald avenue (Block No. 5439, Lot No. 27), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

JUNE 1, 1938, 2 P. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Wednesday afternoon, June* 1, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 128-38-BZ—Application, March 1, 1938, under section 21 of the building zone resolution, of Julius S. Rapson, applicant, on behalf of Beaudel Brothers, owners, to permit in a business use district the erection and maintenance of a gasoline service station and, also, a motor vehicle repair shop; premises 240-18 South Conduit avenue, southeast corner of Memphis avenue and southwest corner of Memphis avenue and 241st street (Block No. 4840, part of Lot No. 245), Rosedale, Borough of Queens.

CAL. NO. 6-27-BZ—Application of Frank S. Parker, applicant, on behalf of Ortcar Realty Corporation, owner, reopened May 10, 1938, under section 21 of the building zone resolution, to permit in a business use district the inclusion of a motor vehicle repair shop in an existing garage for more than five (5) motor vehicles (previously granted by the Board); premises 211-225 West 61st street, north side, 400 ft. east of West End avenue (Block No. 1153, Lot Nos. 17 to 24 inclusive), Borough of Manhattan.

CAL. NO. 54-38-BZ—Application, January 29, 1938, under section 21 of the building zone resolution, of Olga Gazarian, applicant and lessee, on behalf of Hub Holding Corporation, owner, to permit in a residence use district a building now occupied as a private dancing school to be rented to organizations conducting dances for their members and guests; premises 90-92 Bennett avenue, west

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side, 105 ft. south of West 186th street (Block No. 2180, Lot No. 172), Borough of Manhattan.

CAL. NO. 384-37-BZ—Application, July 30, 1937, under sections 7c, 7h and 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of New York Life Insurance Company, owner, to permit partly in a business use district and partly in an unrestricted use district the parking of more than five (5) motor vehicles (for a temporary period of not more than two (2) years) and, also, a driveway to an existing gasoline service station located in the unrestricted use district; premises 29 Union Square west and 28-36 East 16th street, southwest corner (Block No. 843, Lot No. 29), Borough of Manhattan.

CAL. NO. 480-37-BZ—Application, October 11, 1937, under sections 7h and 7c of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Wendel Foundation and Phelps Estate, Inc., owners, to permit partly in a business use district and partly in an unrestricted use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises 21-25 Union Square west, west side, 52 ft. north of East 15th street (Block No. 843, Lot Nos. 22 and 25), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

JUNE 14, 1938, 10 A. M.

Building Zone Application

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, June* 14, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matter:

CAL. NO. 100-38-BZ—Application, February 17, 1938, under section 7h of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Three Eighty-Three Realty Corporation, owner, to permit in a retail use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 11-17 West 35th street, north side, 200 ft. west of Fifth avenue and 12-14 West 36th street, south side, 219 ft. west of Fifth avenue (Block No. 837, Lot Nos. 31, 32, 33, 34, 54 and 55), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, MAY 10, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the regular meeting of the board held on Tuesday morning, May 3, 1938 and the minutes of the regular meeting of the board held on Tuesday afternoon, May 3, 1938, were approved as printed in Bulletin No. 19, Vol. XXIII.

BUILDING ZONE CASES

128-38-BZ.

APPLICANT—Julius S. Rapson, for Beaudel Brothers, owners.

SUBJECT—Application (re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station and, also, a motor vehicle repair shop.

PREMISES AFFECTED—240-18 South Conduit avenue, southeast corner of Memphis avenue and southwest corner of Memphis avenue and 241st street (Block No. 4840, part of Lot No. 245), Rosedale, Borough of Queens.

APPEARANCES—

For Applicant: Walter Beaudel, Edward S. Finergan, Bernard V. Lott, Mrs. H. K. Payn, Arthur Beaudel, Charles P. Beaudel, John F. Diskin, Kenneth Haslan and T. F. Woods.

For Opposition: Sidney Lesser, Frank H. Ives, Mary Jane Troy, Abraham Pinkus, L. Paterson, Mrs. K. L. Emmermeyer, Frank J. Rieder, Mrs. S. Carter, and Mrs. Lillian Paterson.

For Administration: M. Michalowitz, for Department of Parks.

ACTION OF BOARD—Laid over to June 1, 1938 at 2 P.M. for report of committee. No further argument.

127-38-BZ.

APPLICANT—James Russell Ashley, for Elmtree Realty Company, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of eight (8) buildings to be occupied by garage for forty (40) automobiles.

PREMISES AFFECTED—195-201 West 237th street northeast corner of Broadway (Block No. 3270, Lot No. 40), Borough of The Bronx.

APPEARANCES—

For Applicant: James Russell Ashley and Henry S. Mansfield.

For Opposition: Peter V. Smith, Robert J. Orr, Frank Keilbach and Ortillo Solz.

ACTION OF BOARD—Laid over to May 24, 1938 at 2 P.M. for inspection and report by a committee of the board.

170-38-BZ.

APPLICANT—Samuels and Samuels, for Benjamin Levinson and Maxwell R. Ginsberg, owners.

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SUBJECT—Applicaton (re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station (part of plot in question previously denied for use as gasoline service station).

PREMISES AFFECTED—201-02 to 201-14 47th avenue, 47-02 to 47-06 202nd street, southwest corner and 201-01 to 201-13 Rocky Hill road, northwest corner of 202nd street (Block No. 5560, Lot Nos. 1 and 3), Bayside, Borough of Queens.

APPEARANCES—

For Applicant: Archie H. Samuels.

For Opposition: Irving M. Getick, David Auerbach and H. P. Lippelt.

ACTION OF BOARD—Laid over to May 24, 1938 at 2 P.M. for report of committee. No further argument.

100-38-BZ.

APPLICANT—Lama and Proskauer, for Three Eighty-Three Realty Corp., owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under section 7h of the building zone resolution, to permit in a retail use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—11-17 West 35th street, north side, 200 ft. west of Fifth avenue and 12-14 West 36th street, south side, 219 ft. west of Fifth avenue (Block No. 837, Lot Nos. 31, 32, 33, 34, 54 and 55), Borough of Manhattan.

APPEARANCES—

For Applicant: J. Jacques Stone and Alfred A. Lama.

For Opposition: Louis Saretsky.

ACTION OF BOARD—Laid over to June 14, 1938, at 10 A.M., on request of attorney for owner, as it appeared that the plot is not vacant and unbuilt upon and accordingly cannot be considered under section 7, subdivision h. The owner to determine in the interim, whether to demolish the buildings or to amend the application to bring it under section 21 and to so notify affected property owners accordingly.

53-38-BZ.

APPLICANT—Halsey, McCormack and Helmer, Inc., for Ridgewood Savings Bank, owner.

SUBJECT—Application reopened April 19, 1938, under new proposal—re application (decision of the acting borough superintendent of buildings) under sections 7b and 7c of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of an extension to an existing business building (Bank); (previously denied).

PREMISES AFFECTED—1838-1842 George street and 1002-1004 Forest avenue, southeast corner (Block No. 3575, Lots Nos. 31 and 33), Ridgewood, Borough of Queens.

APPEARANCES—

For Applicant: Walter J. Hess, George H. McCormack, R. Stutzmann and A. L. Muller.

For Opposition: Peter A. Ramo, Jacob B. Graf, George J. Graf, Josephine Schneider, P. R. Schumacher and others.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(53-38-BZ)

WHEREAS, Halsey, McCormack and Helmar, Inc., for Ridgewood Savings Bank, owner, filed January 28, 1938, an application under the building zone resolution to permit partly in a business use district and partly in a residence use district the erection and maintenance of an extension to an existing business building (Bank); Premises: 1838-1842 George street and 1002-1004 Forest avenue, southeast corner (Block No. 3575, Lot Nos. 31 and 33), Ridgewood, Borough of Queens; and

WHEREAS, this application was denied by the board April 12, 1938, and applicant requested a reopening of the case on the basis of new conditions; and

WHEREAS, this application was reopened by vote of the board on April 19, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 10, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that George street is in a residence and business use district; Myrtle avenue is in a business use district; Forest avenue is in a business use district; Stephen street is in a residence and business use district and Seneca avenue is in a business district; and

WHEREAS, the decision of the acting superintendent, department of housing and buildings, rendered January 20, 1938, re Applic. No. 300-1938, reads:

"1. The extending of a business building from a business district into a residential district is contrary to article 2, section 3, of the zone law."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 50.1 ft. on Forest avenue, 125 ft. on George street, and a distance of 100.09 ft. along the south lot line. Upon the north part of the premises there is located a business building (bank); it is proposed to erect an extension (to the south) to the existing bank building. The existing bank building and part of the site (having a frontage of approximately 17 ft. along George street) upon which it is proposed to erect the extension, is located in a business use district—the remainder of the premises is located in a residence use district. There is a 3-story dwelling located upon that portion of the premises upon which it is proposed to erect the extension; said dwelling will be demolished. The extension, as now proposed, has a frontage of 25.05 ft.; 90 ft. in depth on 1st story and 70 ft. in depth above; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that the provisions of section 7-B and 7-C of the building zone resolution, under which this application was made, empowered the board to exercise its discretion and to grant this application under such conditions as would safeguard the character of the more restricted district.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted*, under sections 7-b and 7-c to permit the extension of existing bank building into residential district, *on condition* that the building shall not extend in depth beyond 70 ft. from the street line of George street; that the balance of the lot, No. 31, shall be left unbuilt upon and shall be laid out attractively as a garden and surrounded by a fence not over 4 ft. high, either of substantial woven wire or iron picket construction; that in all other respects the building shall comply with all rules and regulations applicable thereto; and that all permits shall be obtained and all work shall be completed within one year from the date of this action.

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60-37-BZ.

APPLICANT—Philip T. Coffey, owner.

SUBJECT—Application reopened February 1, 1938 (re decision of the borough superintendent of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously withdrawn, including the residence use district).

PREMISES AFFECTED—32-05 Newtown avenue and 28-54 33rd street, northwest corner (Block No. 619, part of Lot No. 1), Astoria, Borough of Queens.

APPEARANCES—

For Applicant: D. R. Loccisano and Philip T. Coffey.

For Opposition: Samuel A. Zaur, Henry C. Schreiber, R. H. O'Neill, Anthony Capone, Jacob Goldstein and Samuel Skokanchek.

For Administration: James Hurley, Law Department.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative: Commissioner Savage and Assistant Chief Walsh	2
Negative: Chairman Murdock and Commissioner Blum	2
Absent	0

THE RESOLUTION—

(60-37-BZ)

WHEREAS, Philip T. Coffey, owner, filed February 17, 1937, an application under the building zone resolution to permit in a residence and business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; Premises: 32-05 Newtown avenue and 28-54 33rd street, northwest corner (Block No. 619, part of Lot No. 1), Astoria, Borough of Queens; and

WHEREAS, this application was withdrawn November 23, 1937, after argument and applicant requested a reopening of the case on the basis of new facts, the omission of the portion in the residence use district; and

WHEREAS, this application was reopened by vote of the board, February 1, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 10, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Newtown avenue is in a business use district; 33rd street is in a residence and business use district; 30th avenue is in a business use district and 28th place is in a residence and business use district; and

WHEREAS, the decision of the borough superintendent of housing and buildings, rendered April 12, 1938, reads:

> "Be advised that your request to this department for issuance of certificate of occupancy to cover use of premises situated on the northwest corner of 33rd street and Newtown avenue, Astoria, Borough of Queens, for parking and storage purposes, for more than five motor vehicles, hereby is DENIED as this location is situated in a district zoned 'Business' and such occupancy would be contrary to subdivision 15, section 4, of the building zone resolution of the city of New York."

and

WHEREAS, the premises consists of an irregular shaped plot of ground having a frontage of 100 ft. on 33rd street and 118.5 ft. on Newtown avenue. It is proposed to use the plot for a temporary period of not more than two (2) years, for the parking and storage of more than five (5) motor vehicles; and

WHEREAS, the board deemed that this was not a proper case for the board to exercise its discretion to grant under section 7h of the building zone resolution.

Resolved, that the decision of the borough superintendent of buildings be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

335-37-BZ.

APPLICANT—Samuel Reice, for Edgar H. Myers, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7f and 21 of the building zone resolution, to permit in a business use district the maintenance of a junk yard.

PREMISES AFFECTED—1040-1056 Rockaway avenue, west side, 140 ft. south of Linden boulevard (Block No. 3643, part of Lot No. 40), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel Reice and Alfred A. Lama.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(335-37-BZ)

WHEREAS, Samuel Reice, for Edgar H. Myers, owner, filed July 1, 1937, an application under the building zone resolution to permit in a business use district the maintenance of a junk yard; premises 1040-1056 Rockaway avenue, west side, 140 ft. south of Linden boulevard (Block No. 3643, part of Lot No. 40), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 10, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Rockaway avenue is in a business, residence and unrestricted use district; Chester street is in a business, residence and unrestricted use district; Linden boulevard is in a residence and business use district and Ditmas avenue is in an unrestricted use district; and

WHEREAS, the decision of the commissioner of buildings, rendered June 2, 1937, re Application No. 9121, reads:

> "Proposition to use vacant property as described, located within a Business District for Junk Yard contrary to Zone Resolution Art. 2, Section 4, Par. 4. Therefore this application denied."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 151 ft. and a depth of 100 ft.; there is a shed on the south portion of the plot. It is proposed to use the plot as a junk yard; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to the hearing; and

WHEREAS, the board deemed that applicant had substantiated his basis for temporary hardship under section 21 of the building zone resolution and was, therefore entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 21 for a period of five years from the date of this action, to permit the premises under appeal to be used for the storage and handling of scrap iron, *on condition* that the operation shall meet the requirements of the Department

of Housing and Buildings, the requirements of the superintendent of buildings, Brooklyn, and the Department of Licenses, and *on condition* that there shall be constructed along the front of the property on the Rockaway avenue building line, a substantial woven wire fence not less than 7 ft. in height, except for the necessary entrances; that all permits shall be obtained and all work completed within one year from the date of this action.

613-37-BZ.

APPLICANT—William C. Sommerfeld, for Three Bees, Inc., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7h and 21 of the building zone resolution, to permit in a business use district the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—234-242 West 124th street, south side, 375 ft. west of Seventh avenue (Block No. 1929, Lot Nos. 49-52), Borough of Manhattan.

APPEARANCES—

For Applicant: William C. Sommerfeld and Samuel Levy.

For Opposition: N. Taylor Phillips, Celestine Gonzales and Richard W. Townsend.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(613-37-BZ)

WHEREAS, William C. Sommerfeld, for Three Bees, Inc., owner, filed December 21, 1937, an application under the Building zone resolution to permit in a business use district the parking and storage of more than five (5) motor vehicles; premises 234-242 West 124th street, south side, 375 ft. west of Seventh avenue (Block No. 1929, Lot Nos. 49 to 52), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 10, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that West 124th street is in a business district; West 123rd street is in a residence and business district; Seventh avenue is in a business district and Eighth avenue is in a business district; and

WHEREAS, the decision of the borough superintendent, Department of Housing and Buildings, rendered April 11, 1938, reads:

"Your application for a certificate of occupancy for the use of the above premises for the parking and storage for more than five cars has been denied as the premises are located in a business district and the use of same for the parking and storage of cars is prohibited by Art. II, Sect. 4a, subdiv. 15 of the Zone Resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 100 ft. and a depth of 100 ft. 11 in. It is proposed to use the plot for the parking and storage of more than five motor vehicles; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that this was a proper case in which to exercise its discretion under section 7, subdivision H of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the aplication be and it hereby is *granted* under section 7-H thereof for a period of two years from the date of this action, to permit the lot under appeal to be used for the parking and storage of more than five motor vehicles, *on condition* that only motor vehicles of the pleasure-car type shall be stored or parked and only those which are licensed for the current year and capable of operation, shall be so stored or parked; that no trucks shall be stored and no repair work carried on and that the plot shall be for no other use during the term of this variance, than as herein permitted; that the plot shall be leveled substantially to the grade of West 124th street and surfaced with steam cinders or other suitable material, properly rolled and bound to prevent dusting and graded to furnish surface drainage; that on the interior lot lines where walls of adjacent buildings do not occur, there shall be erected substantial woven wire fences not less than six feet in height; that a similar fence shall be erected along the street building line of West 124th street, except for the entrance to the premises, which shall not exceed 20 ft., with a curb cut opposite not exceeding 20 ft.; that no building shall be erected on the premises, except a building not exceeding one story in height and 150 sq. ft. in area, to be used as an office and shelter for the attendant; that such portable fire-fighting appliances shall be installed as the commissioner shall direct; that no signs shall be erected on the premises other than a sign at the entrance, advertising the parking and storage use; that all permits required shall be obtained and all work involved completed within six months from the date of this action.

Adjourned, 3:40 P.M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, MAY 10, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

6-27-BZ.

APPLICANT—Frank S. Parker, for Ortcar Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the superintendent of buildings) under sections 7e and 21 of the building zone resolution, permitting in a business use district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles.

PREMISES AFFECTED—211-225 West 61st street, north side, 400 ft. east of West End avenue (Block No. 1153, Lot Nos. 17 to 24 inclusive), Borough of Manhattan.

APPEARANCES—

For Applicant: Frank S. Parker.

ACTION OF BOARD—Application reopened and set for hearing June 1, 1938 at 2 P.M.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

1149-24-BZ.
APPLICANT—Herman W. J. Bruning, owner.
SUBJECT—Application for consideration—reopening and extension of permit—re application (decision of the superintendent of buildings) previously granted under section 21 of the building zone resolution, permitting in a residence use district the maintenance of an existing garage for six (6) motor vehicles for a temporary period.
PREMISES AFFECTED—63-63½ Schaeffer street, west side, 125 ft. north of Bushwick avenue (Block No. 3421, Lot Nos. 57 and 58), Borough of Brooklyn.
APPEARANCES—
For Applicant: Herman W. J. Bruning.
ACTION OF BOARD—Application reopened and permit extended.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO EXTEND PERMIT—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—
(1149-24-BZ)

WHEREAS, this application affecting premises 63-63½ Schaeffer street, west side, 125 ft. north of Bushwick avenue (Block No. 3421, Lot Nos. 57 and 58), Borough of Brooklyn, was granted by the board April 28, 1925, for a temporary period of two years under section 7, subdivision g, on certain conditions, this period extended June 7, 1932, June 5, 1934, and June 9, 1936, under section 21; and

WHEREAS, applicant requested a further extension of the temporary period under section 21.

Resolved, that the resolution adopted by the board on June 9, 1936 be and it hereby is *amended,* only so far as it has reference to the term of this variance, so that as amended the resolution will read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted for a temporary period of two years from the date of this action under section* 21 *of the building zone resolution, on condition* that the structure shall be restricted to the existing masonry structure with a roof surfacing of incombustible materials, not over one story in height, located on the rear of the lot for a width of 50 ft. and a depth of approximately 20 ft. for use of six (6) cars of the pleasure type only, prohibiting taxicabs or trucks; that four spaces may be rented to persons not residing on the premises; that this variance shall continue only so long as the property shall remain under the present ownership and only so long as the present owner resides in the two-story frame dwelling located on the front portion of the lot; that there shall be no storage of gasoline other than in the tanks of the cars stored on the premises; that the rear and gable walls, shall be unpierced throughout their entire height and length; that there shall be no gasoline equipment installed and no signs of any nature displayed on the premises."

460-26-BZ.
APPLICANT—J. Henry Walters, for Brooklyn Ridgewood Corporation, owner.
SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the commissioner of buildings) under sections 7c and 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a building to be used as a theatre.
PREMISES AFFECTED—4921-4923 Fifth avenue, 514-534 49th street and 513-533 50th street (Block No. 784, Lot No. 2), Borough of Brooklyn.
APPEARANCES—
For Applicant: J. H. Walters.
ACTION OF BOARD—Application reopened and time extended.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO EXTEND TIME—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—
(460-26-BZ)

WHEREAS, this application affecting premises 4921-4923 Fifth avenue, 514-534 49th street and 513-533 50th street (Block No. 784, Lot No. 2), Borough of Brooklyn, was granted by the board February 19, 1935, on certain conditions, time extended May 5, 1936 and February 16, 1937 and applicant requested a further extension of time.

Resolved, that the resolution adopted by the board on February 19, 1935 be and it hereby is *amended,* only so far as it has reference to the filing of plans and completion of work, so that as amended that portion of the resolution will read:

"that all plans shall be filed and all work involved completed within one year from August 16, 1938."

77-32-BZ.
APPLICANT—Lama and Proskauer, for Anagal Realty Co., Inc., owner.
SUBJECT—Application for consideration—reopening and extension of permit—re application (decision of the superintendent of buildings) under section 7f of the building zone resolution, permitting in a business use district the erection and maintenance of a gasoline service station for a temporary period.
PREMISES AFFECTED—Northeast corner of Nassau boulevard and Utopia parkway (Block No. 2785, Lot No. 5), Flushing, Borough of Queens.
APPEARANCES—
For Applicant: Alfred A. Lama.
ACTION OF BOARD—Application reopened and permit extended.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO EXTEND PERMIT—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

MINUTES

(77-32-BZ)

WHEREAS, this application affecting premises northeast corner of Nassau boulevard and Utopia parkway (Block No. 2785, Lot No. 5), Flushing, Borough of Queens, was granted by the board May 20, 1932, under section 7, subdivision f, on certain conditions for a temporary period of two years, time extended June 2, 1936 and applicant requests a further extension of the temporary period.

Resolved, that the resolution adopted by the board on May 20, 1932 be and it hereby is *amended,* only so far as it has reference to the term of the variance, so that as amended this portion of the resolution will read:

"*granted* for a temporary period of two years from the date of this amended resolution, *on condition* that the resolution adopted May 20, 1932 shall be complied with in all other respects."

286-37-BZ.

APPLICANT—Edward J. A. Sylvester, for Trinor Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the commissioner of buildings) under section 7c of the building zone resolution, permitting in a residence use district the extension of an existing laundry.

PREMISES AFFECTED—428-436 West 54th street, south side, 350 ft. west of Ninth avenue (Block No. 1063, Lot No. 47), Borough of Manhattan.

APPEARANCES—

For Applicant: Edward J. A. Sylvester.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(286-37-BZ)

WHEREAS, this application affecting premises 428-436 West 54th street, south side, 350 ft. west of Ninth avenue (Block No. 1063, Lot No. 47), Borough of Manhattan, was granted by the board July 9, 1937, on certain conditions and applicant requests an extension of time to obtain permits and complete work.

Resolved, that the resolution adopted by the board on July 9, 1937 be and it hereby is *amended,* only so far as it has reference to obtaining permits and completion of the work, so that as amended this portion of the resolution will read:

"that all permits shall be obtained and all work completed within one year from the date of this amended resolution, *on condition* that the resolution adopted on July 9, 1937 shall be complied with in all other respects.

450-37-BZ.

APPLICANT—Samuel Rosenblum, for Pasquale Fiero, owner.

SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the commissioner of buildings) under section 7c of the building zone resolution, permitting partly in a business use district and partly in a residence use district the extension of an existing gasoline service station and also the erection and maintenance of an accessory building to be used as office, lu-

ritorium, auto laundry and motor vehicle repair shop.

PREMISES AFFECTED—1040-1050 East New York avenue, southeast corner of East 94th street (Block No. 4597, Lot Nos. 1, 2 and 4), Borough of Brooklyn.

APPEARANCES—

For Applicant: L. B. St. Angelo.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(450-37-BZ)

WHEREAS, this application affecting premises 1040-1050 East New York avenue, southeast corner of East 94th street (Block No. 4597, Lot Nos. 1, 2 and 4), Borough of Brooklyn, was granted by the board February 8, 1938, on certain conditions and applicant requested an extension of time to obtain permits.

Resolved, that the resolution adopted by the board on February 8, 1938 be and it hereby is *amended,* only so far as it has reference to obtaining permits and completion of work, so that as amended this portion of the resolution will read:

"that all permits shall be obtained within two months from the approval of the plans as herein provided and that all work shall be completed within one year from the date of obtaining such permits."

APPEALS FROM ADMINISTRATIVE ORDERS

251-38-A.

APPLICANT—George Ginsburg, for Paulo Waste Corp., owner.

SUBJECT—Appeal from an order of the commissioner of buildings and a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—256-260 Georgia avenue and 325 Belmont avenue, northwest corner (Block No. 3735, Lot No. 34), Borough of Brooklyn.

APPEARANCES—

For Applicant: George Ginsburg.

ACTION OF BOARD—Laid over to May 24, 1938 at 2 P.M., on request of applicant.

320-38-A.

APPLICANT—Edwin H. Snackenberg, for Nolan Bros., owners.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—240-248 East 29th street, west side, 85 ft. 7⅛ in. south of Cortelyou road (Block No. 5172, Lot No. 23), Borough of Brooklyn.

APPEARANCES—

For Applicant: Edwin H. Snackenberg.

For Administration: Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to May 17, 1938, at 2 P.M., to permit drafting of general resolution to Commissioner of Buildings.

342-38-A.

APPLICANT—Rollin C. Bastress, for Long Island Contractors, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—Northeast corner of 162nd street and Cryders lane, east side of 162nd street, from Cryders lane to 14th avenue (Block No. 4595, Lot No. 80), Beechhurst, Borough of Queens.
APPEARANCES—
For Applicant: Rollin C. Bastress and H. Willis.
For Administration: David Stone, Department of Housing and Buildings.
ACTION OF BOARD—Laid over to May 17, 1938 at 2 P.M., for consideration by board and report of representative of Queens, Department of Housing and Buildings.

258-38-A.
APPLICANT—The Salvation Army, lessee.
SUBJECT—Appeal from an order of the fire commissioner.
PREMISES AFFECTED—250 Myrtle avenue, south side, 90 ft. east of Ashland place and 99-13 Ashland place (Block No. 2068, Lot No. 12), Borough of Brooklyn.
APPEARANCES—
For Applicant: Thos. B. Dickinson.
For Administration: Inspector Meyer, Fire Dept.
ACTION OF BOARD—Appeal withdrawn upon request of applicant, who will apply to the fire department for a permit for a non-storage garage.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

282-38-A-WF.
APPLICANT—Sidney Zimmerman, for Filippe Prestifilipp, owner.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—40-02 National avenue and 102-26 Roosevelt avenue, southwest corner (Block No. 1974, Lot No. 3), Corona, Borough of Queens.
APPEARANCES—
For Applicant: Robert J. Butler and Sidney Zimmerman.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(282-38-A-WF)

WHEREAS, Sidney Zimmerman, for Filippe Prestifilipp, owner, filed on April 18, 1938, an application for approval for the erection of a sign as referred to in a decision of the borough superintendent, department of housing and buildings, affecting premises 40-02 National avenue and 102-26 Roosevelt avenue, southwest corner (Block No. 1974, Lot No. 3), Corona, Borough of Queens; and

WHEREAS, the decision of the borough superintendent on Alt. Applic. 1800-38, dated April 5, 1938, reads as follows:

"The erection of a sign exceeding 30 sq. ft. in area within the World's Fair Area is contrary to section 4 of the World's Fair Resolution. Not further considered. Appeal may be taken to the Bd. of S. & A."

and

WHEREAS, the building on which the sign is to be located is two stories, 22 ft. in height, 14 ft. 2 in. by 35 ft. in area, of nonfireproof construction; located in a business use "C" area, 1¼ times, district; erected in 1926 and occupied as follows: 1st floor—store; 2nd floor—office; and

WHEREAS, it is proposed to erect a sign 30 in. high and extending along the face of the building at the top of the show windows for a distance of 14 ft. 3 in. on National avenue and 8 ft. 9 in. on Roosevelt avenue, as shown on drawings filed with this appeal; and

WHEREAS, the applicant contends that the location of the building where this sign is erected is 15 blocks away from the World's Fair Grounds, which is about the boundary line of the World's Fair area, thus the sign cannot be seen for more than 100 ft. distant; that the reading matter on the sign would not mislead anybody so as to make them believe that the advertised store has any connections with the World's Fair; that the sign extends up two streets (National avenue and Roosevelt avenue) and the area of the sign on any one street meets the requirements specified under 30 sq. ft. in area); that directly adjoining this building is a sign approximately 75 sq. ft., and as the district is a business zone, practically every store carrying a neon display has one of over 30 square feet; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing.

Resolved, that the decision of the borough superintendent, Alt. Applic. 1800-38, be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that the sign shall not exceed in size that indicated on plans filed with this appeal.

300-38-A-WF.
APPLICANT—Shirley Yasner, for Nicholas Coppola, owner.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—49-01 104th street and 104-06 49th avenue, southeast corner (Block No. 1993, Lot No. 49), Corona, Borough of Queens.
APPEARANCES—
For Applicant: Shirley Yasner.
For Administration: David Stone, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(300-38-A-WF)

WHEREAS, Shirley Yasner, for Nicholas Coppola, owner, filed April 22, 1938, an appeal for approval of the erection of a sign, from a decision of the borough superintendent, affecting premises 49-01 104th street and 104-06 49th avenue, southeast corner (Block No. 1993, Lot No. 49), Corona, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated April 5, 1938, re. Alt. Applic. No. 1826-1938, reads:

"1. The erection of a sign exceeding 30 sq. ft. within the World's Fair area is contrary to section 4 of the World's Fair resolution. Not further considered. Appeal may be taken to the Bd. of S. & A."

and

WHEREAS, the building on which the sign is to be located is two stories, 26 ft. in height, 15 ft. by 100 ft. in area, of non-fireproof construction, located in a business use district, erected in 1924 and occupied as follows: 1st floor—funeral parlor, 9 persons; 2nd floor—residence, 9 persons, for which no certificate of occupancy has been issued; and

WHEREAS, it is proposed to erect a sign 15 ft. in height by 3 ft. and 7 ft. 6 in. in width, 10 ft. above the sidewalk level at right angles to the building, as shown on plans filed with this appeal; and

WHEREAS, the applicant contends that the proposed sign is to be erected at right angles to the building wall; that the size of the sign is 15 ft. by 3 ft., 2 ft. by 7 ft. 6 in.; that the sign will read COPPOLA UNDERTAKER; and that present occupants have been at the premises since the erection of the building in 1924; that they have had two signs hanging on the building; that one sign has been removed because of deterioration; that the proposed sign will replace the one that has been removed; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing.

Resolved, that the decision of the borough superintendent, Alt. Applic. 1826-38, be and it hereby is *modified,* and the appeal be and it hereby is *granted on condition* that the sign shall not exceed in size that indicated on plans filed with this appeal.

287-38-A.

APPLICANT—Eastman Kodak Stores, Inc., lessee.
SUBJECT—Appeal from an order of the fire commissioner.
PREMISES AFFECTED—235 West 23rd street, north side, 347 ft. west of Seventh avenue (Block No. 773, Lot No. 24), Borough of Manhattan.
APPEARANCES—
For Applicant: W. F. Shepard and D. Roberts.
For Administration: Inspector Meyer, Fire Department and Charles Tilgner, Department of Education.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(287-38-A)

WHEREAS, Eastman Kodak Stores, Inc., lessee, filed on April 19, 1938, an appeal from an order of the fire commissioner affecting premises 235 West 23rd street, north side, 347 feet west of Seventh avenue, (first floor), (Block No. 773, Lot No. 24), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, No. 12299-c dated April 12, 1938, reads as follows:

"Forthwith discontinue maintaining and operating a still film laboratory in the building 235 West 23rd street, Borough of Manhattan as per Section C-19-116-O.A.

REASONS:

1—No permit.

2—Rooms do not comply with the Administrative Code."

and

WHEREAS, the building is 8 stories and basement (105 feet) in height, 60 feet by 98 feet 9 inches in area, of fireproof construction, equipped with a standpipe and sprinkler system and located in a retail use district, erected in 1907 and occupied since January 1, 1928 as follows: Cellar—storage and shipping, 4 persons; 1st floor, store, developing and printing, 28 persons; 2nd and 3rd floors, vacant, 4th floor, processing of safety films, 13 persons; 5th floor, office and stock—14 persons; 6th floor—Service, Recordak, 20 persons; 7th floor, office, Recordak, 25 persons; 8th floor—processing Recordak, 20 persons; for which no certificate of occupancy has been issued; and

WHEREAS, the applicant is now constructing a new department on the 2nd floor which will comply with all regulations and respectfully requests the board to modify said order by providing that the applicant may have sixty (60) days within which to comply therewith; and

WHEREAS, these premises were inspected by a committee of the board, verbal report of which inspection was submitted to the board,

Resolved, that the order of the fire commissioner, No. 12299-C, be and it hereby is *modified,* and the appeal be and it hereby is *granted for a period of two (2) months* from the date of this action, *on condition* that the amount of film in use or being worked upon shall not exceed the amount stated in this appeal; that not more than 250 ft. of film shall be exposed and under operation at any one time; that the window in the rear easterly wall, 1st story shall have the iron bars removed and shall be reconstructed to provide a casement door not less than 2 ft. 6 in. wide at sill level with steps and platform leading thereto on the store side and with an iron balcony constructed in the court to which this door shall give access, with a vertical ladder to the existing landing platform of the existing rear fire escape, which has egress to adjoining yard by counterbalanced stair; that such portable fire fighting equipment shall be provided as the fire commissioner may direct, kept readily accessible and that the existing sprinkler system shall be maintained in good working order at all times.

298-38-A.

APPLICANT—Belroe Realty Corporation, owner.
SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—257-261 Moore street, north side, 159 ft. 10 in. west of Bogart street and 276-280 Siegel street (Block No. 3101, Lot No. 10), Borough of Brooklyn.
APPEARANCES—
For Applicant: Clarence Seid and Jerome Zirinsky.
For Administration: Benjamin Saltzman, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(298-38-A)

WHEREAS, Belroe Realty Corporation, owner, filed on April 22, 1938, an appeal from a decision of the acting borough superintendent, Dept. of Housing and Buildings, affecting premises 257-261 Moore street, north side, 159 ft. 10 in. west of Bogart street and 276-280 Siegel street (Block No. 3101, Lot No. 10), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent on N. B. App. 5140-38, dated April 21, 1938, reads as follows:

"1. Proposed omission of sprinkler system is contrary to 4.2.1 of Code, as area of building exceeds 12,000 sq. ft."

and

WHEREAS, the proposed building will be one story (14 ft.) in height, 75 ft. by 200 ft. in area, of nonfireproof construction, located in an unrestricted use district and to be occupied throughout as a public garage and will front on two streets; and

WHEREAS, the applicant contends that the building will have steel and wood roof; that the Building Code allows the use of 12,000 sq. ft. floor area (when fronting on 2 streets) without a sprinkler system; that with the masonry walls, piers, and fire-retarded partitions deducted, the floor area nets 14,000 sq. ft., making an excess area of only 2,000 sq. ft.; that there will be adequate exits in the building, as each street will have one exit door and two large overhead doors; that the applicant appeals to the board to allow the use of this area of 14,000 sq. ft., without a sprinkler system, and without making the building fireproof.

Resolved, that the decision of the acting borough superintendent, N. B. 5140-38, be and it hereby is *modified,* and the appeal be and it hereby is *granted on condition* that in addition to the sand pails and fire-extinguishers required by law to be installed, there shall also be provided two (2) 2½-gallon approved fire extinguishers, one placed near each

street entrance to the building; and that in all other respects all rules, laws and regulations applying to the occupancy of this building shall be complied with.

268-38-A.

APPLICANT—Harry B. Mulliken, for East River Savings Bank, mortgagee in control under assignment of rents.

SUBJECT—Appeal from decisions of the deputy commissioner, Department of Housing and Buildings.

PREMISES AFFECTED—160 East 117th street, south side, 60 ft. east of Lexington avenue (Block No. 1644, Lot No. 50), Borough of Manhattan.

APPEARANCES—

For Applicant: Harry B. Mulliken.

For Administration: Inspector Kelly, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(268-38-A)

WHEREAS, Harry B. Mulliken for East River Savings Bank, Mortgagee in control under assignment of rents, filed April 14, 1938, an appeal from decisions of the Deputy Commissioner, Department of Housing and Buildings, affecting premises 160 East 117th street, south side, 60 feet east of Lexington avenue (Block No. 1664, Lot No. 50), Borough of Manhattan, and

WHEREAS, the decision of Deputy Commissioner of Housing and Buildings, dated February 1, 1938, reads as follows:

"Building at rear of lot unlawfully used as public garage

YOU are hereby ordered to discontinue such use forthwith. Section 309."

and

WHEREAS, the decision of the Deputy Commissioner, Division of Housing, dated April 1, 1938, reads as follows:

"In reply to your objection to the violation pending against the above noted premises for the garage in the rear of the lot being used as a public garage, please be informed that we consider this violation justified and would suggest, if you object to complying with the same, that you refer the matter to the Board of Standards and Appeals."

and

WHEREAS, the building is one story, 10 feet in height, 25 feet by 35 feet in area, of ordinary brick construction erected in 1922, located in a business use district and occupied since 1924 as a public garage for 5 motor cars; the garage is located on the rear of a lot on the front of which is a three-story and basement, 4-family heretofore converted dwelling, certificate of occupancy No. 7619 was issued in 1924 for the garage buildings; and

WHEREAS, the applicant contends that there is an open yard 25 ft. wide and 18 ft. 10 in. deep, between the front of the garage and the heretofore converted dwelling, which covers a portion of the forward part of the lot; that exit from the garage to street is by an 8 ft. wide open driveway along the side of the converted dwelling; that while it is recognized that the building of a new public garage on the same lot with a Class A Multiple Dwelling would not be permitted, this garage and the dwelling were both existing prior to the enactment of the multiple dwelling law; that there appears to be no section in the multiple dwelling law which can be interpreted as forbidding the continued use of a public garage, legal up to April 18, 1929, occupying the rear part of a lot upon the front of which is a heretofore converted dwelling, converted prior to said date; that the housing division appears to consider that the garage use constitutes a nuisance—and refers to section 309, multiple dwelling law; that the use conforms to the terms of the approved building application and to the certificate of occupancy; that the certificate provides for 5 car storage, the floor space will accommodate only 3 cars and that there is no storage of gasoline, oil or other inflammables; and

WHEREAS, it appears that the garage at the rear was legally permitted prior to passage of the multiple dwelling law and that the space between the converted dwelling and the garage is approximately nineteen feet; and

WHEREAS, the board deemed that no serious hazard existed to justify invoking the provision of section 309 of the multiple dwelling law, to remove the garage in view of its legal status.

Resolved, that the decisions of the Deputy Commissioner, Department of Housing and Buildings, be and they hereby are *modified,* and that the appeal be and it hereby is *granted on condition* that the conditions as set forth in the statement of this appeal shall remain the same; and that the garage use shall meet all the requirements of the laws, rules and regulations applicable thereto for non-storage garage in a business district.

314-38-A.

APPLICANT—Edgar J. Moeller, for Pavelle Laboratories, Inc., lessee.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—479-485 Fifth avenue and 3-7 East 41st street, northeast corner and 14-16 East 42nd street (4th floor East 42nd street wing); (Block No. 1276, Lot No. 1), Borough of Manhattan.

APPEARANCES—

For Applicant: Frank M. Sweeney and E. Moeller.

For Administration: Inspector Meyer and Inspector Majorietta, Fire Department.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(314-38-A)

WHEREAS, Edgar M. Moeller, for Pavelle Laboratories, Inc., lessee, filed April 29, 1938, an appeal from an order and a decision of the fire commissioner affecting premises 479-485 Fifth avenue, 3-7 East 41st street, northeast corner and 14-16 East 42nd street, (4th floor, E. 42nd street wing) (Block No. 1276, Lot No. 1), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, No. 11841-LC, dated March 11, 1938, reads as follows:

"You are hereby notified that a permit to maintain and conduct a still film laboratory in the above mentioned premises cannot be granted for the following reasons:

A—Building is not equipped with an approved system of automatic sprinklers. Sec. C-19-116-O.A.

B—Building is in part occupied as a dwelling. Sec. C-19-116-O.A.

C—Building does not contain one or more vaults or cabinets constructed in accordance with the Code. Sec. C-19-116—O.A.

D—Portion of premises occupied by you is not equipped with the proper fittings, furniture, lighting, portable fire extinguishing applicances, waste cans and adequate exits. Sec. C-19-116.O.A.

YOU ARE THEREFORE, HEREBY ORDERED TO:

1. Discontinue the maintenance of a still film laboratory in the premises 16 East 42nd street, Manhattan.

and

WHEREAS, the decision of the fire commissioner, dated April 26, 1938, reads as follows:

"In reply to your verbal request of this date for a reissuance of Order No. 11841-LC, be advised that the department does not reissue an order, but that the order referred to was issued on March 11, 1938 and is now pending in the records of this department."

and

WHEREAS, the building is 10 stories (153 ft. 10 inches) in height, 166 ft. by 197 ft. 6 in. in area, of fireproof construction, equipped with a standpipe and sprinkler system, erected in 1914, located in a business use, 1¼ times "B" area district and occupied since May 1, 1935 as follows: Sub-cellar—engine room and shipping, 14 persons; cellar—store, 25 persons; first floor—store, 50 persons; 2nd floor—stock and salesroom, 30 persons; 3rd floor—office and saleroom, 50 perons; 4th floor—stock and salesroom, 85 persons; 5th floor—office and salesroom, 45 persons; 6th floor—stock and salesroom, 50 persons; 7th floor—office, 50 persons; 8th floor and 9th floor—office, salesroom, 50 persons each floor; 10th floor—same, 30 persons; pent house—superintendent's apartment and busheling, 50 persons; and

WHEREAS, applicant contends that the only residence occupancy is the superintendent's apartment in the pent house on the Fifth avenue corner of the building; that the only moving picture film developing done on the premises is of the candid camera type, 35 millimeter, and not exceeding 5½ ft. in length and 70 percent of which is of the safety type; that the maximum amount of film on the premises at any one time does not exceed 500 ft.; that the film is dried without the use of artificial heat except a few rush orders which are dried in a small steel cabinet 18 in. by 6 in. by 8 in., heated by gas, the flame being fully enclosed; that no chemicals except those used for developing are kept on the premises; that much of the furniture is of steel or fireproof wood; it is requested, however, that the wood developing sinks and wash sinks, all of which are constantly wet and small wood tables in the work rooms, which are of elaborate and special design, be permitted to remain.

Resolved, that the order of the fire commissioner No. 11841-LC be and it hereby is *modified,* and the appeal be and it hereby is *granted on condition* that the sprinkler system in the building, fed from two pressure tanks, shall be maintained in accordance with the requirements of the Board of Standards and Appeals; that no additional portion of the building shall be used as a dwelling other than the pent house, now so used; that such vaults or cabinets for film storage shall be constructed as may be required by the fire commissioner; that all fittings within the space occupied for this use shall be of metal or fireproof wood, except that the tanks in which the film is processed may be of wood; that lighting fixtures shall meet the requirements for this use; and that such portable fire-extinguishers and waste cans shall be supplied as the fire commissioner shall direct; that in addition to the existing exits there shall be provided an additional door to the public hall toward the north, exiting from the room used for printing and enlarging, and also one toward the south from the developing department through the dark room to the public hall; and that in all other respects all laws, rules and regulations applicable thereto shall be complied with.

319-38-A.

APPLICANT—Joseph and Ben Barnett, Inc., lessee.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—494-498 Seventh avenue and 200-214 West 37th street, southwest corner and 205-221 West 36th street (22nd floor); (Block No. 786, Lot No. 51), Borough of Manhattan.

APPEARANCES—

For Applicant: Jerome Spiers.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(319-38-A)

WHEREAS, Joseph Barnett & Ben Barnett, Inc., lessees, filed April 29, 1938, an appeal from an order and a decision of the fire commissioner affecting premises 494-498 Seventh avenue and 200-214 West 37th street, southwest corner and 205-221 West 36th street (22nd floor), (Block No. 786, Lot No. 51), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner No. 9940-LC, dated December 2, 1937, reads:

"Either comply with the following or your permit will be revoked:

1. Remove the refrigerating system or systems from the stairway or hall of the building as per section 219 (f) chapter 10, Code of Ordinances."

and

WHEREAS, the decision of the fire commissioner, dated April 13, 1938, reads:

"Replying to your favor of April 4, 1938, we desire to advise you that this department does not re-issue orders when an applicant has exceeded the time limit in which to file an appeal.

We have been informed that the Board of Standards and Appeals will accept a letter from this department as a basis for an appeal. For that reason this communication is forwarded and will certify that order 9940-LC was issued against Joseph and Ben Barnett, 498 Seventh avenue, Manhattan, on December 2, 1937."

and

WHEREAS, the building is 23 stories, (311 feet 7 in.) in height, 98.9 feet by 250.9 feet in area, of fireproof construction, equipped with a standpipe and sprinkler system, erected in 1921 and located in a business and unrestricted use district, occupied as follows: Cellar,—storage and shipping, 150 persons; 1st floor—stores, 250 persons; 2nd floor to 16th floor, factory—450 persons per floor; 17th floor to 22nd floor, factory—250 persons per floor; 23rd floor—club rooms and gym—375 persons; there is an air conditioning unit installed; and

WHEREAS, the applicant contends that the room in which the compressors are located, consists of a sheet metal enclosure with Gypsteel planks on the original concrete floor of the building; that there are two compressors using Freon gas; that the refrigeration system does not violate section 219-f, chapter 10 of the Code of Ordinances; that it is not located in a public hall; that the refrigerant is not an irritant or inflammable refrigerant.

Resolved, that the decision and order of the fire commissioner, No. 9940-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the refrigerating units shall be enclosed with a partition that is reasonably vapor-tight at the location marked on plans filed with this appeal; that a door shall be installed between the public hall at the elevators and the private hall; that the refrigerating system shall not be further extended; that a Canaday refrigerating unit for ice water, using not more than two pounds of sulphur dioxide may be permitted; that not more than 36 lbs. of Freon shall be contained in the two compressors of the air conditioning system, a maximum of 18 lbs. in each.

329-38-A.

APPLICANT—L. B. Santangelo, for Peter Bursegen, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—332 East 14th street, south side, 275 ft. west of Second avenue (Block No. 455, Lot No. 23), Borough of Manhattan.
APPEARANCES—
For Applicant: Samuel Rosenblum.
For Administration: Fred Dahlem, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(329-38-A)

WHEREAS, L. B. Santangelo, for Peter Bursegen, owner, filed on May 3, 1938, an appeal from a decision of the borough superintendent, department of housing and buildings, affecting premises 332 East 14th street, south side, 275 ft. west of 2nd avenue (Block No. 455, Lot No. 23), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent on N.B. App. 66-38, dated April 26, 1938, reads as follows:

"1. Class V business structures must be located 4 ft. from nearest lot line. 4.2.1. building code.

2. Metal structures must have enclosure walls. 8.4.1.10.3.2.5 building code."

and

WHEREAS, the proposed structure is to be 1 story, 15 ft., in height, 20 ft. by 30 ft. in area, of class V construction, located in the yard of an existing multiple dwelling in a business use district, to be used as open-air dining room in conjunction with the restaurant on the premises; and

WHEREAS, the applicant contends that sections 4.2.1, 8.4.1.10 and 3.2.5 of the code, relate to structures with enclosing walls; that the proposed roof covering is open on all sides; that there will be open spaces on the south and west of 6 in., and of 2 ft. on the east and north; that the so called structure is merely a roof covering and does not come within the requirements of the above-named sections of the Code as claimed.

Resolved, that the decision of the borough superintendent on N. B. App. No. 66-38, be and it hereby is *modified* and that the appeal be and it hereby is *granted,* to permit the proposed metal frame work and canopy to be used in connection with an outdoor restaurant as a part of the restaurant business on the premises, *on condition* that all parts of the canopy are constructed of steel and that the canopy does not exceed 15 ft. in total height and is not provided with side enclosing walls.

316-38-A.
APPLICANT—W. T. McCarthy, for Boro Hall Chevrolet Co., owner.
SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—33-43 Debevoise place, east side, 100 ft. south of Lafayette street and 432 Hudson avenue (Block No. 2085, Lot Nos. 7 and 28), Borough of Brooklyn.
APPEARANCES—
For Applicant: W. T. McCarthy.
For Administration: Benjamin Saltzman, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(316-38-A)

WHEREAS, W. T. McCarthy, for Boro Hall Chevrolet Co., owner, filed on April 29, 1938, an appeal from a decision of the borough superintendent, department of housing and buildings, affecting premises 33-43 Debevoise place, east side, 100 ft. south of Lafayette street, and 432 Hudson avenue (Block No. 2085, Lot Nos. 7 and 28), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent on Applic. No. 4082-38, dated May 5, 1938, reads as follows:

"1. Exits do not comply with Sec. 6.1.2.2.3 (Two exits required which must conform with 6.4.1.8.1 as to enclosure."

and

WHEREAS, the building is 2 stories and cellar (26 ft.) in height, 100 ft. by 100 ft. in area on 1st floor and 100 ft. by 90 ft. in area above, of fireproof construction, located in a business and unrestricted use and two-times height district; erected in 1926; the certificate of occupancy No. 79924 issued November 4, 1936, gives the occupancy as follows: Cellar—automobile repair shop, 4 persons; 1st floor—automobile showroom, 15 persons; 2nd floor—office and storage, 4 persons; and

WHEREAS, the applicant contends that it is proposed to change the occupancy of record—namely offices—on the 2nd floor to bowling alleys and bar with 150 persons; that there are two stairways in the building at present; one of these is now an open stair on the ground floor; it lands in an enclosed hall on the 2nd floor and exits on Debevoise place through a lobby 18 ft. by 30 ft. separated from the automobile showrooms at either side by partitions of plate glass and bronze; it is proposed to change the stairway as shown on accompanying plans and to enclose it on the ground floor with terra cotta partitions and fireproof doors and to omit the second floor enclosure, the stairway will still exit into the lobby described above and from there to the street; the remaining stairway extends to the roof, because of the erection of the 1 story and basement addition at the rear in 1936, the direct exit to Hudson avenue through the unoccupied portion of the lot was cut off and permission was granted for this stairway to exit over the roof of this extension and to the ramp by means of a counterbalanced stairway, it is now proposed to exit from the stairway at the 2nd floor, across the roof of the 1-story extension to a counterbalanced stairway as shown on drawings.

Resolved, that the decision of the borough superintendent in acting on Applic. No. 4082-38, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* so as to permit the exits as proposed from the 2nd floor for the proposed occupancy as a billiard parlor and bowling alley, *on condition* that the occupancy of the 2nd floor shall at no time exceed 75 persons and that certificate of occupancy No. 79924 shall otherwise be complied with, and that the ramp in the open area from Hudson avenue from the foot of the counterbalanced ladder, shall remain open at all times to provide unimpeded exit to the street.

354-37-A.
APPLICANT—Walter C. Martin, for Board of Education, City of New York, owner.
SUBJECT—Appeal from an order of the fire commissioner.
PREMISES AFFECTED—1-59 Fort Greene place, 126-135 DeKalb avenue and 2-52 South Elliott place (Block No. 2098, Lot Nos. 13 to 70), Borough of Brooklyn.
APPEARANCES—
For Applicant: Charles Tilgner.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE TO GRANT—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0
Absent 0

THE RESOLUTION—

(354-37-A)

WHEREAS, Walter C. Martin, applicant, for the Board of Education, City of New York, filed July 9, 1937, an appeal from an order of the fire commissioner, affecting premises 1-59 Fort Greene place, 126-135 DeKalb avenue, 2-52 South Elliott place (Block No. 2098, Lot Nos. 13 to 70), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, No. 71445-LC, dated June 10, 1937, reads as follows:

Order No. 71445-LC—File No. 24513-03

Inspection by the Fire Department, indicates that the following changes ought to be made in order to render safe the premises located at 126 DeKalb avenue, Borough of Brooklyn and known as Board of Education Building.

1. Have plan 769-32 approved.
2. Place two portable fire extinguishers, of not less than one quart capacity or other equivalent fire extinguishers (2 sand pails) for extinguishing oil fires near each boiler. Rule 14g, Fuel Oil Rules.
3. Make arrangements with this department to have inspector witness test of fuel oil carrying piping. Rule 10, Fuel Oil Rules.
4. Remove all valves from return and overflow lines. Rule 8, section 2a.
5. Provide an emergency remote control whereby the flow of oil to any burner can be stopped and such control shall be located either inside or outside the entrance to the room in which the burner is located and as close to such entrance as practicable. Rule 12, Fuel Oil Rules.
6. Provide fuel oil pump or pumps of a type approved by the Board of Standards and Appeals. Rule 13, Fuel Oil Rules.
7. Label remote control of the fuel oil burner and pump with a sign "Remote Control for Oil Burner." Rule 8d.
8. Discontinue the use of gauge glasses or other device subject to breakage. Chapter 10, Code of Ordinances.
9. Provide a thermometer to indicate the temperature of the oil in the fuel oil supply line between oil storage tank and the pump and also between pumps and burner. Section 10, chapter 10, Code of Ordinances.
10. Permanently post an easily legible sign giving complete instructions for the care and operation of the fuel oil system. Rule 15a, Fuel Oil Rules.
11. Have person who is directly in charge of the operating of the oil burning plant at any and all times, obtain a Certificate of Fitness from the fire commissioner. Applicant for the certificate must file two unmounted photographs of himself at least 2 x 3 inches. Rule 15b, Fuel Oil Rules.
12. Discontinue the use of auxiliary fuel oil tank or tanks in excess of 60 gallons for the storage of fuel oil. Rule 17a, Fuel Oil Rules.
13. Provide an interlocking device between oil line and atomizing supply so that in case of interruption of the atomizing supply, the oil supply will immediately be cut off. Rule 7b of Fuel Oil Rules.
14. Provide fuel oil burner or burners of a type approved by the Board of Standards and Appeals. Rule 4a, Fuel Oil Rules.
15. Provide an automatic by-pass valve between each fuel oil pump and first discharge shut-off valve of a size equivalent to the discharge line, said by-pass valve to be designed so as to prevent complete closing by action of the setting mechanism. Rule 8, section 2a, Fuel Oil Rules."

nd

WHEREAS, the building in question is eleven (11) stories, 07 ft. in height, 514 ft. by 190 ft. in area at the 1st floor, 453 ft. by 190 ft. in area at the typical floor level, of fireproof construction, equipped with a standpipe system and sprinkler system, erected in 1933, located in business and residence use districts, occupied throughout as a technical high school; and

WHEREAS, the applicant contends that a Page Oil Burner was installed for laboratory use only several years ago, but due to lack of funds, the installation was not completed and the burner could not be tested as required. The work has now been finished and the burner can be tested. The Page Engineering Co. filed an application, No. 534-31-SA, for the approval of this burner, but due to the fact that the necessary connections could not at that time be furnished by us, the application was withdrawn on May 22, 1934. The entire installation is to be used for instruction only and will not be used to heat the building; and

WHEREAS, the applicant has appealed only from items 12 and 14 of this order, stating that he would comply with other items; and

WHEREAS, a committee of the board, consisting of the engineer of the board and a representative of the Division of Combustibles of the Fire Department, visited these premises and reported substantially as follows:

Under date of July 9, 1937, Walter C. Martin for the Board of Education filed an appeal with the Board of Standards and Appeals from an order of the fire commissioner, File No. 24513.03, Order No. 71445-LC, affecting premises 126 DeKalb avenue, Brooklyn. This matter was referred to the engineer of the board for report after a test of the burner installed.

Several inspections were made but the installation was not ready for a final inspection until March 31, 1938, at that time the burner was operated and tested as installed at the premises, Brooklyn Technical High School, and it was found controls provided functioned as designed, during period of test. During operation the burner is constantly under the supervision of qualified instructors, in view of which fact it is recommended that in this particular installation the burner be approved for instructional purposes only. Test was conducted by Inspector Johnson of the Division of Combustibles and Engineer Huber. Nothing in this approval is to be considered as a general approval for use of this burner in New York City unless the manufacturers arrange for satisfactory test under general operating conditions. In regard to Order No. 71445-LC, approval of the burner for this installation will modify items 5, 6, 9, 12, 13 and 14. The other items should be complied with.

An application for general approval of the Page Fuel Oil Burner was filed with the board under Cal. No. 534-31-SA but no installation was made and the case was withdrawn May 22, 1934.

Resolved, that the order of the fire commissioner, No. 71445-LC, be and it hereby is *modified* and the appeal be and it hereby is *granted* as to items 5, 6, 9, 12, 13 and 14, *on condition* that all other items of the order be complied with.

Resolved further, that this permission to use the Page Oil Burner in this installation shall not be deemed in any way to be an approval of this burner for general use.

321-38-A.

APPLICANT—Gross Morton Jamaica Estates Corporation, owner.

SUBJECT—Appeal from decisions of the borough superintendent of buildings.

PREMISES AFFECTED—73-04 178th street, southwest corner of 73rd avenue and 73-08 to 73-12 178th street, west side, 41 ft. and 81 ft. south of 73rd avenue, Block No. 7165, Lot Nos. 24, 25 and 26), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George Gross and A. Cass.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(321-38-A)

WHEREAS, Gross Morton Jamaica Estates Corporation, owner, filed on May 3, 1938, an appeal from decisions of the borough superintendent, department of housing and buildings, Queens, affecting premises 73-04 to 73-12 178th street, southwest corner of 73rd avenue (Block No. 7165, Lot Nos. 24, 25 and 26), Jamaica, Borough of Queens, and

WHEREAS, the decision of the borough superintendent on N.B. App. 2692-38, dated April 28, 1938, reads as follows:

"1. The erection of a frame structure within the fire limits is contrary to C26-247.0 of the administrative code."

and

WHEREAS, the decision of the borough superintendent on N.B. Applications 2693-94 of 1938, dated April 28, 1938, reads as follows:

"1. The erection of a frame structure within the fire limits is contrary to C26-247.0 of the administrative code."

and

WHEREAS, the premises consist of a plot 121.12 ft. by 100 ft. in area, located in a business and residence, "D", area district, on which it is proposed to erect three 2-story frame, one-family dwellings 23 ft. in height and not over 25 ft. by 32 ft. in area each; and

WHEREAS, it is proposed to erect at the rear of each dwelling a 1-story brick veneered garage, approximately 11 ft. by 18 ft. in area, each garage will be not nearer than 1 ft. to the rear lot line and not nearer than 1 ft. to the side lot lines; it is proposed to subdivide the plot into three lots, the corner lot to be 41.12 ft. by 100 ft. in area and the interior lots 40 ft. by 100 ft. in area; and

WHEREAS, the applicant contends that it is unwise to leave an undeveloped fringe of business property surrounding a residential community; that it remains barren and unimproved, reflecting upon the property value of the adjacent residential district, to its detriment; that it is proposed to surface the outside of the first story of each dwelling and the garages with four inches of brick or masonry veneer with stucco above; that all buildings will be provided with slate roofs.

Resolved, that the decisions of the borough superintendent, on N.B. App. No. 2692, 2693 and 2694-1938, be and they hereby are *modified* and that the appeal be and it hereby is *granted,* to permit the erection of dwellings as proposed, *on condition* that they shall be for residential purposes only, limited in occupancy to one family and shall comply with the zoning requirements for an F-area district, except that the buildings may exceed 18 feet in height up to the plate line, provided such height is not in excess of 25 ft.; that the first story of the buildings shall be of masonry or faced with masonry veneer; that the roofs shall be of natural slate; that the chimney breasts may extend into the side yard areas for a distance of two (2) ft. and that one of the required side yards for each building shall be not less than five ft. in width, provided the distance between the dwelling on one plot and the dwelling on the adjacent plot is not less than fifteen (15) ft. and that the other side yard is not less than 11 ft. in width; except that the corner building may be set back 11 ft from 73rd avenue, and chimney breast may extend 2 ft. into the 11 ft. set back, and that the interior bearing partitions may be permitted as required for an area outside the fire limits; that a private garage for not more than two cars may be constructed on each plot, *on condition* that such garage is for the accommodation of not more than two cars for use by the occupants of the dwelling on the plot and that same shall be constructed of masonry or masonry veneered walls and with slate roofs; that any windows less than three (3) ft. from the plot lines shall be constructed with metal frames, glazed with wire glass and made self-closing.

322-38-A.

APPLICANT—Gross Morton Jamaica Estates Corporation, owner.
SUBJECT—Appeal from decisions of the borough superintendent of buildings.
PREMISES AFFECTED—73-04 179th street, southwest corner of 73rd avenue and 73-08 to 73-12 179th street, west side, 45 ft. and 85 ft. south of 73rd avenue (Block No. 7166, Lot Nos. 24, 25 and 26), Jamaica, Borough of Queens.
APPEARANCES—
For Applicant: George Gross and A. Cass.
For Administration: David Stone, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(322-38-A)

WHEREAS, Gross Morton Jamaica Estates Corporation, owner and applicant, filed on May 3, 1938, an appeal from decisions of the Borough Superintendent, Department of Housing and Building, Queens, affecting premises 73-04 to 73-12 179th street, southwest corner 73d avenue (Block No. 7166, Lot Nos. 24, 25 and 26), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent on N.B. Applications 2698, 2699 and 2700-1938, dated April 28, 1938, reads as follows:

"1. The erection of a frame structure within the fire limits is contrary to C26-247.0 of the Administrative Code."

and

WHEREAS, the premises consist of a plot 125 ft. by 100 ft. in area, located in a business and residence, "D", area district, upon which it is proposed to erect three 2-story frame one-family dwellings, each 23 ft. by 26 ft. in area, and three one-story brick veneered garages, each approximately 11 ft. by 18 ft. in area, one at the rear of each portion of the plot which will be subdivided into three lots, one 45 feet and two 40 ft. each, the 45-ft. lot to be the corner lot, each lot to be 100 ft. in depth; and

WHEREAS, the applicant contends that it is unwise to leave an undeveloped fringe of business property surrounding a residential community; that it remains barren and unimproved, reflecting upon the property value of the adjacent residential district, to its detriment; that it is proposed to surface the outside of the first story of each dwelling and the garages with four inches of brick or masonry veneer with stucco above. All buildings will be provided with slate roofs,

Resolved, that the decisions of the borough superintendent, on N.B. App. No. 2698, 2699 and 2700-1938, be and they hereby are *modified* and that the appeal be and it hereby is *granted* to permit the erection of dwellings as proposed, *on condition* that they shall be for residential purposes only, limited in occupancy to one family and shall comply with the zoning requirements for an F-area district except that the buildings may exceed 18 feet in height up to the plate line, provided such height is not in excess of 25 feet; that the first story of the buildings shall be of masonry or faced with masonry veneer; that the roofs shall be of natural slate; that the chimney breasts may extend in the side yard areas for a distance

of two (2) feet and that one of the required side yards for each building shall be not less than five feet in width, provided the distance between the dwelling on one plot and the dwelling on the adjacent plot is not less than fifteen (15) feet and that the other side yard is not less than 11 feet in width; that the interior bearing partitions may be permitted as required for an area outside the fire limits; that a private garage for not more than two cars may be constructed on each plot, *on condition* that such garage is for the accommodation of not more than two cars for use by the occupants of the dwelling on the plot and that same shall be constructed of masonry or masonry veneered walls and with slate roofs; that any windows less than three (3) feet from the plot lines shall be constructed with metal frames, glazed with wire glass and made self-closing.

323-38-A.

APPLICANT—Gross Morton Jamaica Estates Corporation, owner.

SUBJECT—Appeal from decisions of the borough superintendent of buildings.

PREMISES AFFECTED—73-03 178th street, southeast corner of 73rd avenue and 73-07 to 73-11 178th street, east side, 39 ft. and 79 ft. south of 73rd avenue (Block No. 7166, Lot Nos. 1, 2 and 3), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George Gross and A. Cass.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(323-38-A)

WHEREAS, Gross Morton Jamaica Estates Corporation, owner, filed on May 3, 1938, an appeal from decisions of the Borough Superintendent, Department of Housing and Buildings, Queens, affecting premises 73-03 to 73-11 178th street, southeast corner of 73rd avenue (Block No. 7166, Lot Nos. 1, 2 and 3), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent on N.B. Applications 2695-2696 and 2697-1938, dated April 28, 1938, reads as follows:

"1. The erection of a frame structure within the fire limits is contrary to C26-247.0 of the Administrative Code."

and

WHEREAS, the premises consists of a plot 119 ft. by 100 ft. in area, upon which it is proposed to erect three 2-story, one family frame dwellings, each 23 ft. by 26 ft. in area, 23 ft. in height, and three one-story brick veneered garages, one at the rear of each lot, the plot is to be subdivided into three lots, the interior lots to be 40 ft. by 100 ft. each in area and the corner lot 39 ft. by 100 ft. in area; and

WHEREAS, the applicant contends that it is unwise to leave an undeveloped fringe of business property surrounding a residential community; that it remains barren and unimproved, reflecting upon the property value of the adjacent residential district, to its detriment; that it is proposed to surface the outside of the first story of each dwelling and the garages with four inches of brick or masonry veneer with stucco above. All buildings will be provided with slate roofs.

Resolved, that the decisions of the borough superintendent, on N.B. App. No. 2695, 2696 and 2697-1938, be and they hereby are *modified* and that the appeal be and hereby is *granted* to permit the erection of dwellings as proposed, *on condition* that they shall be for residential purposes only, limited in occupancy to one family and shall comply with the zoning requirements for an F-area district except that the buildings may exceed 18 feet in height up to the plate line, provided such height is not in excess of 25 feet; that the first story of the buildings shall be of masonry or faced with masonry veneer; that the roofs shall be of natural slate; that the chimney breasts may extend in the side yard areas for a distance of two (2) feet and that one of the required side yards for each building shall be not less than five feet in width, provided the distance between the dwelling on one plot and the dwelling on the adjacent plot is not less than fifteen (15) feet and that the other side yard is not less than 11 feet in width; except that the corner building may be set back 11 ft. from 73rd avenue and that chimney breast may extend 2 ft. into the 11 ft. set back; and that the interior bearing partitions may be permitted as required for an area outside the fire limits; that a private garage for not more than two cars may be constructed on each plot, *on condition* that such garage is for the accommodation of not more than two cars for use by the occupants of the dwelling on the plot and that same shall be constructed of masonry or masonry veneered walls and with slate roofs; that any windows less than three (3) feet from the plot lines shall be constructed with metal frames, glazed with wire glass and made self-closing.

324-38-A.

APPLICANT—Gross Morton Jamaica Estates Corporation, owner.

SUBJECT—Appeal from decisions of the borough superintendent of buildings.

PREMISES AFFECTED—73-03 179th street, southeast corner of 73rd avenue and 73-07 to 73-11 179th street, east side, 40 ft. and 80 ft. south of 73rd avenue (Block No. 7167, Lot Nos. 1, 2 and 3), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George Gross and A. Cass.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(324-38-A)

WHEREAS, Gross Morton Jamaica Estates Corporation, applicant and owner, filed on May 3, 1938, an appeal from decisions of the borough superintendent, department of housing and buildings, Queens, affecting premises 73-03 to 73-11 179th street, southeast corner of 73rd avenue (Block No. 7167, Lots Nos. 1, 2 and 3), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent on N.B. Applications 2701, 2702 and 2703-1938, dated April 28, 1938, reads as follows:

"1. The erection of a frame structure within the fire limits is contrary to C26-247.0 of the administrative Code."

and

WHEREAS, the premises consist of a plot 120 ft. by 100 ft. in area, on which it is proposed to erect three 2-story frame one-family dwellings, 23 ft. by 26 ft. in area, each 23 ft. in height and three one-story brick veneered garages, approximately 11 ft. by 18 ft. in area, one at the rear of each lot, the plot is to be eventually subdivided into three lots 40 ft. by 100 ft. in area each; and

WHEREAS, the applicant contends that it is unwise to leave an undeveloped fringe of business property surrounding a residential community; that it remains barren and unimproved, reflecting upon the property value of the adjacent residential district, to its detriment; that

it is proposed to surface the outside of the first story of each dwelling and the garages with four inches of brick or masonry veneer with stucco above. All buildings will be provided with slate roofs.

Resolved, that the deeisions of the borough superintendent, on N.B. App. No. 2701, 2702 and 2703-1938, be and they hereby are *modified* and that the appeal be and it hereby is *granted* to permit the ereetion of dwellings as proposed, *on condition* that they shall be for residential purposes only, limited in occupancy to one family and shall comply with the zoning requirements for an F-area distriet except that the buildings may exceed 18 ft. in height up to the plate line, provided sueh height is not in excess of 25 ft.; that the first story of the building shall be of masonry or faced with masonry veneer; that the roofs shall be of natural slate; that the chimney breasts may extend in the side yard area for a distance of two (2) ft. and that one of the required side yards for each building shall be not less than five feet in width, provided the distance between the dwelling on one plot and the dwelling on the adjaeent plot is not less than fifteen (15) feet and that the other side yard is not less than 11 ft. in width; except that the corner building may be set 12 ft. from 73rd road; and that the interior bearing partitions may be permitted as required for an area outside the fire limits; that a private garage for not more than two cars may be constructed on each plot, *on condition* that such garage is for the accommodation of not more than two cars for use by the oecupants of the dwelling on the plot and that same shall be eonstructed of masonry or mansonry veneered walls and with slate roofs; that any windows less than three (3) ft. from the plot lines shall be constructed with metal frames, glazed with wire glass and made self-closing.

325-38-A.

APPLICANT—Gross Morton Jamaica Estates Corporation, owner.

SUBJECT——Appeal from deeisions of the borough superintendent of buildings.

PREMISES AFFECTED—75-88 180th street, northwest corner of Union turnpike and 75-80 to 75-84 180th street, west side, 40 ft. and 80 ft. north of Union turnpike (Block No. 7192, Lot Nos. 1, 2 and 3), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George Gross and A. Cass.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(325-38-A)

WHEREAS, Gross Morton Jamaica Estates Corporation, applicant and owner, filed May 3, 1938, an appeal from decisions of the borough superintendent, Department of Housing and Buildings, Queens, affeeting premises 75-80 to 75-88 180th street, northwest corner Union turnpike (Block No. 7192, Lot Nos. 1, 2 and 3), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated April 28, 1938, on N. B. App. 2704, 2705 and 2706 1938, reads as follows:

"1. The erection of a frame strueture within the fire limits is contrary to C-26-247.0 of the Administrative Code."

and

WHEREAS, the premises consist of a plot 120.89 ft. by 100 ft. in area, upon which it is proposed to erect three one-family frame dwellings, one of which will be one story, 20 ft. in height and two of which will be two stories, 23 ft. in height, one building to be 27 ft. by 42 ft. in area, one to be 23 ft. by 26 ft. in area and one to be 25 ft. by 32 ft. in area, each to be occupied as a one family dwelling and it is proposed to ereet three one-story brick veneered garages, approximately 11 ft. by 18 ft. in area each, one to be located at the rear of each lot when the plot is eventually subdivided into three lots, two of which will be 40 ft. by 100 ft. in area and the corner lot to be 40.89 ft. front on 180th street and 100.49 ft. on Union turnpike; and

WHEREAS, the applicant contends that it is unwise to leave an undeveloped fringe of business property surrounding a residential community. It remains barren and unimproved, refleeting upon the property value of the adjacent residential distriet, to its detriment; that it is proposed to surface the outside of the first story of eaeh dwelling and the garages with four inches of brick or masonry veneer with stucco above. All buildings will be provided with slate roofs.

Resolved, that the decisions of the borough superintendent, as to N. B. App. No. 2704, 2705 and 2706-38, be and they hereby are *modified* and that the appeal be and it hereby is *granted* to permit the erection of dwellings as proposed, *on condition* that they shall be for residential purposes only, limited in occupancy to one family and the two buildings on the southerly 80.89 ft. shall comply with the zoning requirements for an F area district, exeept that the buildings may exceed 18 ft. in height up to the plate line, provided such height is not in excess of 25 ft.; that the first story of the three buildings shall be of masonry or faced with masonry veneer; that the roofs shall be of natural slate; that the chimney breasts may extend into the side yard areas for a distance of two (2) feet and that one of the required side yards for eaeh building shall be not less than four feet in width, provided the distance between the dwelling on one plot and the dwelling on the adjacent plot is not less than ten (10) ft. and that the other side yard is not less than 9 ft. in width; except that the corner building may be set back 10 ft. from Union turnpike and that the chimney breast may extend 2 ft. into said setback; and that the interior bearing partitions may be permitted as required for an area outside the fire limits; that a private garage for not more than two cars may be constructed on each plot, *on condition* that sueh garage is for the accommodation of not more than two cars for use by the occupants of the dwelling on the plot and that same shall be constructed of masonry or masonry veneered walls and with slate roofs; that any windows less than three feet from the plot lines shall be eonstructed with metal frames, glazed with wire glass and made self-closing.

326-38-A.

APPLICANT—Gross Morton Jamaica Estates Corporation, owner.

SUBJECT—Appeal from decisions of the borough superintendent of buildings.

PREMISES AFFECTED—75-85 182nd street, northeast corner of Union turnpike and 75-75 to 75-79 182nd street, east side, 50 ft. and 90 ft. north of Union turnpike (Block No. 7199, Lot Nos. 1, 2 and 3), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George Gross and A. Cass.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(326-38-A)

WHEREAS, Gross Morton Jamaica Estates Corporation, applicant and owner, filed on May 3, 1938, an appeal from

decisions of the Borough Superintendent, Department of Housing and Buildings, Queens, affecting premises 75-75, 75-79 and 75-85 182nd street, northeast corner of Union turnpike (Block No. 7199, Lot Nos. 1, 2 and 3), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated April 28, 1938, on N.B. App. 2711, 2712, and 2713-1938, reads as follows:

"1. The erection of a frame structure within the fire limits is contrary to C26-247.0 of the administrative code."

and

WHEREAS, the premises consist of a plot 130.61 ft. by 100 ft. in area, upon which it is proposed to erect three 2-story one family frame dwellings 23 ft. in height, one of which will be 25 ft. by 32 ft. in area and two of which will be 23 ft. by 26 ft. in area and three one-story brick veneered garages 11 ft. by 18 ft. in area each, one of which will be erected at the rear of each lot when the plot is eventually subdivided into three lots, two of which will be 40 ft. by 100 ft. in area and the corner lot 50.61 ft. front on 182nd street and 100.48 ft. on Union turnpike; and

WHEREAS, the applicant contends that it is unwise to leave an undeveloped fringe of business property surrounding a residential community. It remains barren and unimproved, reflecting upon the property value of the adjacent residential district, to its detriment; that it is proposed to surface the outside of the first story of each dwelling and the garages with four inches of brick or masonry veneer with stucco above. All buildings will be provided with slate roofs.

Resolved, that the decisions of the borough superintendent, as to N.B. App. No. 2711, 2712 and 2713-38, be and they hereby are *modified* and that the appeal be and it hereby is *granted* to permit the erection of dwellings as proposed, *on condition* that they shall be for residential purposes only, limited in occupancy to one family and shall comply with the zoning requirements for an F-area district, except that the buildings may exceed 18 feet in height up to the plate line, provided such height is not in excess of 25 feet; that the first story of the buildings shall be of masonry or faced with masonery veneer; that the roofs shall be of natural slate; that the chimney breasts may extend into the side yard areas for a distance of two (2) feet and that one of the required side yards for each building shall be not less than five feet in width, provided the distance between the dwelling on one plot and the dwelling on the adjacent plot is not less than ten (10) feet and that the other side yard is not less than 12 feet in width; except that the corner building may be set back approximately 12 ft. from Union turnpike and that the chimney breast may extend 2 ft. into said setback; and that the interior bearing partitions may be permitted as required for an area outside the fire limits; that a private garage for not more than two cars may be constructed on each plot, *on condition* that such garage is for the accommodation of not more than two cars for use by the occupants of the dwelling on the plot and that same shall be constructed of masonry or masonry veneered walls and with slate roofs; that any windows less than three feet from the plot lines shall be constructed with metal frames, glazed with wire glass and made self-closing.

327-38-A.

APPLICANT—Gross Morton Jamaica Estates Corporation, owner.

SUBJECT—Appeal from decisions of the borough superintendent of buildings.

PREMISES AFFECTED—75-80 182nd street, northwest corner of Union turnpike and 75-86 182nd street, west side, 49 ft. north of Union turnpike (Block No. 7196, Lot Nos. 41 and 42), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George Gross and A. Cass.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(327-38-A)

WHEREAS, Gross Morton Jamaica Estates Corporation, applicant and owner, filed on May 3, 1938, an appeal from decisions of the borough superintendent of buildings, department of Housing and Buildings, Queens, affecting premises 75-80 and 75-86 182nd street, northwest corner Union turnpike, (Block No. 7196, Lot Nos. 41 and 42), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent on N.B. App. 2709 and 2710-38, dated April 28, 1938, reads as follows:

"1. The erection of a frame structure within the fire limits is contrary to C26-247.0 of the administrative code."

and

WHEREAS, the premises consist of a plot 98.3 ft. by 100 ft. in area, on which it is proposed to erect two 2-story frame, one-family, dwellings, 23 ft. in height, one of which will be 25 ft by 32 ft. in area, and one 23 ft. by 26 ft. in area and two one-story brick veneered garages, 11 ft. by 18 ft. in area each, one of which will be erected at the rear of each lot when the plot is eventually subdivided into two lots, one of which will be 48.5 ft. by 90 ft. in area and the corner lot to be 49.81 ft. front on 182nd street and 95.99 ft. on Union turnpike; and

WHEREAS, the applicant contends that it is unwise to leave an undeveloped fringe of business property surrounding a residential community. It remains barren and unimproved, reflecting upon the property value of the adjacent residential district, to its detriment; that it is proposed to surface the outside of the first story of each dwelling and the garage with four inches of brick or masonry veneer with stucco above. All buildings will be provided with slate roofs.

Resolved, that the decisions of the borough superintendent, as to N.B. App. No. 2709 and 2710-1938, be and they hereby are *modified* and that the appeal be and it hereby is *granted* to permit the erection of dwellings as proposed, *on condition* that they shall be for residential purposes only, limited in occupancy to one family and shall comply with the zoning requirements for an F-area district, except that the buildings may exceed 18 ft. in height up to the plate line, provided such height is not in excess of 25 ft.; that the first story of the buildings shall be of masonry or faced with masonry veneer; that the roofs shall be of natural slate; that the chimney breasts may extend into the side yard areas for a distance of two (2) ft. and that one of the required side yards for each building shall be not less than five ft. in width, provided the distance between the dwelling on one plot and the dwelling on the adjacent plot is not less than eleven (11) ft. and that the other side yard is not less than 12 ft. in width; that the interior bearing partitions may be permitted as required for an area outside the fire limits; that a private garage for not more than two cars may be constructed on each plot, *on condition* that such garage is for the accommodation of not more than two cars for use by the occupants of the dwelling on the plot and that same shall be constructed of masonry or masonry veneered walls and with slate roofs; that any windows less than three ft. from the plot lines shall be constructed with metal frames, glazed with wire glass and made self-closing.

328-38-A.

APPLICANT—Gross Morton Jamaica Estates Corporation, owner.

SUBJECT—Appeal from decisions of the borough superintendent of buildings.

PREMISES AFFECTED—75-85 180th street, northeast corner of Union turnpike and 75-79 180th street, east side, 77 ft. north of Union turnpike (Block No. 7195, Lot Nos. 41 and 42), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George Gross and A. Cass.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(328-38-A)

WHEREAS, Gross Morton Jamaica Estates Corporation, owner and applicant, filed on May 3, 1938, an appeal from decisions of the Borough Superintendent, Department of Housing and Buildings, Queens, affecting premises 75-79 and 75-85 180th street, northeast corner Union turnpike (Block No. 7195, Lot Nos. 41 and 42), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent on N.B. App. 2707, 2708-1938, dated April 28, 1938, reads as follows:

"1. The erection of a frame structure within the fire limits is contrary to section C26-247.0 of the administrative code."

and

WHEREAS, the premises consist of a plot 117.88 ft. by 100 ft. in area, upon which it is proposed to erect two 2-story frame, one-family dwellings, 23 ft. in height, one to be 23 ft. by 26 ft. in area and one to be 25 ft. by 32 ft. in area, and two one-story brick veneered garages each approximately 11 ft. by 18 ft. in area, one to be located at the rear of each lot when the plot is eventually subdivided into two lots, one of which will be 40 ft. by 100 ft. in area and the corner lot to be 77.88 ft. front on 180th street and 100.48 ft. on Union turnpike; and

WHEREAS, the applicant contends that it is unwise to leave an undeveloped fringe of business property surrounding a residential community. It remains barren and unimproved, reflecting upon the property value of the adjacent residential district, to its detriment; that it is proposed to surface the outside of the first story of each dwelling and the garages with four inches of brick or masonry veneer with stucco above. All buildings will be provided with slate roofs.

Resolved, that the decisions of the borough superintendent, as to N.B. App. No. 2707 and 2708-1938, be and they hereby are *modified* and that the appeal be and it hereby is *granted* to permit the erection of dwellings as proposed, *on condition* that they shall be for residential purposes only, limited in occupancy to one family and shall comply with the zoning requirements for an F-area district, except that the buildings may exceed 18 feet in height up to the plate line, provided such height is not in excess of 25 feet; that the first story of the buildings shall be of masonry or faced with masonry veneer; that the roofs shall be of natural slate; that the chimney breasts may extend into the side yard areas for a distanee of two (2) feet and that one of the required side yards for each building shall be not less than four feet in width, provided the distance between the dwelling on one plot and the dwelling on the adjacent plot is not less than fourteen (14) feet and that the other side yard is not less than 11 feet in width; that the interior bearing partitions may be permitted as required for an area outside the fire limits; that a private garage for not more than two cars may be constructed on each plot, *on condition* that such garage is for the accommodation of not more than two cars for use by the occupants of the dwelling on the plot and that same shall be constructed of masonry or masonry veneered walls and with slate roofs; that any windows less than three feet from thc plot lines shall be eonstrueted with metal frames, glazed with wire glass and made self-closing.

262-38-A.

APPLICANT—Gross Morton Jamaica Estates Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—re appeal from decision of the borough superintendent of buildings.

PREMISES AFFECTED—73-04 177th street and 73-08 177th street, southwest eorner of 73rd avenue and west side 177th street, 50 ft. south of 73rd avenue (Block No. 7164, Lot Nos. 1 and 3), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George Gross.

ACTION OF BOARD—Appeal reopened and resolution Amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(262-38-A)

WHEREAS, Gross Morton Jamaica Estates Corporation, applicant and owner, filed April 14, 1938, an appeal from decisions of the borough superintendent, affecting premises 73-04 177th street and 73-08 177th street, southwest corner of 73rd avenue and west side 177th street, 50 ft. south of 73rd avenue (Block No. 7164, Lot Nos. 1 and 3), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, on N. B. Applic. No. 1959-38, affecting west side of 177th street, 50 ft. south of 73rd avenue (Lot 3), dated April 8, 1938, reads as follows:

"The construction of a frame building in the fire limits is contrary to section 4.1.2 of the building code."

and

WHEREAS, the decision of the borough superintendent, on N. B. Applic. No. 1971-38, affecting southwest corner of 177th street and 73rd avenue (Lot 1), dated April 11, 1938, reads as follows:

"The eonstruction of a frame building in the fire limits is contrary to section 4.1.2 of the building eode."

and

WHEREAS, the premises consist of a plot 50 ft. front by 100 ft. in depth and a plot 40 ft. by 100 ft. in depth, upon which it is proposed to erect two frame buildings, one of which will be one story, 20 ft. in height and one two stories, 23 ft. in height and one of which will be 23 ft. by 26 ft. in area and the other 27 ft. by 42 ft. in area, located in a business use "D" area district and occupied as one family residences; and

WHEREAS, this appeal was granted by the board April 19, 1938, on eertain conditions and applieant requested an amendment of the resolution to include permission to erect a private garage on each lot.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted on April 19, 1938, so that as amended it shall read:

"Resolved, that the decisions of the borough superintendent, acting on Application No. 1959-38 and N. B. Application No. 1971-38, be and they hereby are *modified,* and the appeal be and it hereby is *granted,* to permit the erection of the buildings as proposed, *on condition,* that they shall be for residential purposes only, limited in occupancy to one family each, and shall comply with the zoning requirements for an "F" district, except that the buildings may exceed 18 ft. high up to plate line provided the height up to that point is not in excess of 25 ft.; that the 1st story of buildings shall be of masonry veneer and the roofs shall be natural slate; and except that the chimney breasts may extend into side yard areas for a distance not over two feet in depth; and that the interior bearing partitions may be as permitted within an area outside the fire limits.

Resolved further, that a private garage for not more than two cars may be contructed on each plot, on condition that such garage is for the accommodation of not more than two cars for the use of the occupants of the dwelling on the plot and that same shall be constructed of masonry or masonry veneered walls with slate roofs; that any windows less than three feet from the plot lines shall be constructed with metal frames, glazed with wire glass and made self-closing."

263-38-A.

APPLICANT—Gross Morton Jamaica Estates Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—re appeal from decision of the borough superintendent of buildings.

PREMISES AFFECTED—73-07 177th street and 73-11 177th street, east side, 45 ft. south of 73rd avenue (Block No. 7166, Lot Nos. 2 and 3), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George Gross.

ACTION OF BOARD—Appeal reopened and resolution Amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(263-38-A)

WHEREAS, Gross Morton Jamaica Estates Corporation, applicant and owner, filed April 14, 1938, an appeal from a decision of the borough superintendent, affecting premises 73-07 177th street and 73-11 177th street, east side, 45 ft. south of 73rd avenue (Block No. 7166, Lot Nos. 2 and 3), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent on N.B. Applic. No. 2419-38 and N.B. Applic. No. 2420-38, dated April 12, 1938, reads as follows:

"Contrary to section 4.1.2 building code re. frame building within fire limits."

and

WHEREAS, the premises consist of a plot 80 ft. by 100 ft. in area, upon which it is proposed to erect two 2-story frame buildings 27 ft. by 24 ft. in area, each located in a business use "1" area district; and

WHEREAS, this appeal was granted by the board April 19, 1938, on certain conditions and applicant requested an amendment of the resolution to include permission to erect a private garage on each lot.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted on April 19, 1938, so that as amended it shall read:

"Resolved, that the decisions of the borough superintendent, acting on Application No. 2419-38 and N.B. Application No. 2420-38, be and they hereby *are modified,* and the appeal be and it hereby is *granted,* to permit the erection of buildings as proposed, *on condition* that they shall be for residential purposes only, limited in occupancy to one family each, and shall comply with the zoning requirements for an 'F' district, except that the buildings may exceed 18 ft. high up to plate line provided the height up to that point is not in excess of 25 ft.; that the 1st story of buildings shall be of masonry veneer and the roofs shall be natural slate; and except that the chimney breasts may extend into side yard areas for a distance not over two feet in depth; and that one of the required side yards for each building may be 4 ft. in width; and that the interior bearing partitions may be as permitted within an area outside the fire limits.

Resolved further, that a private garage for not more than two cars may be constructed on each plot, on condition that such garage is for the accommodation of not more than two cars for the use of the occupants of the dwelling on the plot and that same shall be constructed of masonary, or masonry veneered walls with slate roofs; that any windows less than three feet from the plot lines shall be constructed with metal frames, glazed with wire glass and made self-closing."

264-38-A.

APPLICANT—Gross Morton Jamaica Estates Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—re appeal from decision of the borough superintendent of buildings.

PREMISES AFFECTED—73-03 177th street, southeast corner of 73rd avenue (Block No. 7165, Lot No. 1), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George Gross.

ACTION OF BOARD—Appeal reopened and resolution Amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(264-38-A)

WHEREAS, Gross Morton Jamaica Estates Corporation, applicant and owner, filed April 14, 1938, an appeal from a decision of the borough superintendent, affecting premises 73-03 177th street, southeast corner of 73rd avenue (Block No. 7165, Lot No. 1), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, on N.B. Applic. No. 1956-38, dated April 8, 1938, reads as follows:

"The construction of a frame building in the fire limits is contrary to section 4.1.2 of the BC."

and

WHEREAS, the premises consist of a plot 45 ft. by 100 ft. in area, upon which it is proposed to erect a two-story frame building 23 ft. in height, 25 ft. by 32 ft. in area, to be occupied as a one-family dwelling; and

WHEREAS, this appeal was granted by the board April 19, 1938, on certain conditions and applicant requested an amendment of the resolution to include permission to erect a private garage on each lot.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted on April 19, 1938, so that as amended it shall read:

"*Resolved,* that the decision of the borough superintendent, acting on N.B. App. No. 1956-38, be and it hereby is *modified,* and the appeal be and it hereby is *granted,* to permit the erection of a building as proposed, *on condition* that it shall be for residential purposes only, limited in occupancy to one family, and shall comply with the zoning requirement for a "F" district, except that the set back on 73rd avenue may be 14 ft. and except that the building may exceed 18 ft. high up to plate line provided the height up to that point is not in excess of 25 ft; that the 1st story of building shall be of masonry veener and the roof shall be natural slate; and except that the chimney breast may extend into side yard areas for a distance not over two feet in depth; and that the interior bearing partitions may be as permitted within an area outside the fire limits.

Resolved further, that a private garage for not more than two cars may be constructed on each plot, on condition that such garage is for the accommodation of not more than two cars for the use of the occupants of the dwelling on the plot and that same shall be constructed of masonry or masonry veneered walls with slate roofs; that any windows less than three feet from the plot lines shall be constructed with metal frames, glazed with wire glass and made self-closing."

265-38-A.

APPLICANT—Gross Morton Jamaica Estates Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—re appeal from decision of the borough superintendent of buildings.

PREMISES AFFECTED—75-79 181st street, east side, 770 ft. south of 75th avenue (Block No. 7196, Lot No. 2), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George Gross.

ACTION OF BOARD—Appeal reopened and resolution Amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(265-38-A)

WHEREAS, Gross Morton Jamaica Estates Corporation, applicant and owner, filed April 14, 1938, an appeal from a decision of the borough superintendent, affecting premises 75-79 181st street, east side, 770 ft. south of 75th avenue (Block No. 7196, Lot No. 2), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, on N. B. Applic. No. 2249-38, dated April 12, 1938, reads as follows:

"Contrary to section 4.1.2 Building Code re. frame building within the fire limits."

and

WHEREAS, the premises consist of a plot 40 ft. by 100 ft. in area, upon which it is proposed to erect a two-story frame dwelling, 23 ft. in height, 23 ft. by 26 ft. in area, located in a business use "D" area district, to be occupied as a one-family dwelling; and

WHEREAS, this appeal was granted by the board April 19, 1938, on certain conditions and applicant requested an amendment of the resolution to include permission to erect a private garage on each lot.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted on April 19, 1938, so that as amended it shall read:

"*Resolved,* that the decision of the borough superintendent, acting on N. B. Application No. 2249-38 be and it hereby is *modified,* and the appeal be and it hereby is *granted,* to permit the erection of a building as proposed, *on condition* that it shall be for residential purposes only, limited in occupancy to one family, and shall comply with the zoning requirements for an "F" district, except that the building may exceed 18 ft. high up to plate line provided the height up to that point is not in excess of 25 ft.; that the 1st story of building shall be of masonry veneer and the roof shall be natural slate; and except that the chimney breast may extend into side yard areas for a distance not over two feet in depth; and that the interior bearing partitions may be as permitted within an area outside the fire limits.

Resolved further, that a private garage for not more than two cars may be constructed on each plot, on condition that such garage is for the accommodation of not more than two cars for the use of the occupants of the dwelling on the plot and that same shall be constructed of masonry or masonry veneered walls with slate roofs; that any windows less than three feet from the plot lines shall be constructed with metal frames, glazed with wire glass and made self-closing."

266-38-A.

APPLICANT—Gross Morton Jamaica Estates Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—re appeal from decision of the borough superintendent of buildings.

PREMISES AFFECTED—75-85 181st street, northeast corner of Union turnpike (Block No. 7196, Lot No. 1), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George Gross.

ACTION OF BOARD—Appeal reopened and resolution Amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(266-38-A)

WHEREAS, Gross Morton Jamaica Estates Corporation, applicant and owner, filed April 14, 1938, an appeal from a decision of the borough superintendent, affecting premises 75-85 181st street, northeast corner of Union turnpike (Block No. 7196, Lot No. 1), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, on N.B. Applic. No. 2259-38, dated April 12, 1938, reads as follows:

"Contrary to section 4.1.2 building code re. frame building within the fire limits."

and

WHEREAS, the premises consist of a plot 54.86 ft. by 100 ft. in area, upon which it is proposed to erect a two-story frame building, 23 ft. in height, 25 ft. by 32 ft. in area, located in a business use "D" area district, to be occupied as a one-family dwelling; and

WHEREAS, this appeal was granted by the board April 19, 1938, on certain conditions and applicant requested an amendment of the resolution to include permission to erect a private garage on each lot.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted on April 19, 1938, so that as amended it shall read:

"Resolved, that the decision of the borough superintendent, acting on N.B. Application No. 2259-38, be and it hereby is *modified,* and the appeal be and it hereby is *granted,* to permit the erection of a building as proposed, *on condition* that it shall be for residential purposes only, limited in occupancy to one family, and shall comply with the zoning requirements for an "F" district, except that the building may exceed 18 ft. high up to plate line provided the height up to that point is not in excess of 25 ft.; that the 1st story of building shall be of masonry veneer and the roof shall be natural slate; and except that the chimney breast may extend into side yard areas for a distance not over two feet in depth; and that the interior bearing partitions may be as permitted within an area outside the fire limits.

Resolved further, that a private garage for not more than two cars may be constructed on each plot, on condition that such garage is for the accommodation of not more than two cars for the use of the occupants of the dwelling on the plot and that same shall be constructed of masonry or masonry veneered walls with slate roofs; that any windows less than three feet from the plot lines shall be constructed with metal frames, glazed with wire glass and made self-closing."

267-38-A.

APPLICANT—Gross Morton Jamaica Estates Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—re appeal from decision of the borough superintendent of buildings.

PREMISES AFFECTED—75-82 181st street and 75-86 181st street, northwest corner of Union turnpike (Block No. 7195, Lot Nos. 2 and 3), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: George Gross.

ACTION OF BOARD—Appeal reopened and resolution Amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(267-38-A)

WHEREAS, Gross Morton Jamaica Estates Corporation, applicant and owner, filed April 14, 1938, an appeal from a decision of the borough superintendent, affecting premises 75-82 181st street and 75-86 181st street, northwest corner of Union turnpike (Block No. 7195, Lot Nos. 2 and 3), Jamaica, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, on N.B. Applic. No. 2417, dated April 12, 1938, reads as follows:

"Contrary to section 4.1.2 building code re. frame building within the fire limits."

and

WHEREAS, the decision of the borough superintendent, on N.B. Applic. No. 2258-38, dated April 12, 1938, reads as follows:

"Contrary to section 4.1.2 building code re. frame building within the fire limits."

and

WHEREAS, the premises consist of a plot 93.03 ft. by 100 ft. in area, upon which it is proposed to erect two 2-story frame buildings, 23 ft. in height, one of which will be 25 ft. by 32 ft. in area and the other 23 ft. by 26 ft. in area, located in a business use "D" area district and to be occupied as one family dwellings; and

WHEREAS, this appeal was granted by the board April 19, 1938, on certain conditions and applicant requested an amendment of the resolution to include permission to erect a private garage on each lot.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted on April 19, 1938, so that as amended it shall read:

Resolved, that the decisions of the borough superintendent, acting on N.B. Application No. 2417-38 and N.B. App. No. 2258-38, be and they hereby are *modified,* and the appeal be and it hereby is *granted,* to permit the erection of buildings as proposed, *on condition* that they shall be for residential purposes only, limited in occupancy to one family each, and shall comply with the zoning requirements for an "F" district except that the corner building may comply as to set back on Union turnpike front with "D" district requirements, and except that the buildings may exceed 18 ft. high up to plate line provided the height up to that point is not in excess of 25 ft.; that the 1st story of building shall be of masonry veneer and the roofs shall be natural slate; and except that the chimney breasts may extend into side yard areas for a distance not over two feet in depth; and that the interior bearing partitions may be as permitted with an area outside the fire limits.

Resolved further, that a private garage for not more than two cars may be constructed on each plot, on condition that such garage is for the accommodation of not more than two cars for the use of the occupants of the dwelling on the plot and that same shall be constructed of masonry or masonry veneered walls with slate roofs; that any windows less than three feet from the plot lines shall be constructed with metal frames, glazed with wire glass and made self-closing."

VARIATIONS OF LABOR LAW

186-38-S.

APPLICANT—Rabenold, Scribner and Miller, for Drake Bakeries, Inc., owner.

SUBJECT—Variation of the labor law as cited in orders of the commissioner of buildings and decisions of the acting borough superintendent of buildings.

PREMISES AFFECTED—71-77 Clinton avenue, east side, 100 ft. south of Park avenue and 66-74 Waverly avenue (Block No. 1888, Lot No. 41), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sidney Fass and Mr. Reilly.

For Administration: Inspector Meagher, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

MINUTES

(186-38-S)

WHEREAS, Rabenold, Scribner and Miller for Drake Bakeries, Inc., owner, filed March 18, 1938, an application for a variation of the labor law as cited in orders of the commissioner of buildings and decisions of the Chief of the Department of Fire Prevention, Department of Housing and Buildings, affecting premises 71-77 Clinton avenue, east side, 100 feet south of Park avenue, and 66-74 Waverly avenue (Block No. 1888, Lot No. 41), Borough of Brooklyn; and

WHEREAS, order No. 20150-LD, issued by the commissioner of buildings, December 28, 1937, reads as follows:

"An inspection of premises 71-77 Clinton avenue and 66-74 Waverly avenue, Borough of Brooklyn, shows that the following must be done to comply with section 270 of the labor law:

1. Provide an additional required means of exit from 6th story, pent house, remote from interior stairway."

and

WHEREAS, order No. 20151-LD, issued by the commissioner of buildings, December 28, 1937, reads as follows:

"An inspection of premises 71-77 Clinton avenue and 66-74 Waverly avenue, Borough of Brooklyn, shows that the following must be done to comply with sections 263 and 270 of the labor law:

1. Remove all partitions not built of incombustible material."

and

WHEREAS, the decision of the Chief of the Division of Fire Prevention, dated January 31, 1938, reads as follows:

"A recent inspection by this department shows that the requirements of orders Nos. 20150-LD, 20145-LD, 20151-LD issued against the above premises, have not been complied with and read: 20145-LD.—'1. Provide exit signs, letters to be at least 8 in. in height, at all means of egress, with a red light over all such exits for use in time of darkness.'

20150-L.D.—'1. Provide an additional required means of exit from 6th story, pent house, remote from interior stairway.'

20151-L.D.—'1. Remove all partitions not built of incombustible material.'"

and

WHEREAS, the decision of the Chief of the Division of Fire Prevention dated February 16, 1938, reads as follows:

"In reply to a letter from your office dated February 8th, 1938, regarding several orders pending with this department and in which it was requested that orders 20150-L.D. and 20151-L.D., be given further consideration, please be advised that the records of this division show that orders 20146-L.F., 20147-L.D., 20148-L.D. and 20149-L.D. have been dismissed as complied with.

Re Order 20145-L.D., same is not complied with, and cannot be dismissed until such time that the requirements of order 20150-L.D. have been complied with.

Regarding orders 20150-L.D. and 20151-L.D., I regret to advise you that this department is unable to give any consideration on these orders for the reason that both are mandatory requirements of the law, although the 6th story is discontinued as a laundry order 20150-L.D. will be applicable."

and

WHEREAS, the building is 5 stories and pent house, (68 feet), in height; 50 feet by 200 feet in area of fireproof construction, erected prior to October, 1913, and occupied as follows: Cellar—Storage, 12 persons; 1st floor—shipping, 20 persons; 2nd floor—office and bakery, 60 persons; 3rd floor—wrapping, 75 persons; 4th floor—bakery, 40 persons; and 5th floor—bakery, 50 persons; penthouse—laundry, 1-2 persons; the building is equipped with an interior fire-alarm system, three interior fireproof 44 inch stairs which lead from the roof direct to the street; the building to the south is 40 feet in height; and

WHEREAS, the applicant contends as to order No. 20150-L.D., that the premises, 71-77 Clinton avenue, Brooklyn, were constructed in 1913 under permit number 2980-1913. Plans for this building were filed with, and approved by, the Bureau of Buildings at the time that this permit was issued. These plans included a plan of the laundry mentioned in order No. 20150-L.D. The laundry today is in substantially the same condition as in 1913; as to order No. 20151-L.D., applicant contends that most of the partitions in question have been in existence since 1913; that the partitions in that section of the building indicated as "new addition" on the accompanying photostatic copies of the plan, or similar partitions, were provided for in the plans upon which permit No. 2142-1925—was issued; that compliance with the orders at this time would be a hardship, as the City will probably condemn a portion of the structure for the widening of Park avenue.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the labor law, and that the application be and it hereby is *granted,* modifying the orders of the commissioner of buildings, No. 20150-L.D., *on condition* that the roof pent house used for a laundry shall have in addition to a stairway leading to the 5th floor, a doorway leading to the open roof from which access across the roof may be had to the stairway at the southeast corner of the building; and granted as to order No. 20151-L.D., *on condition* that no additional wooden partitions shall be constructed within the building, other than those indicated on plans filed with this application, except that in the event the building is not discontinued for bakery purposes, such wooden partitions shall be removed and incombustible partitions substituted, within a period of two years from the date of this action; that in all other respects all laws, rules and regulations applicable to the use and occupancy of this building shall be complied with.

271-38-S.

APPLICANT—Tobias Goldstone, for A. & A. Construction Co., Inc., owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED — 196-204 Wallabout street, south side, 248 ft. 10 in. west of Lee avenue (Block No. 2263, Lot No. 31), Borough of Brooklyn.

APPEARANCES—

For Applicant: Tobias Goldstone.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(271-38-S)

WHEREAS, Tobias Goldstone, for A. & A. Construction Co., Inc., owner, filed on April 14, 1938, an application for variation of the Labor Law, as cited in an order of the commissioner of buildings and a decision of the chief of the Division of Fire Prevention, Department of Housing and Buildings, affecting premises 196-204 Wallabout street, south side, 248 ft. 10 in. west of Lee avenue (Block No. 2263, Lot No. 31), Borough of Brooklyn; and

WHEREAS, the order of the commissioner of buildings, No. 20174-LD, dated December 30, 1937, reads as follows:

"1. Discontinue the use of above premises for factory purposes as same is in violation of sections 270 and 272 of the Labor Law. Among the defects noted are the following:

(A) No remote secondary means of exit provided from each subdivided floor areas.

(B) Exit signs and red lights not provided at all exits."

and

WHEREAS, the decision of the chief of the Division of Fire Prevention, Department of Housing and Buildings, Brooklyn, dated March 15, 1938, reads as follows:

"In reply to your letter of March 14th, 1938, advising that you have been retained by the owners to appeal from requirements of Order No. 20174-LD and that you are unable to do so due to the fact that the Board of Standards and Appeals will not accept an appeal for the reason that the time limit, thirty (30) days, had elapsed, and request dismissal and reissuance of the above order. You are advised that the order cannot be dismissed or reissued. Therefore, your request is denied."

and

WHEREAS, the building is 4 stories (54 ft.) in height, 118 ft. by 90 ft. in area, of nonfireproof construction; erected in 1927 and occupied as follows: cellar—boiler-room, 1 person; 1st floor—manufacturing mirrors and machine shop, 20 persons; 2nd floor—manufacturing dresses, 57 persons; 3rd floor—manufacturing ladies wear and knitting, 70 persons; 4th floor—silk knitting, 50 persons; for which Certificate of Occupancy No. 48779 was issued January 9, 1928, permitting a total occupancy of 200 persons per floor. The building is equipped with a sprinkler system, two interior fireproof stairs, 3 ft. 10 in. wide, and one screened stairway located at the rear of the building with egress from the termination by means of an outer court direct to the street; openings on the course of the fire escape are fireproof, self-closing; and

WHEREAS, the applicant contends that the building was erected in compliance with N. B. Permit No. 10-27 and certificate of occupancy issued; that each floor has two separate occupancies and each accupancy has two means of egress; and

WHEREAS, it appears that the exterior iron stairs is not an approved means of exit for a factory erected after 1913 but could be accepted without occupancy allowance.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the Labor Law, and that the application be and it hereby is *granted*, modifying the order of the commissioner of buildings, No. 20174-LD, *on condition* that the exterior iron stairway shall be extended to the roof; that subdividing partitions for tenancies on each floor shall be so located that each tenant shall be provided with at least two means of exit leading directly to the enclosed stairways or exterior iron stairway; that the sprinkler system shall be maintained in accordance with the requirements of the Board of Standards and Appeals; that exit signs shall be installed at all exits including the rear exterior iron stairway; that in no event shall there be more than 100 persons on each floor; that in all other respects, all laws, rules and regulations applicable to the occupancy and construction of this building shall be complied with and that the building shall not be increased in height or area.

272-38-S.

APPLICANT—Tobias Goldstone, for A. & A. Construction Co., Inc., owner.

SUBJECT—Variation of the labor law as cited in an order and a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED — 206-216 Wallabout street, south side, 123 ft. 10 in. west of Lee avenue (Block No. 2263, Lot No. 31), Borough of Brooklyn.

APPEARANCES—

For Applicant: Tobias Goldstone.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(272-38-S)

WHEREAS, Tobias Goldstone, for A. & A. Construction Co., Inc., owner, filed on April 14, 1938, an application for a variation of the provisions of the labor law, as cited in an order of the commissioner of buildings and a decision of the acting borough superintendent, Department of Housing and Buildings, affecting premises 206-216 Wallabout street, south side, 123 ft. 10 in. west of Lee avenue (Block No. 2263, Lot No. 31), Borough of Brooklyn; and

WHEREAS, the order of the commissioner of buildings, No. 19606-LD, dated December 9, 1937, reads as follows:

"1. Discontinue the use of above premises for factory purposes, as same is in violation of section 270 and 271 of the Labor Law.

Among the defects noted are the following:

(A) No remote secondary means of exit provided from each subdivided floor area.

(B) Exit signs and red lights not provided at all exits."

and

WHEREAS, the decision of the chief, Division of Fire Prevention, Department of Housing and Buildings, dated March 15, 1938 reads:

"In reply to your letter of March 14th 1938, advising that you have been retained by the owners to appeal from requirements of Order No. 19606-LD and that you are unable to do so due to the fact that the Board of Standards and Appeals will not accept an appeal for the reason that the time limit, thirty (30) days, had elapsed and request dismissal and reissuance of the above order. You are advised that the order cannot be dismissed or reissued. Therefore your request is denied."

and

WHEREAS, the building is four stories, 54 ft. in height, 118 ft. by 90 ft. in area, of nonfireproof construction; erected in 1927 and occupied as follows: Cellar—boiler-room, 1 person; 1st floor—manufacturing of store fixtures and machine shop, 20 persons; 2nd floor—manufacturing of coats and upholstery, 46 persons; 3rd floor—knitting, 28 persons; 4th floor—manufacturing of automobile cushions, ladies' wear and vests, 77 persons; for which Certificate of Occupancy No. 48779 was issued January 9, 1928, permitting a total occupancy of 200 persons per floor. The building is equipped with a sprinkler system, (2) interior fireproof stairs, 3 ft. 10 in. wide, and one fire escape located at the rear of the building, which extends to roof by stairs and to rear yard by stairs, where egress is had by means of an outer court direct to the street; openings on the course of the fire escape are fireproof, self-closing; and

WHEREAS, the applicant contends that the building was erected in compliance with N. B. Permit No. 10-27 and Certificate of Occupancy issued; that each floor has two separate occupancies and each occupancy has two means of egress; and

WHEREAS, it appears that the exterior iron stairs is not an approved means of exit for a factory erected after 1913 but could be accepted without occupancy allowance.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the Labor Law, and that the application be and it hereby is *granted*, modifying the order of the commisioner of buildings, No. 19606-LD, *on condition* that the exterior iron stairway shall be extended to the roof; that subdividing partitions for tenancies on each floor shall be so located that each tenant shall be provided with at least two means of exit leading directly to the enclosed stairways or exterior iron stairway; that the sprinkler system shall be maintained in accordance with the requirements of the Board of Standards and Appeals; that exit signs shall be installed at all exits including the rear exterior iron stairway; that in no event shall there be more than 100 persons on each floor; that in all other respects, all laws, rules and regulations applicable to the occupancy and construction of this building shall be complied with and that the building shall not be increased in height or area.

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APPLIANCE SUBMITTED FOR APPROVAL

242-36-SA.

APPLICANT—Independent Oil Company, owner.

SUBJECT—Swirling Heat Oil Burner, Model A-M.—approval of.

APPEARANCES—

For Applicant: Edward Sieber.

ACTION OF BOARD—Appliance approved, in accordance with report of engineer of board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(242-36-SA)

WHEREAS, the Independent Oil Company, owner, filed August 5, 1936, an application with the Board of Standards and Appeals for approval of their device known as the Swirling Heat Oil Burner, Model A-M; and

WHEREAS, this device was submitted to the engineer of the board for test and report; and

WHEREAS, report of the engineer of the board, was substantially as follows:

The Swirling Heat Oil Burner was inspected at 42-78 Hampton street, Elmhurst, on April 28, 1938.

The burner, Model A-M was installed in an ordinary type domestic steam heating plant. The burner is of the pressure atomizing forced draft type and consists of the following assembly.

Century 1/6 H.P. motor, fan manufactured by Champion Blower Company, fuelstat consisting of pump pressure regulating valve and strainer, Monarch nozzle of from 2 to 5 gallons capacity, Ignition—Electric Jefferson transformer 110 to 10,000 volts. Controls—Minneapolis Honeywell—Protecto-relay R-117-3 and Pressuretrol L-404.

This burner differs from the conventional gun type in that the air tube leads into a distributing bowl in which the nozzle is mounted vertically. The electrodes are set in a position approximately 4 inches away from the horizontal periphery of the nozzle. On successive tests it was found that the burner operated without puff backs, the air adjustment and regulation of the electrodes is now so arranged as to prevent improper adjustment.

This devise has been approved by the Underwriters Laboratories, Guide No. 300-10.4 Laboratories File MP 1058.

It is recommended that the Swirling Heat Oil Burner, Models A-M, be approved for domestic and commercial installations with fuel oil not heavier than No. 3 U. S. Dept. of Commerce standards and when installed in accordance with the Oil Burner Rules of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Swirling Heat Oil Burner, Model A-M, for domestic and commercial installations when installed in accordance with the Oil Burner Rules of the Board of Standards and Appeals and with the above report and when used with fuel oil not heavier than No. 3 U. S. Dept. of Commerce standards *on condition* that there shall be permanently attached to each burner installed a label reading:

NOTICE
Approved by the
BOARD OF STANDARDS AND APPEALS
For use in New York City
UNDER CAL. No. 242-36-SA.

MATERIAL SUBMITTED FOR APPROVAL

147-38-SM.

APPLICANT—Johns-Manville Sales Corporation, owner.

SUBJECT—Transite Flue Pipe, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Material approved in accordance with report of a committee of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(147-38-SM)

WHEREAS, Johns-Manville Sales Corporation, owner, filed March 8, 1938, an application with the Board of Standards and Appeals for approval of the material known as the Transite Flue Pipe; and

WHEREAS, this material was submitted to the engineer of the board for test and report; and

WHEREAS, the report of the committee of the board of which the engineer was a member was as follows:

REPORT OF COMMITTEE ON TESTS.

Cal. No. 147-38-SM.

The Johns-Manville Sales Corp. filed on March 8, 1938 a request for the approval of Transite Flue Pipe under section C26-696.0 (c) (11.1.7.3 B.C.).

Transite Flue Pipe is made in cylindrical and oval shapes and consists of cement and asbestos fibre combined homogeneously under pressure. The joints in the cylindrical piping and fittings are made up by a tapered coupling and cemented to the pipe with Transite Flue Pipe Cement, consisting of silicate of soda mixed with portland cement and asbestos fibre. The pipe ends are tapered to fit the angle of the tapered coupling. Field cuts are coupled by means of a Duplex Coupling which is tapered at one end, the other end machined to effect a bell and spigot joint. The round fittings consist of reducer, drip cap, tapered flue pipe, tapered couplings, duplex coupling 45 and 90 degree elbow, lateral, ventilator top and short leg tee. The ends of the oval piping and fittings are cut square and with fittings form a bell spigot joint with 3/16 inch space for caulking with cement. The oval fittings consist of coupling, oval flue pipe, drip cup, tee round and oval, outlet, adapter, 45 and 90 degree elbow. The round pipe comes in sizes from 2 to 12 inches and the oval pipe from 3 to 6 long diameter inches, with wall thickness from .32 in. in the 3 in. pipe to .45 in. in the 12 in. pipe, with similar thicknesses for equivalent areas on oval pipe.

The Transite Flue Pipe was subjected to a temperature test at the manufacturer's plant on April 26, 1938. In the 11-hour test, the temperature inside the piping ranged from 613° F. to 673° F. The temperature was then stepped up irregularly from 0 to 1657° over an interval of one hour and forty-five minutes, when it failed by bursting. On the basis of these results the manufacturer is requesting the approval of this material for use as an outlet pipe for gas appliances with a maximum flue temperature of 600° F. A report of the Underwriters Laboratory No. 2414 is filed in this case, in which after a complete investigation approval by them was recommended. On the basis of the foregoing data, the recommendation to the board is to approve the use of the Transite Flue Pipe and fitting for use as an outlet pipe from gas appliances and limiting its application to a maximum flue temperature of 600° F. when installed in accordance with the requirements of section C26-696.0 (C) (11.1.7.3 BC) and that the minimum internal dimension be three inches. All Transite Flue piping and fittings for use in New York City shall be marked or labeled "Approved by the Board of Standards and Appeals of New York City under Cal. No. 147-38-SM as an out-

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let pipe from gas appliances *only* and for flue temperature not to exceed 600° F."

(Signed) BERNARD A. SAVAGE, Commissioner.
LESLIE V. HUBER, Engineer.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as Transite Flue Pipe, when installed and used in accordance with the above report, *on condition* that the material shall be marked or labeled "approved by the Board of Standards and Appeals of New York City under Cal. No. 147-38-SM as an outlet pipe from gas appliances *only* and for flue temperatures not to exceed 600° F."

Adjourned, 6:00 P.M.

EDWARD V. BARTON, Chief Clerk.

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*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, May 3, 1938, as they appeared in Bulletin No. 19, Vol. XXIII are hereby corrected to read as follows:

143-38-BZ.

APPLICANT—Samuel Rosenblum, for Northwest Building Corporation, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a residence use district the erection and maintenance of a business building (stores).

PREMISES AFFECTED—1486-1492 Ocean avenue and 1913-1929 Avenue J, northwest corner (Block No. 6712, Lot Nos. 1, 4 and 6), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel Rosenblum and Nathan H. Brandt.

For Opposition: D. H. M. Weynberg, W. A. M. Martin, Herman J. Strohm, Simon Newman and Jacob Cohn.

ACTION OF BOARD—Application withdrawn, upon request of applicant, after partial argument.

THE VOTE TO WITHDRAW—

Affirmative: Commissioners Savage and Blum and Assistant Chief Walsh	3
Negative: Chairman Murdock	1
Absent	0

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* Correction—The words "upon request of applicant, after partial argument" inserted in line 17 of digest.

SMOKING IN FACTORIES

Adopted by the Board of Standards and Appeals, August 12, 1918.

RULE 1. PERMIT.

(a) **Prohibition.** No person shall smoke, or carry a lighted cigar or cigarette in any factory as defined in Article 1, Section 2, of the State Labor Law, nor in any portion of a factory, within the City of New York, except in such protected portions or special classes of occupancies as are specified in Rule 2 of these rules, and then only after the issuance of a permit by the administrative official.

It shall be the joint and several duty of the owner and of the lessee or lessees of the building containing such factory or factories to cause to be posted in each and every entrance hall, stair hall or room throughout the building, as well as in every elevator-car, in English, and also in such other language or languages as the administrative official shall direct, a notice of such prohibition, and the penalty for its violation.

(b) **Application.** Application for such permit shall be made only by the owner of the building on suitable blank forms to be furnished by the administrative official.

(c) **Time Limit.** Such permit shall be for a definite period, not exceeding one year, and shall not be renewed upon expiration until a reinspection of the premises for which it is issued has been made for the purpose of determining whether existing conditions warrant a renewal.

(d) **Conditions.** The permit shall state the conditions under which, the hours between which, and the place or places in such factory where smoking may be permitted, and this permit shall be framed and kept posted in a conspicuous place in the factory.

(e) **Revocation.** Violation of any of the conditions specified in the permit, in addition to incurring such penalties as are prescribed by law, shall be full and sufficient cause for the revocation of such permit by the administrative official, and he shall not again issue a permit for the same premises until at least one year has elapsed.

RULE 2. PERMISSIBLE CASES.

Smoking may be permitted in:—

(a) Factories engaged in the manufacture of cigars, cigarettes, or smoking tobacco, when necessary for the efficient conduct of the business, provided that:

(1) No smoking other than that for sampling, testing and experimental purposes is carried on.

(2) Such smoking is conducted in a room provided especially for that purpose, separated from the rest of the building by fireproof or fire-resisting partitions, with all openings therein protected by self-closing fire doors, and, further, unless the building is of fireproof construction or equipped with an approved automatic sprinkler system, the floor and ceiling of such room shall be covered with fire-retarding material.

(3) Such chemical fire extinguishers as the administrative official may direct are installed.

(4) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

(b) Factories devoted entirely to one of the following occupancies:

Blacksmithing or horseshoeing;
Boiler making;
Brick, terra cotta or artificial stone works;
Forge shops;
Foundries;
Iron, steel, brass or copper works;
Machine shops;
Smelting;
Stone or monumental works;

provided that in any case:

(1) The building is not of wooden construction;

(2) Such chemical fire extinguishers as the administrative official may direct are installed;

(3) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

RULES

FIRE RETARDING RULES FOR GARAGES, ETC.

Adopted by the Board of Standards and Appeals Aug. 30, 1917; Amended Nov. 1, 1917, and Feb. 3, 1922.

Rule 1. Fire Retarding Materials for Garages, Motor Vehicle Repair Shops and Oil Selling Stations. In garages, motor vehicle repair shops and oil selling stations any material or form of construction shall be deemed fire-retarding within the meaning of §73, subdivision 3, of the building code, that resists the action of flame and heat when subjected to a continuous fire for one hour at an average temperature of seventeen hundred (1700) degrees Fahrenheit without the passage of flame, and with a maximum temperature rise to four hundred (400) degrees Fahrenheit on the side away from the fire. The point at which the temperature of transmitted heat is measured shall be protected from external air and weather conditions.

When the test specimen is in the form of partition construction, the area under test shall be not less than one hundred (100) square feet and least dimension shall be not less than nine (9) feet. When in the form of floor construction, the area under test shall be not less than two hundred (200) square feet and the least dimension shall be not less than fourteen (14) feet.

During the fire, the floor construction shall support the live load for which it is designed, and after the fire shall safely sustain twice the designed live load with a maximum deflection of not more than one two-hundredth (1/200) part of the span.

Rule 2. Wood Joisted Floor Construction. Wood jointed floor construction shall be accepted as fire-retarding construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations when the beams are protected on the upper and under sides with the fire-retarding materials specified in rules for floor and ceiling coverings.

Rule 3. Floor Covering. Any one of the following forms of construction shall be accepted as fire-retarding for the covering of the upper sides of wood floor beams in joisted floor construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations.

(a) Seven-eighths (⅞) inch wood underflooring protected with a membrane of two-ply waterproofing covered with not less than two and one-half (2½) inches of 1:2½:5 concrete or better, reinforced with not less than one-fourth (¼) of one (1) per cent of steel mesh;

(b) Two and one-half (2½) inches of 1:2:4 concrete applied directly to the top of the joists, with or without temporary support, reinforced with not less than one-fourth of one per cent steel rods, mesh or steel lath, and having the tops of the joists coated with approved waterproof paint or protected by tar paper on the top and on the sides for a distance of three inches from the top.

Rule 4. Ceiling Covering. Any one of the following forms of construction shall be accepted as fire-retarding for the covering of the undersides of wood floor beams in joisted floor construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations:

(a) One-half (½) inch plaster boards, or three-eighths (⅜) inch gypsum wall boards weighing not less than 16 pounds per square yard with pointed joints covered with No. 26 U. S. gauge sheet metal with one (1) inch lapped seams nailed to the wood beams when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are spaced more than sixteen (16) inches on centers;

(b) Two thicknesses of one-quarter (¼) inch asbestos board laid with tight staggered joints and nailed to the beams, when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are more than sixteen (16) inches on centers;

(c) Metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) inch thick.

Rule 5. Attachment to Ceiling. Fire-retarding ceilings in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations shall be attached to wood floor beams and girders in such manner as to maintain an air space between the wood beams and all wood beams shall be seasoned before applying the protective coat.

Rule 6. Openings in Fire-Retarding Floors. Pipes or conduits which pass through floors shall be fitted with metal thimbles and made watertight for a height of three (3) inches above the floor.

Rule 7. Columns. All structural posts and columns in non-fireproof buildings required to be fire-retarded shall be protected with fire-retarding materials specified for ceiling coverings in these rules, or with any of the materials accepted in fireproof construction; except that an air space shall not be required around steel or cast iron columns.

Where necessary for protection against mechanical injury, the fire-retarding protection on columns shall be jacketed to a height of five (5) feet from the ground with No. 4 U. S. gauge metal.

Rule 8. Girders. All girders in non-fireproof buildings required to be fire-retarded shall be protected with the fire-retarding materials specified for ceiling coverings in these rules, or with any of the materials acceptable in fireproof construction; except that an air space need not be provided around steel girders.

Rule 9. Shaft Enclosures. Existing stairways and vertical shafts in non-fireproof business buildings hereafter converted to be used as garages, motor vehicle repair shops or oil selling stations shall be enclosed in fire-retarding partitions continued through the non-fireproof floor construction, and when unfilled wood stud partitions are used, the space between the floor beams shall be fire-stopped with incombustible materials. All openings in such partitions shall be protected with accepted metal-covered fire doors or windows. Wherever necessary for protection against mechanical injury, the partition shall be jacketed to a height of five (5) feet on the garage side with No. 4 U. S. gauge metal. Any one of the following forms of partitions shall be accepted for the enclosure:

(a) Two by four inch wood studs, spaced not more than sixteen (16) inches on centers, covered both sides with metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) of an inch thick;

(b) Two by four inch wood studs placed not more than sixteen (16) inches on centers, covered both sides with seven-eighths (⅞) inch wood sheathing, one-half (½) inch plaster boards with pointed joints and No. 26 U. S. gauge sheet metal with one-inch lapped seams;

(c) Two by four inch wood studs spaced not more than sixteen (16) inches on centers, covered both sides with seven-eighths (⅞) inch wood sheathing, two thicknesses of one-quarter (¼) inch asbestos boards laid with tight staggered joints and jacketed with No. 16 U. S. gauge metal on the garage side to a height of five (5) feet;

(d) Two by four inch wood studs spaced not more than sixteen (16) inches on centers, filled in solidly between the studs with four inches of approved fireproof materials and covered on both sides with No. 26 U. S. gauge metal;

(e) Existing wood stud, lath and plaster partitions covered on the garage side with No. 26 U. S. gauge sheet metal with one inch lapped seams.

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BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN J. MCELLIGOTT

EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.

TELEPHONE—WORTH 2-0184.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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Minutes of Regular Meeting, May 17, 1938, at 2 P. M., Affecting Calendar Numbers 17-29-BZ, 1481-22-BZ, 480-25-BZ, 251-35-BZ, 185-31-BZ, 116-38-BZ, 497-37-BZ, 641-30-BZ, 1220-23-BZ, 153-36-BZ, 479-37-BZ, 375-38-GR (General Resolution), 27-38-A, 276-38-A, 600-37-A, 193-38-A, 280-38-A, 284-38-A, 346-38-A, 320-38-A, 342-38-A, 246-38-A, 333-38-A, 354-38-A, 227-38-A, 160-38-S, 225-38-S, 220-38-S, 96-38-SM and 301-38-SM.

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Approved Range Oil Burners and Space Heaters.

PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

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All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*

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DOCKET

New Cases Filed up to May 17, 1938

Cal. No. *Department* *Premises Affected*

351-38-SA.....H.B.....Watrous Flush Valve and Vacuum Breaker, Models Imperial, Majestic and Jewel, manufactured by The Imperial Brass Manufacturing Co., Appliance.

352-38-BZ.....H.B.M.....1728-1734 Park avenue and 80-82 East 121st street, southwest corner (Block 1747, Lots 18 and 19), Borough of Manhattan, N.B. 63-38.

353-38-A-WF...H.B.Q.....106-02 Northern boulevard, southeast corner of 106th street (Block 1721, Lot 1), Corona, Borough of Queens, Alt. 1506-38.

354-38-A.....H.B.B.....Southwest corner of Washington avenue and Eastern parkway (Brooklyn Museum); (Block 1183, Lot 26), Borough of Brooklyn, Alt. 4860-38

355-38-SM.....H.B.....Pennsylvania Original Solid Corrugated Wire Glass, manufactured by Pennsylvania Wire Glass Co., Material.

356-38-A.....H.B.....333 West 83rd street and 110-112 Riverside drive, southeast corner (Block 1245, Lots 47, 49, 54 and part of Lot 56,) Borough of Manhattan. Order.

357-38-SA.....H.B.....Colalloy Kwik Konnector for Gas Stove, manufactured by Colonial Stove Co., Appliance.

358-38-A.....H.B.Bx.....917 Ogden avenue, west side, 125 ft. south of West 162nd street (Block 2524, Lots 21, 22 and 24), Borough of The Bronx, Alt. 240-38.

359-38-SA.....H.B.....Michelson Scaffold, manufactured by Mac Michelson, Appliance.

360-38-BZ.....H.B.M.....356 West 44th street, south side, 100 ft. east of Ninth avenue (Block 1034, Lot 60), Borough of Manhattan, Alt. 863-38.

361-38-A.....H.B.Q.....35-20 Lawrence street, west side, 163 ft. south of Northern boulevard (Block 4963, Lot 221), Flushing, Borough of Queens, Alt. 2613-38.

362-38-BZ.....H.B.B.....2042-2046 Ocean avenue, west side, 470 ft. south of Avenue O (Block 6766, Lot 36 and part of Lot 38), Borough of Brooklyn, Alt. 4703-38.

363-38-A.....H.B.M.....2091 Broadway, west side, 106.10 ft. north of West 72nd street (Block 1164, Lot 34,) Borough of Manhattan, Decision re: Alt. 4582-37.

364-38-SM.....H.B.....Jumbo Metal Lath, manufactured by The Consolidated Expanded Metal Companies, Material.

365-38-SM.....H.B.....Metal-Lithic Building Veneering Unit, manufactured by Metal-Lithic Products Co., Material.

366-38-BZ.....H.B.B.....1656-1672 Bushwick avenue, south side, 236 ft. east of Conway street (Block 3476, part of Lot 16), Borough of Brooklyn, Applic. 4899-38.

367-38-BZ.....H.B.B.....88-98 Conway street, east side, 98.8 ft. south of Bushwick avenue (Block 3476, part of Lot 16), Borough of Brooklyn, Applic. 4900-38.

368-38-BZ.....H.B.B.....66-86 Conway street, east side, 204 ft. south of Bushwick avenue (Block 3476, part of Lot 16 and part of Lot 10), Borough of Brooklyn, Applic. 4901-38.

369-38-BZ.....H.B.B.....1630-1654 Bushwick avenue, south side, 150 ft. east of Conway street (Block 3476, part of Lot 16), Borough of Brooklyn, Applic. 4898-38.

370-38-BZ.....H.B.B.....1630-1654 Bushwick avenue, south side, 100 ft. east of Conway street (in center of plot); (Block 3476, part of Lot 16), Borough of Brooklyn, Applic. 3211-38.

371-38-A.....F.D.....539 Timpson place, west side, 83.24 ft. south of East 149th street (Block 2600, Lot 162), Borough of The Bronx, 12095-L.C. & Decision.

372-38-SA.....F.D.....Faber Industrial Fuel Oil Burner, Appliance.

373-38-BZ.....H.B.Q.....1401-1409 Far Rockaway boulevard and 1141-1161 Nameoke street, southwest corner (Block 38, Lot 40), Far Rockaway, Borough of Queens, Alt. 3192-38.

374-38-BZ....H.B.Bx.....860-866 East 222nd street and 3863-3867 Bronxwood avenue southwest corner (Block 4680, Lot 69), Borough of The Bronx, N.B. 142-38.

375-38-GR.....H.B.....Re: Alteration or replacement of existing signs on buildings not conforming to the use

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districts in which they are located, General Resolution.

376-38-A.....H.B.M.....2081-2089 Broadway, northwest corner of West 72nd street (Block 1164, Lot 26), Borough of Manhattan, E.S. Applic. 3102-37.

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251-35-BZ.....H.B.B.....2115-2119 Caton avenue, north side, 91 ft. west of Flatbush avenue (Block 5063, Lot 69), Borough of Brooklyn, Applic. 6190-38.

480-25-BZ.....H.B.Bx.....South side of West 230th street, 110.62 ft. east of Exterior street (Block 3264, Lots 104 and 106), Borough of The Bronx, Decision.

1481-22-BZ.....H.B.B.....8502-8518 Fourth avenue, southwest corner of 85th street (Block 6034, Lot 41), Borough of Brooklyn, Applic. 5251-38.

DESIGNATIONS: H.B.—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

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MAY 24, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, May* 24, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 181-38-BZ—Application, March 14, 1938, under sections 7a and 21 of the building zone resolution, of Leonard A. Swarthe, applicant, on behalf of Horace Smith, owner, to permit in a business use district the alteration and conversion of occupancy of part of an existing garage for more than five (5) motor vehicles (previously acted upon by the board) so as to include a gasoline service station; premises 410 City Island avenue, northeast corner of Ditmars street (Block No. 5645, Lot No. 1), Borough of The Bronx.

CAL. NO. 84-38-BZ—Application, February 10, 1938, under section 21 of the building zone resolution, of Samuel Rosenblum, applicant, on behalf of Kew Plaza Holding Corporation, owner, to permit in a residence use district the maintenance of a restaurant in part of the cellar story of an existing multiple dwelling; premises 80-40 Lefferts boulevard, north side, 100 ft. east of Austin street (Block No. 3353 (2142), Lot No. 59), Kew Gardens, Borough of Queens.

CAL. NO. 414-37-BZ—Application, August 23, 1937, under section 21 of the building zone resolution, of Meyer Cuttler, applicant, on behalf of Michael Berman, owner, to permit partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; premises 796 East 166th street, south side, 90 ft. west of Union avenue (Block No. 2670, Lot No. 35), Borough of The Bronx.

CAL. NO. 790-27-BZ—Application of Shapiro and Sikawitt, applicants, on behalf of D. & H. Garage Corporation, owner, reopened December 21, 1937, under section 21 of the building zone resolution, to permit in a business use district the maintenance of a motor vehicle repair shop, distributing station and garage for more than five (5) motor vehicles with the elimination of two (2) stores shown on original plans previously acted upon by the Board; premises 2170-2178 Jerome avenue, northeast corner of Cameron place (Block No. 3186, Lot No. 1), Borough of The Bronx.

CAL. NO. 571-37-BZ—Application, December 3, 1937, under section 21 of the building zone resolution, of Morris A. Marks and Joshua Tabatchnik, applicants, on behalf of 87th Shore Road Realty Corporation, owner, to permit in a residence use district the conversion of occupancy of part of the cellar story of an existing

CALENDAR

multiple dwelling to store use; premises 8701-8723 Shore road, 1-27 88th street, 8702-8724 Narrows avenue and 2-30 87th street (Block No. 6040, Lot No. 1), Borough of Brooklyn.

CAL. NO. 24-38-BZ—Application, January 15, 1938, under section 21 of the building zone resolution, of Gerald J. Friedberg, applicant, on behalf of Fanny Tozzi and Esther V. Tozzi, owners, to permit in a business use district the erection and maintenance of a garage for more than five (5) motor vehicles and a gasoline service station; premises 686-688 Bergen street, south side, 200 ft. west of Underhill avenue (Block No. 1145, Lot Nos. 32 and 33), Borough of Brooklyn.

CAL. NO. 192-38-BZ—Application, March 22, 1938, under section 21 of the building zone resolution, of Power and Hopkins, applicants, on behalf of Walter W. Welton, et al., owners, to permit in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop; premises 1679-1681 Jerome avenue, west side, 275 ft. north of Featherbed lane (Block No. 2861, Lot No. 32), Borough of The Bronx.

CAL. NO. 410-31-BZ—Application of Michael Levine, applicant, on behalf of Louise De Vito, owner, reopened March 22, 1938, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the alteration and maintenance of a gasoline service station (erection and maintenance of gasoline service station previously granted by the board under section 7f of the building zone resolution for a temporary period); premises 175-14 Horace Harding boulevard, south side, 117.71 ft. west of Utopia parkway (Block No. 2661, Lot No. 26), Flushing, Borough of Queens.

CAL. NO. 603-37-BZ—Application, December 20, 1937, under sections 7c and 21 of the building zone resolution, of Thomas P. DeGraffenried, applicant, on behalf of John C. Gabler, owner, to permit partly in an unrestricted use district extending into a business use district the erection of a gasoline service station; premises 240-13 and 241-01 to 241-21 Northern boulevard and 44-20 to 44-48 Douglaston parkway, northwest corner (Block No. 3951, Lot No. 220), Douglaston, Borough of Queens.

CAL. NO. 304-38-BZ—Application, April 23, 1938, under section 21 of the building zone resolution, of New York Telephone Company, applicant and owner, to permit in an unrestricted use, "B" area and one and one-half (1½) times height district the erection of an extension to an existing telephone building—which extension exceeds the zoning requirements as to area and height; premises 221-231 East 37th street, north side, 230 ft. west of Second avenue (Block No. 918, Lot Nos. 14, 17 and 18), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman*

MAY 24, 1938, 2 P. M.

Appeals from Administrative Orders

251-38-A—256-260 Georgia avenue and 325 Belmont avenue, northwest corner (Block No. 3735, Lot No. 34), Borough of Brooklyn.

600-37-A—841-843 Broadway and 53-63 East 13th street, northwest corner (Block No. 565, Lot No. 17), Borough of Manhattan.

284-38-A—44-48 East 14th street, south side, 49 ft. 9 in. west of Broadway and 45-51 East 13th street (Block No. 565, Lot Nos. 11, 13 and 14), Borough of Manhattan.

241-38-A—602-632 62nd street and 6201-6223 Sixth avenue, southeast corner (Block No. 5802, Lot Nos. 1 and 84), Borough of Brooklyn.

339-38-A—157-161 Ocean avenue, east side, 468 ft. 11 in. south of Lincoln road (Block No. 5026, Lot No. 20), Borough of Brooklyn.

348-38-A—35-39 West 45th street, north side, 427 ft. west of Fifth avenue (Block No. 1261, Lot No. 19), Borough of Manhattan.

353-38-A-WF—106-02 Northern boulevard, southeast corner of 106th street (Block No. 1721, Lot No. 1), Corona, Borough of Queens.

356-38-A—333 West 83rd street and 110-112 Riverside drive, southeast corner (Block No. 1245, Lot Nos. 47, 49, 54 and part of Lot No. 56), Borough of Manhattan.

358-38-A—917 Ogden avenue, west side, 125 ft. south of West 162nd street (Block No. 2524, Lot Nos. 21, 22 and 24), Borough of The Bronx.

361-38-A—35-20 Lawrence street, west side, 163 ft. south of Northern boulevard (Block No. 4963, Lot No. 221), Flushing, Borough of Queens.

363-38-A—2091 Broadway, west side, 106.10 ft. north of West 72nd street (Block No. 1164, Lot No. 34), Borough of Manhattan.

376-38-A—2081-2089 Broadway, northwest corner of West 72nd street (Block No. 1164, Lot No. 26), Borough of Manhattan.

371-38-A—539 Timpson place, west side, 83.24 ft. south of East 149th street (Block No. 2600, Lot No. 162), Borough of The Bronx.

377-38-A—126 Delancey street, north side, 51.9 ft. west of Norfolk street (Block No. 353, Lot No. 41), Borough of Manhattan.

380-38-A—430-440 East 138th street, south side, 300 ft. east of Willis avenue and 419-425 East 137th street (Block No. 2282, Lot No. 18), Borough of The Bronx.

Variation of Labor Law

160-38-S—3869 Broadway, west side, 75 ft. north of West 161st street (Block No. 2137, part of Lot No. 18), Borough of Manhattan.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions

of the building zone resolution, *Tuesday afternoon, May* 24, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 345-32-BZ—Application of Alphonsus Casey, applicant, on behalf of Patrick J. Reilly, owner, reopened February 23, 1938, for consideration as to extension of permit —re Application, previously granted on condition, under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station for a temporary period; premises north side of 47th avenue, 91 ft. east of Cross Island boulevard (Block No. 1299, part of Lot No. 105), Bayside, Borough of Queens.

CAL. NO. 152-37-BZ—Application, April 3, 1937, under section 7h of the building zone resolution, of Michael Falzarano, applicant and lessee, on behalf of Bessie Greenwald, I. Rosenwasser and N. Glantz, owners, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution, reopened and restored to calendar April 5, 1938); premises 9508-9530 Church avenue, southeast corner of East 96th street (Block No. 4716, Lot Nos. 42 to 50 inclusive), Borough of Brooklyn.

CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent, applicants, on behalf of Maude B. Mowry, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

CAL. NO. 534-37-BZ—Application of James J. Millman, applicant, on behalf of Nakoma Realty Corporation, owner, reopened May 3, 1938, under section 21 of the building zone resolution, for consideration and amendment to resolution to permit the building to be occupied as a public garage with a gasoline storage system and motor vehicle repair work—business use district; premises 144-146 and 148-150 Frost street, south side, 100 ft. west of Graham avenue (Block No. 2739, Lot Nos. 15 and 17), Borough of Brooklyn.

CAL. NO. 127-38-BZ—Application, March 1, 1938, under section 21 of the building zone resolution, of James Russell Ashley, applicant, on behalf of Elmtree Realty Company, owner, to permit in a business use district the erection and maintenance of eight (8) buildings to be occupied by garage for forty (40) automobiles; premises 195-201 West 237th street, northeast corner of Broadway (Block No. 3270, Lot No. 40), Borough of The Bronx.

CAL. NO. 170-38-BZ—Application, March 10, 1938, under section 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Benjamin Levinson and Maxwell R. Ginsberg, owners, to permit in a business use district the erection and maintenance of a gasoline service station (part of plot in question previously denied for use as gasoline service station); premises 201-02 to 201-14 47th avenue, 47-02 to 47-06 202nd street, southwest corner and 201-01 to 201-13 Rocky Hill road, northwest corner of 202nd street (Block No. 5560, Lot Nos. 1 and 3), Bayside, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

JUNE 1, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Wednesday morning, June* 1, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 168-28-BZ—Application of William H. Garbade, applicant, on behalf of Adelaide F. Garbade, owner, reopened November 23, 1937, under section 7f of the building zone resolution, to permit, for a temporary period of not more than two (2) years, in a business use district, the erection and maintenance of a gasoline service station (previously denied); premises 54-82 to 54-90 Kissena boulevard, northwest corner of North Hempstead turnpike (Block No. 5179 (1056), Lot No. 1), Flushing, Borough of Queens.

CAL. NO. 318-30-BZ—Application of Samuel Rosenblum, applicant, on behalf of Edward F. McNally, owner, reopened March 8, 1938, under sections 7c and 21 of the building zone resolution, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a garage for more than five (5) motor vehicles and, also, a gasoline service station; premises 441-451 89th street and 8814-8824 Fifth avenue, northwest corner (Block No. 6065, Lot Nos. 32 and 35), Borough of Brooklyn.

CAL. NO. 619-37-BZ—Application, December 28, 1937, under section 7h of the building zone resolution, of John J. Dunnigan, applicant, on behalf of Joseph Havender, owner, to permit, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles; premises 3664-3696 Jerome

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avenue and 3653-3663 Bainbridge avenue, west side, 74 ft. south of Jerome avenue (Block No. 3329, Lot No. 100), Borough of The Bronx.

CAL. NO. 250-38-BZ—Application, April 11, 1938, under section 21 of the building zone resolution, of Harry Hurwit, applicant, on behalf of Trustees of Columbia University, owner, to permit in a residence use district the erection and maintenance of a gasoline service station and, also, the parking and storage of more than five (5) motor vehicles; premises 9-10 East street, west side, from Cherry street to Grand street, 615-625 Grand street and 506-530 Cherry street (Block No. 264, Lot No. 20), Borough of Manhattan.

CAL. NO. 289-38-BZ—Application, April 20, 1938, under section 21 of the building zone resolution, of Shreve, Lamb and Harmon and Harrison and Fouilhoux, applicants, on behalf of the Board of Higher Education, City of New York, owner, to permit partly in a residence use district and partly in a business use district, "B" area and one and one-half (1½) times height district the erection of the street walls of a building (Hunter College) not conforming with the height requirements of the building zone resolution; premises 657-699 Park avenue, 924-942 Lexington avenue, 57 East 68th street and 54 East 69th street (Block No. 1403, Lot No. 1), Borough of Manhattan.

CAL. NO. 29-38-BZ—Application, January 18, 1938, under section 7h of the building zone resoltion, of Theodore R. Feinberg, applicant, on behalf of Hotels Statler Company, Inc., owner, to permit in a retail use district the parking and storage of more than five (5) motor vehicles for a temporary period of two (2) years; premises 251-253 West 33rd street, north side, 225 ft. east of Eighth avenue and 250 West 34th street (Block No. 783, Lot Nos. 12, 13 and 72), Borough of Manhattan.

CAL. NO. 448-37-BZ—Application, September 16, 1937, under section 7h of the building zone resolution, of Max Fuchs, applicant, on behalf of 460 Eighth Avenue Corporation, owner, to permit, for a temporary period of two (2) years, in a retail use district, the parking and storage of more than five (5) motor vehicles; premises 255 West 33rd street, north side, 200 ft. east of Eighth avenue (Block No. 783, Lot No. 11), Borough of Manhattan.

CAL. NO. 1146-17-BZ—Application of William Sparago, applicant, on behalf of Vincenza Montana, owner, reopened June 22, 1937, under section 21 of the building zone resolution, to permit in a business use district the change of occupancy of an existing garage for more than five (5) motor vehicles to a garage for more than five (5) motor vehicles and a motor vehicle repair shop (the existing garage granted by the Board); premises 4509-4511 18th avenue, east side, 359 ft. 6 in. south of McDonald avenue (Block No. 5439, Lot No. 27), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

JUNE 1, 1938, 2 P. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Wednesday afternoon, June* 1, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 128-38-BZ—Application, March 1, 1938, under section 21 of the building zone resolution, of Julius S. Rapson, applicant, on behalf of Beaudel Brothers, owners, to permit in a business use district the erection and maintenance of a gasoline service station and, also, a motor vehicle repair shop; premises 240-18 South Conduit avenue, southeast corner of Memphis avenue and southwest corner of Memphis avenue and 241st street (Block No. 4840, part of Lot No. 245), Rosedale, Borough of Queens.

CAL. NO. 6-27-BZ—Application of Frank S. Parker, applicant, on behalf of Ortcar Realty Corporation, owner, reopened May 10, 1938, under section 21 of the building zone resolution, to permit in a business use district the inclusion of a motor vehicle repair shop in an existing garage for more than five (5) motor vehicles (previously granted by the Board); premises 211-225 West 61st street, north side, 400 ft. east of West End avenue (Block No. 1153, Lot Nos. 17 to 24 inclusive), Borough of Manhattan.

CAL. NO. 54-38-BZ—Application, January 29, 1938, under section 21 of the building zone resolution, of Olga Gazarian, applicant and lessee, on behalf of Hub Holding Corporation, owner, to permit in a residence use district a building now occupied as a private dancing school to be rented to organizations conducting dances for their members and guests; premises 90-92 Bennett avenue, west side, 105 ft. south of West 186th street (Block No. 2180, Lot No. 172), Borough of Manhattan.

CAL. NO. 384-37-BZ—Application, July 30, 1937, under sections 7c, 7h and 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of New York Life Insurance Company, owner, to permit partly in a business use district and partly in an unrestricted use district the parking of more than five (5) motor vehicles (for a temporary period of not more than two (2)

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years) and, also, a driveway to an existing gasoline service station located in the unrestricted use district; premises 29 Union Square west and 28-36 East 16th street, southwest corner (Block No. 843, Lot No. 29), Borough of Manhattan.

CAL. NO. 480-37-BZ—Application, October 11, 1937, under sections 7h and 7c of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Wendel Foundation and Phelps Estate, Inc., owners, to permit partly in a business use district and partly in an unrestricted use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises 21-25 Union Square west, west side, 52 ft. north of East 15th street (Block No. 843, Lot Nos. 22 and 25), Borough of Manhattan.

CAL. NO. 436-37-BZ—Application, September 7, 1937, under sections 7h and 21 of the building zone resolution, of Herman Kron, applicant, on behalf of Chanler Estate, Inc., owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 239-255 East 3rd street, north side, 90 ft. west of Avenue C (Block No. 386, Lot Nos. 45 to 51), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

Appeals from Administrative Orders.

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

276-38-A—145-155 West 47th street, north side, 240 ft. east of Seventh avenue and 148-154 West 48th street (Block No. 1000, Lot No. 11), Borough of Manhattan.

193-38-A—17 East 54th street, north side, 110 ft. west of Madison avenue (Block No. 1290, Lot No. 13), Borough of Manhattan.

346-38-A—2473-2475 Broadway and 252-254 West 92nd street, southwest corner (Block No. 1239, Lot No. 55), Borough of Manhattan.

JUNE 7, 1938; 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, June* 7, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 568-37-BZ—Application, December 2, 1937, under sections 7g and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Theresa Van Houten, owner, to permit in a business use district the erection and maintenance of a garage for more than five (5) motor vehicles and, also, a gasoline service station; premises 8917-8923 Flatlands avenue, southwest corner of Remsen avenue (Block No. 8010, Lot No. 1), Borough of Brooklyn.

CAL. NO. 564-23-BZ—Application of Lama and Proskauer, applicants, on behalf of Scotto Holding Corporation, owner, reopened April 12, 1938, under sections 7c and 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the extension of an existing motion picture theatre building; premises 395 Court street, east side, 100 ft. south of First place (Block No. 459, Lot Nos. 2 and 6), Borough of Brooklyn.

CAL. NO. 51-38-BZ—Application, January 27, 1938, under section 7h of the building zone resolution, of Bernhardt T. Berman, applicant, on behalf of Dimbashe Holding Corporation and Estate of Adam Schepp, owners, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 44-54 Suffolk street, east side, 100 ft. north of Grand street (Block No. 346, Lot Nos. 3, 7 and 8), Borough of Manhattan.

CAL. NO. 215-38-BZ—Application, March 31, 1938, under sections 7b and 7c of the building zone resolution, of I. L. Crausman, applicant, on behalf of Jerome Building Corporation, owner, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a multiple dwelling having stores in part of the cellar story; premises 190 Mosholu Parkway south and 265 East 204th street, northwest corner (Block No. 3311, Lot Nos. 138-142 inclusive), Borough of The Bronx.

CAL. NO. 224-38-BZ—Application, April 4, 1938, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Hanover Service Station, Inc., owner, to permit partly in a residence use district and partly in a business use district the erection and maintenance of a gasoline service station; premises 32-11 to 32-19 Cross Island boulevard and 198-05 to 198-09 33rd avenue, northeast corner (Block No. 6025, Lot No. 36), Bayside, Borough of Queens.

CAL. NO. 55-38-BZ—Application, January 28, 1938, under section 21 of the building zone resolution, of Lewis Braverman, applicant, on behalf of New York Majestic Corporation, owner, to permit in a residence use district the alteration and change of occupancy of part of the first story of an existing multiple dwelling to business use (Broker's Office); premises 115-119 Central Park west, west side, from West 71st street to West 72nd street, 1-15 West 71st street

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and 2-10 West 72nd street (Block No. 1124, Lot No. 27), Borough of Manhattan.

CAL. NO. 200-38-BZ—Application, March 25, 1938, under section 21 of the building zone resolution, of MacMurray Holding Corporation, applicant and lessee, on behalf of Frank S. Staley, attorney-in-fact for John D. Rockefeller, Jr., owner, to permit in a retail use district the parking and storage of more than five (5) motor vehicles; premises 2-24 West 53rd street, south side, 100 ft. west of Fifth avenue (Block No. 1268, Lot Nos. 42 to 52, inclusive), Borough of Manhattan.

CAL. NO. 347-28-BZ—Application, May 9, 1938, under section 21 of the building zone resolution, of I. L. Crausman, applicant, on behalf of Gelson Realty Corporation, owner, to permit in a residence use and "D" area district the erection and maintenance of a multiple dwelling not conforming with the area requirements of the building zone resolution; premises 182 St. Georges Crescent and 185 East 206th street, northeast corner (Block No. 3313, Lot Nos. 1 to 9, inclusive), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman*

JUNE 7, 1938, 2 P. M.

Variation of Labor Law

225-38-S—538-540 Fifth avenue, west side, 50 ft. south of West 45th street (Block No. 1260, Lot No. 38), Borough of Manhattan.

JUNE 14, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, June* 14, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 100-38-BZ—Application, February 17, 1938, under section 7h of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Three Eighty-Three Realty Corporation, owner, to permit in a retail use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 11-17 West 35th street, north side, 200 ft. west of Fifth avenue and 12-14 West 36th street, south side, 219 ft. west of Fifth avenue (Block No. 837, Lot Nos. 31, 32, 33, 34, 54 and 55), Borough of Manhattan.

CAL. NO. 1481-22-BZ—Application of A. S. G. Construction Corporation, applicant and owner, reopened May 17, 1938, under section 21 of the building zone resolution, to permit in a residence use district the alteration and conversion of occupancy of a bank to stores located on part of the first story of an existing building (the bank use having been previously granted by the Board); premises 8502-8518 Fourth avenue, southwest corner of 85th street (Block No. 6034, Lot No. 41), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

JUNE 14, 1938, 2 P. M.

Appeal from Administrative Order

280-38-A—162-10 Jamaica avenue, south side, 70 ft. east of 162nd street, 92-15 Union Hall street and 92-14 New York boulevard (Block No. 1052, Lot Nos. 4, 6, 13 and 79), Jamaica, Borough of Queens.

Building Zone Application

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, June* 14, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles: premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

Copies of the Official Directory of the City of New York for the year 1938 (The Little Green Book), containing the latest authentic information in relation to City, State and Federal Departments, Bureaus, Offices and Courts, are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50 cents; by mail, three cents per copy must be added for postage.

MULTIPLE DWELLING LAW ON SALE

Copies of the Multiple Dwelling Law are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50c; by mail 54c.

Copies of the Supplemental Rules and Regulations of the Tenement House Department on Fire Retarding, Fire Escapes, Fire Stairs and Fire Towers are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 10c; by mail 12c.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, MAY 17, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the regular meeting of the board held on Tuesday morning, May 10, 1938 and the minutes of the regular meeting of the board held on Tuesday afternoon, May 10, 1938, were approved as printed in Bulletin No. 20, Vol. XXIII.

BUILDING ZONE CASES

436-37-BZ.

APPLICANT—Herman Kron, for Chanler Estates, Inc., owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under sections 7h and 21 of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—239-255 East Third street, north side, 90 ft. west of Avenue C (Block No. 386, Lot Nos. 45 to 51), Borough of Manhattan.

APPEARANCES—

For Applicant: Herman Kron, William T. Knight, Joseph L. Johnson, Herman B. Levy, Rev. Rudolf Zabek and Paul Kornblum.

For Opposition: Joseph Platzker, Dora Silverblatt, M. P. Reckseit, Annie Rosenkrantz, Benjamin Strump, M P. M'llerand and others.

ACTION OF BOARD—Laid over to June 1, 1938 at 2 P. M. for report of committee. No further argument.

568-37-BZ.

APPLICANT—Lama and Proskauer, for Theresa Van Houten, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7g and 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a garage for more than five (5) motor vehicles and, also, a gasoline service station.

PREMISES AFFECTED—8917-8923 Flatlands avenue, southwest corner of Remsen avenue (Block No. 8010, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: Moses Black.

ACTION OF BOARD—Laid over to June 7, 1938 at 10 A. M. upon request of applicant.

38-38-BZ.

APPLICANT—Herman Kron, for Bowery-Chrystie Corporation, owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit partly in an unrestricted use district and partly in a business use district the erection and maintenance of a gasoline service station and also the parking and storage of more than five (5) motor vehicles (premises allegedly on same street as a school).

PREMISES AFFECTED—167-175 Chrystie street, west side, 99.6 ft. south of Rivington street and 199-205 Bowery (Block No. 425, Lot No. 9), Borough of Manhattan.

APPEARANCES—

For Applicant: Daniel Adelman and Herman Kron.

For Opposition: Joseph Platzer, Joseph M. Stein, Arthur Miller, H. C. Peshkin, Max Granowitz, Max Goldberg, Charles Steinhauser, M. Miller, E. F. Gunderson, and Arthur S. Hodgkiss, Department of Parks.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Absent 0

THE RESOLUTION—

(38-38-BZ)

WHEREAS, Herman Kron, for Bowery-Chrystie Corporation, owner, filed January 19, 1938, an application under the building zone resolution to permit partly in an unrestricted use district and partly in a business use district the erection and maintenance of a gasoline service station and also the parking and storage of more than five (5) motor vehicles (premises allegedly on same street as a school); premises: 167-175 Chrystie street, west side, 99.6 ft. south of Rivington street and 199-205 Bowery (Block No. 425, Lot No. 9), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 17, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Chrystie street is in a business and residence use district; Rivington street is in a business residence and unrestricted use district; Bowery is in an unrestricted and business use district; and Delancey street is in a business, residence and unrestricted use; and

WHEREAS, the decision of the Borough Superintendent, Department of Housing and Buildings, rendered March 21, 1938, re N.B. Application No. 4-1938, reads:

"1. The erection of a gasoline service station, parking and storage of more than five motor vehicles located partly in a business and partly in an unrestricted district is contrary to section 4 of the building zone.

2. The location of the gasoline service station with respect to schools should comply in all respects with section 21 of the building zone resolution."

and

WHEREAS, the plot in question, located partly in an unrestricted and partly in a business use district, has a frontage of 100 ft. on the Bowery, 100 ft. on Chrystie street and a maximum depth of 267 ft.; it is proposed to demolish the buildings now on the site with the exception of a 3-story loft building located on the north east corner of the plot which is to remain—and to erect on both street fronts of the plot the necessary tanks and pumps for gasoline service stations; it is proposed to use the remainder of the plot for parking and storage of more than 5 motor vehicles; and

WHEREAS, the board did not consider that these premises were located on the same street as a school or within 200 ft. thereof; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board, prior to hearing; and

WHEREAS, the board deemed that the applicant failed to substantiate a basis of appeal under section 21 of the building zone resolution and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the borough superintendent in acting on N.B. Application 4-38, be and it hereby is *affirmed*, and that the application be and it hereby is *denied*.

MINUTES

370-30-BZ.

APPLLICANT—Bernard J. Sieban, for Sophie M. Sieban, present owner.

SUBJECT—Application reopened February 23, 1938 (re decision of the acting borough superintendent of buildings) under sections 7f and 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station (previously withdrawn).

PREMISES AFFECTED—173-02 to 173-04 Horace Harding boulevard, 61-01 to 61-05 173rd street and 61-02 to 61-05 Fresh Meadow road (Block No. 6901, Lot No. 37), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Herbert I. Bayevsky.

For Opposition: George Broz, Joseph Puccio, John C. McDermott and William Poger.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(370-30-BZ)

WHEREAS, Bernard J. Sieban, for Sophie M. Sieban, present owner, filed February 17, 1938, an application under the building zone resolution to permit in a business use district the erection and maintenance of a gasoline service station; premises: 173-02 to 173-04 Horace Harding boulevard, 61-01 to 61-05 173rd street and 61-02 to 61-06 Fresh Meadow road (Block No. 6901, Lot No. 37), Flushing, Borough of Queens; and

WHEREAS, a previous application by Peter M. Coco, for John J. Watson, owner, had been filed June 2, 1930, withdrawn March 3, 1931, and the case was reopened by vote of the board February 23, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 17, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Horace Harding boulevard is in a business and residence use district; Fresh Meadow road is in a business district and 173rd street is in a residence and business district; and

WHEREAS, the decision of the Borough Superintendent, Department of Housing and Buildings, rendered January 28, 1938, re Application No. 5433-1938, reads:

> "The erection of a gasoline service station in a business district is contrary to the zone law, art. 2, sec. 4, subd. 46 of the building zone law."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 100 ft. on 173rd street, 36 ft. on Horace Harding boulevard and 111 ft. on Fresh Meadow road; it is proposed to erect upon the plot a one story accessory building 85 ft. by 20 ft. in area and to install the necessary tanks and pumps for a gasoline service station; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board, prior to hearing; and

WHEREAS, the applicant amended his application at the hearing to also bring it under section 7, subdivision F, and

WHEREAS, the board deemed that the applicant did not substantiate his basis of appeal under section 21 of the building zone resolution on the grounds of practical difficulties and unnecessary hardship, and that the area cannot be considered as undeveloped to permit the exercise of its discretion under the provisions of section 7, subdivision F.

Resolved, that the decision of the Acting Borough Superintendent in acting on Application 5433-38 be and it hereby is *affirmed*, and that the application be and it hereby is *denied*.

162-38-BZ.

APPLICANT—Boris W. Dorfman, for Realty Freehold Corporation, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under sections 7b and 21 of the building zone resolution, to permit the extension from a business use district into a residence use district of a proposed business building (stores) and also the omission of the required rear yard.

PREMISES AFFECTED—781-787 East 31st street, east side, 40 ft. north of Avenue H (Block No. 7559, Lot No. 8), Borough of Brooklyn.

APPEARANCES—

For Applicant: Boris W. Dorfman.

For Opposition: Mrs. L. F. Hollenbach, Douglas Hollenbach, Rosetta Meegan, Thos. E. Brownlee and others.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(162-38-BZ)

WHEREAS, Boris W. Dorman, for Realty Freehold Corporation, owner, filed March 11, 1938, an application under the building zone resolution to permit the extension from a business use district into a residence use district of a proposed business building (stores) and also, the omission of the required rear yard; Premises: 781-787 East 31st street, east side, 40 ft. north of Avenue H (Block No. 7559, Lot No. 8), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 17, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that East 31st street is in a residence, business and unrestricted use district; Avenue H is in a business use district; Flatbush avenue is in a business and unrestricted use district; and C area district; and

WHEREAS, the decision of the Borough Superintendent, of Housing and Buildings rendered April 14, 1938, Application No. 1914-1938, reads:

> "1. Proposed business building extending into residential area is contrary to Art. II, Sec. 3 of zone resolution.
>
> 2. Rear yard does not comply with Article IV, Sec. 13 of zone resolution."

and

WHEREAS, the proposed building is to be of non-fireproof construction, one story (15 ft.) in height, with a frontage of 67 ft. 6 in. and a depth of 100 feet to be occupied as business building (stores); a small irregular shaped area—having a distance of 7 ft. 6 in. along the rear lot line and 33 ft. along the north lot line (approximately 235 square feet or approximately 3½ per cent of the area of the building) is in the residence use district and the remainder of the building is located in a business use district. It is proposed, to omit the required (10 ft. deep) rear yard along that part of the plot located within the residence use district (a distance of 7 ft. 6 in.); and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that the provisions of secitons 7, subdivision B and 21 of the building zone resolution, empowered the board to exercise its discretion and to grant this application under such conditions as would safeguard the character of the more restricted district.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use and area district regulations of the building zone resolution

and that the application be and it hereby is *granted*, under sections 7-B and 21 of the building zone resolution, as affecting Lot No. 8 only, to permit proposed building to extend within the residential area and to omit the required rear yard, *on condition* that the building on that portion of the lot in the residential district shall not exceed a height of 16 ft. to top of parapet; and that there shall be no windows or other openings from the portion in the residential district upon the adjoining premises; that in all other respects all laws, rules and regulations applicable to this building shall be complied with and that all permits shall be obtained and all work shall be completed within one year from the date of this action.

464-37-BZ.

APPLICANT—Lama and Proskauer, for Vincenza Gabella, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a residence use district the maintenance of a garage for more than five (5) motor vehicles.

PREMISES AFFECTED—2214-2222 West 11th street, west side, 100 ft. south of Avenue V (Block No. 7139, Lot Nos. 12 and 14), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama and Vincenza Gabella.

For Opposition: Raymond J. McGrover, H. Schrank, Catherine D'Asaro and Arthur S. Hodgkiss, Department of Parks.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(464-37-BZ)

WHEREAS, Lama and Proskauer, for Vincenza Gabella, owner, filed September 28, 1937, an application under the building zone resolution to permit in a residence use district the maintenance of a garage for more than five (5) motor vehicles; Premises: 2214-2222 West 11th street, west side, 100 ft. south of Avenue V (Block No. 7139, Lot Nos. 12 and 14), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 17, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that West 11th street is in a residence and business use district; Avenue V is in a residence and business use district; 86th street is in a business use district and West 12th street is in a residence use district; and

WHEREAS, the decision of the Commissioner of Buildings, rendered September 27, 1937, re Application No. 14100-1937, reads:

"Proposed public garage for more than five motor vehicles to be located in a residential use district is contrary to Art. II, Sec. 3 of the zone resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 80 ft. and a depth of 100 ft., upon the north part of the plot there is located a frame dwelling 23.3 feet by 18 ft. 8 in. in area; on the southerly rear portion of the plot is a non-fireproof building, one story in height, 52 ft. 9 in. by 39 ft. 8 in. in area. It is proposed to occupy this building as a garage for more than 5 motor vehicles; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that applicant was entitled to temporary relief under section 21 on the grounds of unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 21 to permit the continuation of the garage for more than five motor vehicles, *for a period of not over five* (5) *years* from the date of this action, *on condition* that it shall not be used for any purposes other than at present—storing of automobiles—not exceeding a total of seven (7) in conjunction with business of sand and gravel conducted on the property by the owner; that the building shall not be increased in height or area; and that upon the termination of this temporary variance, the building shall be demolished or converted to a conforming use; that in all other respect the use and occupancy of this building shall be in compliance with the residential zone requirements; that no gasoline storage equipment shall be installed, and that the building shall comply in all respects with all laws, rules and regulations applicable thereto; and that all permits shall be obtained and all work shall be completed within six months from the date of this action.

438-37-BZ.

APPLICANT—Samuels and Samuels, for Gralane Realty Co., Inc., and 550 Park Avenue Corporation, owners.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7h and 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the use of the plot for the open air parking of more than five (5) motor vehicles.

PREMISES AFFECTED—41-15 to 41-45 Kissena boulevard, 138-01 to 138-19 Barclay street, northeast corner and 136-14 to 136-22 41st (Madison) avenue (Block No. 5044, Lot Nos. 1, 5, 7 and 11), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Archie H. Samuels.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(438-37-BZ)

WHEREAS, Samuels & Samuels, for Gralane Realty Co., Inc., and 550 Park Avenue Corporation, owners, filed September 8, 1937, an application under the building zone resolution to permit partly in a business district and partly in a residence district the use of the plot for the open-air parking of more than five (5) motor vehicles; Premises: 41-15 to 41-45 Kissena boulevard, 138-01 to 138-19 Barclay street, north east corner, and 136-14 to 136-22 41st (Madison avenue) (Block No. 5044, Lot Nos. 1, 5, 7 and 11), Flushing, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 17, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Kissena boulevard is in a business and residence district; 41st avenue is in a business district and Barclay street is in a residence and business district; and

WHEREAS, the decision of the Commissioner of Buildings, rendered September 7, 1937, reads:

"Refer to No. 3191-37—

Be advised that application made by you as architects for Gralane Realty Corporation, J. V. Graham, Pres., of 551 Fifth avenue, New York City, for issuance of certificate of occupancy, to cover use of premises described as being situated on east side Kissena boulevard, 122.6 ft. south 41th avenue; south side 41st avenue, 86.63 ft. east Kissena boulevard, Flushing, for parking space purposes for more than five cars, is hereby DENIED, as these premises (as shown on plot diagram filed by you) are situated in a district zoned residence and business, and such occupancy would be contrary to section 3, and section 4, subdivision 15 of the building zone resolution of the City of New York."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 341.24 ft. on Kissena boulevard, 200 ft. on Barclay street and 118.58 ft. on 41st avenue, irregular in area, upon which there are located a group of one-story frame and metal buildings used for stores, offices and garage; it is proposed to occupy the plot as a parking and storage space for more than five motor vehicles; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that this was a proper case in which to exercise its discretion under section 7, subdivision H of the building zone resolution and that hardship existed to warrant granting under section 21, the use desired within the residence area of the plot.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under sections 7H and 21 thereof, for a period of two years from the date of this action, to permit a portion of the plot under appeal to be used for the parking and storage of more than five motor vehicles, restricted to Lots 5 and 7, with a frontage of 150 feet on Kissena boulevard and a general depth of approximately 200 feet, including, however, the excess depth, as shown, of Lot No. 5; on condition that entrance to this plot shall be solely from Kissena boulevard and that there shall be suitable fences or other barricades erected on the lines of the area herein permitted for parking and storage purposes, so as to preclude such use from the balance of the premises; that no buildings other than those now existing shall be erected thereon, except that there may be a building not over 150 square feet in area and not more than one story in height, to be used as an office and shelter for the attendant; that any lights erected for general illumination shall be so placed as to reflect away from the adjoining occupancies on 41st avenue and Barclay street; that no sign shall be erected on the premises other than a neat sign at the entrance from Kissena boulevard, advertising the parking and storage use and the existing bill board and the existing signs on the one-story buildings used for store purposes; that such portable fire-fighting appliances shall be installed as the commissioner shall direct; that existing curb cuts from Barclay street to 41st avenue shall be restored unless permitted by the borough superintendent for conforming use; that all permits required shall be obtained and all work completed within six months from the date of this action.

62-38-BZ.

APPLICANT—Albert E. Wheeler, for Louis Roth, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under sections 7a and 21 of the building zone resolution, to permit in a residence use district the erection and maintenance of a building to be used as office and store room (tinsmith and roofing shop).

PREMISES AFFECTED—5672 Riverdale avenue, east side, 218.67 ft. south of West 259th street (Block No. 3423A, Lot No. 129), Borough of The Bronx.

APPEARANCES—

For Applicant: Albert E. Wheeler.

For Opposition: Jane De Marco, Mary C. Mulligan and Mary Gillen.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(62-38-BZ)

WHEREAS, Albert E. Wheeler, for Louis Roth, owner, filed February 2, 1938, an application under the building zone resolution to permit in a residence use district the erection and maintenance of a building to be used as office and store room, tinsmith and roofing shop; Premises: 5672 Riverdale avenue, east side, 218.67 ft. south of West 259th street (Block No. 3423A, Lot No. 129), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 17, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Riverdale avenue is in a residence and business use district; West 259th street is in a residence and business use district; Liebig avenue is in a residence use district; and

WHEREAS, the decision of the Acting Borough Superintendent, Department of Housing and Buildings, rendered January 7, 1938, re N.B. Applic. 541-1937, reads:

"1. Proposed office and storeroom located in a residence district is contrary to Article 2, Section 3 of the amended building zone resolution."

and

WHEREAS, the building is of non-fireproof construction two stories in height, with a frontage of 25 ft. and a depth of 50 ft. on 1st story and 17 ft. 3 in. on 2nd story, and to be occupied as office, storeroom, tinsmith and roofing shop; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that the applicant failed to substantiate a basis of appeal under section 21 of the building zone resolution, and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the Acting Superintendent, Department of Housing and Building in acting on N.B. Application 541-1937, be and it hereby is *affirmed* and that the application be and it hereby is *denied*.

Adjourned, 1:20 P. M.

EDWARD V. BARTON, Chief Clerk.

FORMS FOR NOTICES TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, MAY 17, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

17-29-BZ.

APPLICANT—Clara K. Eberhart, owner.

SUBJECT—Application reopened Nov. 23, 1937, under new proposal (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and also the storage and parking of more than five (5) motor vehicles.

PREMISES AFFECTED—1886-1888 Boston road, southside, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

APPEARANCES—

For Applicant: Philip Adelman.

For Opposition: None.

ACTION OF BOARD—Laid over to June 14, 1938, at 2 P. M., on request of applicant's representative.

1481-22-BZ.

APPLICANT—A. S. G. Construction Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the superintendent of buildings) under section 21 of the building zone resolution, permitting in a residence use district the erection and maintenance of a building to be occupied in part for business purposes.

PREMISES AFFECTED — 8502-8518 Fourth avenue, southwest corner of 85th street (Block No. 6034, Lot No. 41), Borough of Brooklyn.

APPEARANCES—

For Applicant: Albert J. Appell.

For Administration: Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Application reopened and set for hearing June 14, 1938 at 10 A. M.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

480-25-BZ.

APPLICANT—S. J. Kessler, for The 188 West 230th Street Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the superintendent of buildings) under section 7c of the building zone resolution, permitting in a business use district extending from an unrestricted use district, the erection and maintenance of a garage for the storage of more than five (5) motor vehicles.

PREMISES AFFECTED—South side of West 230th street, 110.62 ft. east of Exterior street (Block No. 3264, Lot Nos. 104 and 106), Borough of The Bronx.

APPEARANCES—

For Applicant: S. J. Kessler.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

251-35-BZ.

APPLICANT—Paul Friedman, for State Engineering Corporation and Cora Lay Waldron, owners.

SUBJECT—Application for consideration—new proposal—re. application (decision of the commissioner of buildings) to permit partly in a residence district and partly in a business district the erection and maintenance of a business building (stores). (Previously denied under sections 7c and 21 of the building zone resolution).

PREMISES AFFECTED—2115-2119 Caton avenue, north side, 91 ft. west of Flatbush avenue (Block No. 5063, Lot No. 69), Borough of Brooklyn.

APPEARANCES—

For Applicant: Paul Friedman.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

185-31-BZ.

APPLICANT—Sidney H. Kitzler, for Estate of David Stern, owner.

SUBJECT—Application reopened April 26, 1938 for consideration as to amendment of resolution (re decision of the acting borough superintendent of buildings)—re application, granted on condition, under section 7a of the building zone resolution, permitting in a residence use and "C" area district the extension of an existing factory building (bakery) with the omission of the required rear yard.

PREMISES AFFECTED — 1157-1161 Madison street, north side, 100 ft. east of Central avenue (Block No. 3360, Lot No. 52), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sidney H. Kitzler and Benjamin Stern.

For Opposition: None.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(185-31-BZ)

WHEREAS, this application of Henry J. Nurick, for David Stern, owner, under section 7a, to permit in a residence use district, the erection and maintenance of an extension to an existing business building (bakery), affecting premises 1157-1161 Madison street, north side, 100 ft. east of Central avenue (Block No. 3360, Lot No. 52), Borough of Brooklyn, was granted by the board November 17, 1931, on certain conditions, and resolution amended January 4, 1938 and February 15, 1938 and applicant requests an amendment of the resolution and approval of plans.

Resolved, that the resolution adopted by the board February 15, 1938, be amended to read as follows:

MINUTES

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-A thereof, *on condition* that the revised plans marked "Received April 25, 1938," shall be carried out substantially; that the ventilation for the bakery shall meet the requirements of the Labor Law; that there shall be no skylights in the roof of the building proposed to be erected on this plot at No. 1161, except for a legally required skylight shown for ventilating toilets at the rear; that the ceiling shall be fire-retarded throughout in accordance with the rules of the Board of Standards and Appeals; that no new chimney shall be erected nearer than 20 feet from the westerly lot line; that there shall be no openings in the lot lines to the east; that the requirements of the Building Code shall be complied with as to proposed factory use in the second story of the building at No. 1157; that there shall be no openings in the side lot line walls of the premises to the west; that the sidewalk in front of the premises shall be repaired and kept in good condition; that no loading or unloading of merchandise shall be done other than inside the building; that any hand trucks used on the premises shall be equipped with solid rubber tires; that signs shall be limited to the flat signs attached to the face of the existing buildings, excluding all temporary signs and roof signs; that the building shall not be further increased in height or area other than as herein permitted; that the second floor portion of the bakery shall comply with the requirements of the Building Code; that all permits required shall be obtained and all work completed within one year from the date of this action; that the plans marked "Received April 25, 1938" are hereby approved as complying substantially in arrangement and design with the requirements of this resolution."

116-38-BZ.

APPLICANT—Benjamin N. Brody, for Veronica Realty Corporation, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under section 7h of the building zone resolution, to permit, for a temporary period of not more than two (2) years in a business use district, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—312-338 West 59th street, south side, 114 ft. 10½ in. west of Broadway (Block No. 1049, Lot Nos. 44-56 inclusive,) Borough of Manhattan.

APPEARANCES—

For Applicant: Benjamin N. Brody.

For Opposition: Louis J. Witkin.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(116-38-BZ)

WHEREAS, Benjamin N. Brody, for Veronica Realty Corporation, owner, filed February 24, 1938, an application under the building zone resolution to permit for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles; premises: 312-338 West 59th street, south side, 114 ft. 10½ in. west of Broadway (Block No. 1049, Lot Nos. 44-56 inclusive), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 17, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that West 59th street is in a business and retail use district; that Columbus avenue is in a retail use district; that 8th avenue is in a retail use district; and that Broadway is in a business use district; and

WHEREAS, the decision of the commissioner of buildings, rendered January 28, 1938, re. Applic. No. 12-1938, reads:

"1. Parking and storage of more than five motor vehicles in a business district is prohibited by section 4, subdivision 15 of the zoning resolution."

and

WHEREAS, the premises consists of a plot of ground having a frontage of 325 ft. and a depth of 100 ft. 5 in., it is proposed to use the plot for a temporary period of not more than two (2) years for the parking and storage of more than 5 motor vehicles; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed this was a proper case to exercise its discretion under section 7, subdivision H of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the Building Zone Resolution, and that the application be and it hereby is *granted* under section 7-H, *for a period of two* (2) *years* from the date of this action, to permit the plot under appeal to be used for *parking and storage* of more than five motor vehicles, *on condition* that only motor vehicles of the pleasure-car type shall be parked or stored; that the plot shall be levelled substantially to the grade of West 59th street and shall be surfaced with steam cinders or other suitable material, properly rolled and bound to prevent dusting and graded so as to provide surface drainage; that on interior lot lines, where walls of existing buildings do not occur, there shall be erected a substantial woven-wire fence not less than 6 ft. in height; that a similar fence shall be erected along street line of West 59th street, with not over three (3) openings, each not exceeding 25 ft. in width, with curb cuts opposite of similar width; that proper aisle space shall be maintained at all times to provide easy entrance and exit; that during the term of this variance, no other use than—parking and storage—shall be permitted; that no other buildings shall ber permitted, except that there may be erected on the plot a one-story building, not over 150 sq. ft. in area for use as an office and shelter for attendant; that no signs shall be erected on the premises other than signs at the entrance advertising the parking and storage use; that such signs shall not exceed 15 sq. ft. each and no sign shall extend beyond the building line; that such portable fire-fighting equipment shall be installed as the commissioner shall direct; and that all permits shall be obtained and all work shall be completed within six months from the date of this action.

497-37-BZ.

APPLICANT—Daniel Ginsberg, for William Losak, lessee, for Jacob Litvin and Anna Litvin, owners.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district the parking and storage of more than five motor vehicles for a period of two (2) years in addition to the existing use of the premises for the sale of used cars.

PREMISES AFFECTED—1203-1235 East New York avenue, northeast corner of Ralph avenue and Union street (Block No. 1477, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Paul Friedman.

For Opposition: Jerome N. Wanshel.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(497-37-BZ)

WHEREAS, Daniel Ginsberg, for William Losak, lessee, for Jacob Litvin and Anna Litvin, owners, filed October 20, 1937, an application under the building zone resolution to permit in a business use district the parking and storage of more than five (5) motor vehicles for a period of two years in addition to an existing use of the premises for the sale of used cars; premises: 1203-1235 East New York avenue, northeast corner of Ralph avenue and Union street (Block No. 1477, Lot No. 1), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 17, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that East New York avenue, Ralph avenue and Pitkin avenue are all in a business use district; Union street and Eastern parkway each in both residence and business use districts; and

WHEREAS, the decision of the commissioner of buildings, rendered October 20, 1937, re. Applic. No. 15940-37, reads:

"1. Parking and storage of more than five motor vehicles including the sale of used cars for a period two years on a plot within the business use district is contrary to Art. II, Sec. 4 (a) subd. 15 of the zone resolution."

and

WHEREAS, the premises consist of a plot fronting 287.1¼ ft. on East New York avenue, 81.8¼ ft. on Union street and 148 ft. on Ralph avenue, irregular in area, now used for the sale of used cars. It is proposed to use the premises for the parking and storage of more than five motor vehicles for a temporary period of two years, in addition to the present used-car sales; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that this was a proper case in which to exercise its discretion under section 7, subdivision H of the building zone resolution to permit use of a portion of the premises for parking and storage of more than five motor vehicles.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-H thereof for a period of two (2) years from the date of this action to permit the easterly portion of the plot under appeal to be used for parking and storage of more than five motor vehicles, *on condition* that such portion shall not extend beyond a point more than 200 ft. westerly from the easterly lot line; that at that point the line shall be drawn parallel to Ralph avenue to the rear or northerly lot line and the parking and storage shall be restricted to the area eastwardly from such line; that only vehicles of the pleasure-car type shall be stored or parked; that during the term of this variance, the plot shall be used for no other use than such parking and storage; that there shall be constructed on the interior lot lines a substantial woven wire or board fence not less than seven (7) ft. in height with no openings therein to adjoining premises; that along the street building line of East New York avenue, there shall be erected a substantial woven wire fence not less than six (6) ft. in height with not over two openings therein, each opening not to exceed 20 ft. with curb cuts opposite of similar widths; that proper aisles shall be maintained at all times for easy access or egress; that no buildings shall be erected thereon, except that there may be erected near the permitted entrances, a building not exceeding one story in height and 150 sq. ft. in area as an office and shelter for the attendant; that no signs shall be erected on the premises other than a neat sign at the entrance advertising the parking and storage use; that any lights shall be so arranged with metallic reflectors directed toward the center of the premises and away from adjoining occupancies; that a condition of this variance is that the balance of the plot shall be used for conforming use in no way connected with the use herein permitted, excluding the use of such portion of the plot for the sale of used cars or any other use connected with the servicing of motor vehicles; that all permits required shall be obtained and all work involved completed within six months from the date of this action; that the use of these premises shall not be permitted for the use herein described until all the requirements of this resolution have been complied with.

641-30-BZ.

APPLICANT—Alfred H. Eccles, for Henry Merkel, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re application (decision of the commissioner of buildings) granted on condition, under section 7f of the building zone resolution, permitting partly in a business use district and partly in a residence use district the maintenance of a gasoline service station for a temporary period.

PREMISES AFFECTED—South side of Hillside avenue, 41 ft. east of 207th street (Block No. 1508, Lot Nos. 3, 4 and 5), Queens Village, Borough of Queens.

APPEARANCES—

For Applicant: Alfred H. Eccles.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(641-30-BZ)

WHEREAS, this application affecting premises south side of Hillside avenue, 41 ft. east of 207th street (Block No. 1508, Lot Nos. 3, 4 and 5), Queens Village, Borough of Queens, was granted by the board May 5, 1931, for a temporary period of two years, and on May 2, 1933, this temporary period was extended for an additional period of two years; a request for a further extension was denied July 16, 1935; and

WHEREAS, on writ of certiorari, the application was referred back to the board by the court for consideration and was reopened by vote of the board March 17, 1936; and

WHEREAS, the temporary period was extended May 12, 1936, and applicant requested a further extension of the temporary period.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution of May 5, 1931, as amended by resolution adopted May 12, 1936, only so far as it has reference to the duration of the permit, so that as amended it shall read:

"*Resolved*, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-f *for a period of two (2) years from the date of this amended resolution* permitting the plot

under appeal to be used for a gasoline service station, *on condition* that no part of the station or accessories thereto shall exceed the area under appeal, namely, 61.6 ft. front and 114.59 ft. in depth, excluding all portions of the adjoining lots to the west and east; that there shall be but two (2) entrances to this gasoline station within this frontage length of 61 ft.; that no additional building shall be constructed other than the present office building and the present rear building approved by the Department of Buildings, Queens, as a two-car garage under Application No. 1958-1934; that all gasoline pumps shall be set back at least 10 ft. from the building line; that no portable gasoline tanks shall be used on or from the premises; that any grease rack installed or in use shall be housed in the one-story rear accessory building; that there shall be no excavations under any accessory buildings except necessary pits for greasing racks; that a substantial wooden or heavy mesh wire fence shall be erected around the interior lot lines of the plot not less than 5 ft. in height; that any advertising signs shall be restricted to the illuminated globes of the gasoline pumps and to a flat wall sign erected against the front of the accessory building, excluding all temporary signs of every nature, except there may be erected within the building line a pipe standard to carry an illuminated electric sign advertising only the brand of gasoline on sale provided that no sign shall extend beyond building line a distance of more than 5 ft.; and that all permits shall be obtained and all work shall be completed within three months from the date of this action."

1220-23-BZ.

APPLICANT—Roosevelt Savings Bank of the City of New York, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re application (order of the fire commissioner) granted on condition, under section 7g of the building zone resolution, permitting in a business use district the maintenance of a parking garage for the storage of more than five (5) motor vehicles for a temporary period.

PREMISES AFFECTED—1090-1094 Gates avenue, east side, 100 ft. north of Broadway (Block No. 3339, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Elwood Cross.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(1220-23-BZ)

WHEREAS, this application, affecting premises 1090-1094 Gates avenue, east side, 100 ft. north of Broadway (Block No. 3339, Lot No. 1), Borough of Brooklyn, was granted by the board for a temporary period, and the temporary period extended from time to time, and applicant now requests a further extension of this period.

Resolved, that the resolution adopted by the board on June 27, 1933, be amended so that as amended the resolution will read: "that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and the application be and it hereby is *granted for a temporary period of one year* from the date of this action, and that other than as amended herein the resolution adopted by the board on June 27, 1933, shall be complied with in all respects."

153-36-BZ.

APPLICANT—Abraham N. Horwitz, for West End Holding Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the commissioner of buildings) under section 7c of the building zone resolution, permitting partly in a business use district and partly in an unrestricted use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—140-154 West End avenue, east side, from West 66th street to West 67th street (Block No. 1158, Lot Nos. 1, 2, 3, 4, 61, 62, 63 and 64), Borough of Manhattan.

APPEARANCES—

For Applicant: Abraham N. Horwitz.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(153-36-BZ)

WHEREAS, this application affecting premises 140-154 West End avenue, east side, from West 66th street to West 67th street (Block No. 1158, Lot Nos. 1, 2, 3, 4, 61, 62, 63 and 64), Borough of Manhattan, was granted by the board July 14, 1936, on certain conditions, time to submit plans extended June 2, 1937 and November 30, 1937, and applicant requests an extension of time to submit plans.

Resolved, that the resolution adopted by the board on July 14, 1936, be and it hereby is *amended*, only so far as it has reference to the submission of plans, so that as amended this portion of the resolution, shall read:

"that all plans shall be submitted to the board for approval by the chairman in behalf of the board, before submission to the *Borough Superintendent* of buildings, within *one year* from the date of this amended resolution and that after approval of such plans by the chairman, all permits shall be obtained and all work completed within one year thereafter."

479-37-BZ.

APPLICANT—Clifford B. Marshall, for Emery Herleth and Carol Herleth, lessees, for James F. Sullivan, owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the commissioner of buildings) under section 7h of the building zone resolution, permitting in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—89-58 163rd street (Hardenbrook avenue), west side, 247 ft. north of Jamaica avenue (Block No. 836, Lot No. 76), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Clifford B. Marshall.

ACTION OF BOARD—Application reopened and resolution amended.
THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(479-37-BZ)

WHEREAS, Emery Herleth and Carol Herleth, lessees, for James F. Sullivan, owner, filed October 8, 1937, an application under the building zone resolution to permit in a business use district for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises: 89-58 163rd street (Hardenbrook avenue), west side, 247 ft. north of Jamaica avenue (Block No. 836, Lot No. 76), Jamaica, Borough of Queens; and

WHEREAS, this application was granted by the board April 5, 1938, on certain conditions and applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of April 5, 1938, only so far as it refers to fencing, so that as amended the resolution shall read:

"*Resolved*, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 7h, permitting the plot under appeal to be used for a temporary period of two years from the date of this action for transient parking of more than five motor vehicles of the pleasure car type, *on condition* that the plot shall be leveled substantially to the grade of 163rd street and shall be surfaced with steam cinders or similar material, suitably rolled and bound to prevent dusting and graded to permit surface drainage; that there shall be erected on the interior lot lines where walls of *adjacent* buildings do not occur, a substantial woven wire fence not less than 6 ft. high *and a similar fencing* on the street line with *not more than two openings to 163rd street, not exceeding* 15 *ft. in width each, except that an opening not exceeding* 50 *ft. may be left at the rear for access to the rear yards of adjoining premises, Lots* 14 *and* 15, *but that the parking herein permitted on Lot 76 shall not be extended to those lots;* that the plot under appeal shall be used for no other purpose other than as herein permitted; that no building shall be erected thereon except a small building one-story in height, 150 sq. ft. in area, as office and shelter for the attendant; that such portable fire-fighting appliances shall be maintained as the commissioner shall direct; that any lights for general illumination shall be so installed with metallic reflectors, so as to reflect away from adjoining occupancies; that all permits shall be obtained and all work completed within three months from the date of this action."

GENERAL RESOLUTION

375-38-GR.
SUBJECT—General Resolution relating to alteration or replacement of signs on buildings not conforming to the use districts in which they are located.
ACTION OF BOARD—General Resolution adopted.
THE VOTE TO ADOPT—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(375-38-GR)

Resolved, that where a legal non-conforming use has signs upon the premises that legally existed prior to the adoption of the zoning resolution or the adoption of the more restrictive zoning a new sign advertising the same use, replacing such an existing sign may be erected, provided such sign is erected in the same location and position on the premises and does not exceed in area the sign which it is proposed to replace and has the same type of illumination, if any, and does not project over the building line for a greater distance than the sign to be replaced.

APPEALS FROM ADMINISTRATIVE ORDERS

27-38-A.
APPLICANT—Croker Fire Prevention Corporation, for Maryland Baking Co., Inc., owner.
SUBJECT—Appeal from orders and a decision of the Acting Borough Superintendent of Buildings.
PREMISES AFFECTED—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.
APPEARANCES—
For Applicant: None.
For Administration: Inspector Maher, Fire Dept.
ACTION OF BOARD—Laid over to June 1, 1938, at 2 P. M. on written request of appellant.

276-38-A.
APPLICANT—Oscar Lowinson, for Alfred Hotel Corporation, lessee.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—145-155 West 47th street, north side, 240 ft. east of Seventh avenue and 148-154 West 48th street (Block No. 1000, Lot No. 11), Borough of Manhattan.
APPEARANCES—
For Applicant: Oscar Lowinson.
ACTION OF BOARD—Laid over to June 1, 1938, at 2 P. M., on request of appellant.

600-37-A.
APPLICANT—Hyman Fried, for Crawford Clothes, Inc., lessee.
SUBJECT—Appeal from an order of the commissioner of buildings.
PREMISES AFFECTED—841-843 Broadway and 53-63 East 13th street, northwest corner (Block No. 565, Lot No. 17), Borough of Manhattan.
APPEARANCES—
For Applicant: Abraham N. Horwitz.
ACTION OF BOARD—Laid over to May 24, 1938, at 2 P. M., on request of applicant's representative.

193-38-A.
APPLICANT—Arthur H. Haaren, for Seventh Avenue Realty Company, owner.
SUBJECT—Appeal from an order of the commissioner of buildings and decisions of the acting borough superintendent of buildings.
PREMISES AFFECTED—17 East 54th street, north side, 110 ft. west of Madison avenue (Block No. 1290, Lot No. 13), Borough of Manhattan.

MINUTES

APPEARANCES—
For Applicant: John G. Coleman.
ACTION OF BOARD—Laid over to June 1, 1938, at 2 P. M., on request of appellant's representative.

280-38-A.
APPLICANT—Sheppard Glucroft, for B. Gertz, Inc., lessee, for Benar Holding Corporation, owner.
SUBJECT—Appeal from an order and a decision of the fire commissioner.
PREMISES AFFECTED—162-10 Jamaica avenue, south side, 70 ft. east of 162nd street, 92-15 Union Hall street and 92-14 New York boulevard (Block No. 1052, Lot Nos. 4, 6, 13, 79), Jamaica, Borough of Queens.
APPEARANCES—
For Applicant: Sheppard Glucroft.
For Administration: Inspector Meyer, Fire Dept.
ACTION OF BOARD—Laid over to June 14, 1938, at 2 P. M., for inspection and further consideration.

284-38-A.
APPLICANT—J. M. Berlinger, for Ohrbach's, Inc., owner.
SUBJECT—Appeal from an order and a decision of the fire commissioner.
PREMISES AFFECTED—44-48 East 14th street, south side, 49 ft. 9 in. west of Broadway and 49-51 East 13th street (Block No. 565, Lot Nos. 11, 13 and 14), Borough of Manhattan.
APPEARANCES—
For Applicant: Arnold L. Rosenthal.
For Administration: Inspector Meyer, Fire Dept.
ACTION OF BOARD—Laid over to May 24, 1938, at 2 P. M., on request of appellant's representative.

346-38-A.
APPLICANT—Oscar Goldschlag, for M. & H. Realties, Inc., lessee.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—2473-2475 Broadway and 254 West 92nd street, southwest corner (Block No. 1239, Lot No. 55), Borough of Manhattan.
APPEARANCES—
For Applicant: Oscar Goldschlag.
ACTION OF BOARD—Laid over to June 1, 1938 at 2 P. M., on request of appellant.

320-38-A.
APPLICANT—Edwin H. Snackenberg, for Nolan Bros., owners.
SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—240-248 East 29th street, west side, 85 feet. 7⅛ in. south of Cortelyou road (Block No. 5172, Lot No. 23), Borough of Brooklyn.
APPEARANCES—
For Applicant: Edwin H. Snackenberg.
For Administration: Benjamin Saltzman, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(320-38-A)

WHEREAS, Edwin H. Snackenberg, for Nolan Bros., owner, filed on May 3, 1938, an appeal from a decision of the acting borough superintendent, Department of Housing and Buildings, affecting premises 240-248 East 29th street, west side, 85 ft. 7⅛ in. south of Cortelyou road (Block No. 5172, Lot No. 23), Borough of Brooklyn; and

WHEREAS, the decision of the acting borough superintendent on E. S. Application 1885-38, dated April 28, 1938, reads as follows:

"Proposed sign located within a residential district is contrary to article 2, section 3 of the zone resolution."

and

WHEREAS, the building is one story, 15 ft., in height, 80 ft. by 100 ft. in area, of nonfireproof construction, erected in 1924, located in a residence use district and occupied as a public garage, for which Certificate of Occupancy No. 29371 was issued on October 17, 1924; and

WHEREAS, the applicant contends that this building was constructed under permit No. 2917-24 and the certificate of occupancy was issued on October 17, 1924, at which time the premises was in an unrestricted district; that a permit for the erection and maintenance of an illuminated sign was issued at that time and remained on the premises until this year; that the zone is now residential; that the operator of the garage has changed the brand of gasoline being sold and desires to maintain a new sign showing the brand of gasoline now available; that in view of the fact that this is really the replacement of a sign, it is requested that the board grant a modification of the zone resolution to permit the erection of this sign.

Resolved, that the decision of the acting borough superintendent in acting on E. S. Application No. 1885-38, be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that the proposed sign is in conformity with the general resolution adopted this date, under Cal. No. 375-38-GR.

342-38-A.
APPLICANT—Rollin C. Bastress, for Long Island Contractors, Inc., owner.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—Northeast corner of 162nd street and Cryders lane, east side of 162nd street from Cryders lane to 14th avenue (Block No. 4595, Lot No. 80), Beechhurst, Borough of Queens.
APPEARANCES—
For Applicant: Rollin C. Bastress.
For Administration: David Stone, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(342-38-A)

WHEREAS, Rollin C. Bastress, for Long Island Contractors, Inc., owner, filed on May 7, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, affecting premises east side of 162nd street, between Cryders lane and 14th avenue (Block No. 4594, Lot No. 80), Beechhurst, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated May 15, 1938, on N. B. Applications Nos. 2781, 2782, 2783 and 2784-38, reads as follows:

"Type of proposed construction not as per code requirements."

and

WHEREAS, the premises consist of a plot, 200 ft. front by 92 ft. in depth, upon which it is proposed to erect four

(4) two-story, one-family dwellings, 20 ft. in height, 33 ft. by 22 ft. 8 in. in area; and

WHEREAS, the applicant contends this appeal is filed to cover the substitution of Harnischfeger Pre-Fab Construction for wood frame construction in the one-family dwellings described in the new building applications designated; that the basis of this appeal is that this form of construction is not specifically provided for in the building code and therefore should be accepted under section 3.2.7; that the construction consists of a system of shop-made open-frame, floor and wall panels of steel, 15 gauge, having provisions for assembling and connecting into rigid structures, and for the attachment of flooring and wall and ceiling-finished surfaces; that accompanying this appeal is a copy of a report of various load and impact tests which have been made at the Bureau of Standards Laboratory in Washington; that it will be observed from this report that the strength of this system of construction is far in excess of what is required to sustain the loads resulting from occupancy as well as the elements.

Resolved, that the decision of the borough superintendent in acting on N. B. Applications Nos. 2781, 2782, 2783 and 2784 of 1938, be and it hereby is *modified,* and that the appeal be and it hereby is *granted* to permit the proposed construction, *on condition* that the building shall not exceed in height or area the size indicated on these applications and only so far as the proposed construction is to be used between the top of foundation and the plate for exterior and interior partitions and for floors and ceilings, provided that all steel shall comply with the requirements of the Administrative Code, C26-518.0 (8.6.2.6), so far as such section applies to the requirement as to the material being copper bearing or otherwise rust resisting and as to spacing of vertical members; that all keys, after being driven up tight, shall be bent over to prevent loosening; that all permits shall be obtained and all work completed within one year from the date of this action.

246-38-A.

APPLICANT—McKeesport Tin Plate Corporation, National Can Company Division, owner.

SUBJECT—Appeal from an order and decisions of the fire commissioner.

PREMISES AFFECTED—52-08 Grand avenue, south side, 249.56 ft. west of Garrison street (Block No. 2317, part of Lot No. 1), Maspeth, Borough of Queens.

APPEARANCES—

For Applicant: Monroe C. Worthman and O. G. Hopkins.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(246-38-A)

WHEREAS, McKeesport Tin Plate Corporation, owner, filed on April 9, 1938, an appeal from an order and decisions of the fire commissioner, affecting premises 52-08 Grand avenue, south side, 249.56 ft. west of Garrison street (Block No. 2317, part of Lot No. 1), Maspeth, Borough of Queens; and

WHEREAS, the order of the fire commissioner, dated March 23, 1937, No. 70350-LC, reads as follows:

"You are hereby notified that an inspection of the above premises used to store Shellac, Oil, etc., shows that the following must be done before the permit requested by you can be issued:

2. Separate all open flames (arc-welding) within a floor area wherein spray coating is carried on, by an enclosure of fireproof or fire-resisting material. Rule 4-E, of Spray Booth Rules."

and

WHEREAS, the decision of the fire commissioner, dated December 7, 1937, reads as follows:

"With reference to your letter of December 7th relative to order No. 70350-LC, and with particular reference to Item 2 of the said order.

Item 2 was issued directing you to 'separate all open flames (arc-welding within a floor area wherein spray coating is carried on by an enclosure of fireproof or fire-resisting material. Rule 4-E of Spray Booth Rules.'

It was a mistake to quote Rule 4-E, and Rule 4-L of the old Spray Rules should have been mentioned in the said item.

Rule 4-L of the old Spray Rules reads as follows:

'All flame or spark producing machinery within a floor area, wherein spray coating is carried on shall be discontinued or enclosed by partitions constructed fireproof or fire-resisting. This rule shall not exclude the use of the indirect type of bake ovens, provided the flame compartment is separately enclosed, taking air from outside of the room wherein spray coating is carried on and where adequate ventilation can be provided.'

I trust you will find this information to your satisfaction."

and

WHEREAS, the decision of the fire commissioner, dated March 11, 1938, reads as follows:

"In answer to your request please be advised that this department does not rescind an order and reissue it so that it may be taken to the Board of Standards and Appeals when you have exceeded the time limit in which to file your appeal.

However, we have been advised that the Board of Standards and Appeals will accept a letter from this department as the basis for an appeal. For that purpose, this communication is forwarded and will certify that order No. 70350-LC was issued against the National Can Company, Inc., and reads as follows:

'2. Separate all open flames (arc-welding) within a floor area wherein spray coating is carried on by an enclosure of fireproof or fire-resisting material, Rule 4-E of Spray Booth Rules.'"

and

WHEREAS, the building is two stories, 30 feet, in height, 150 ft. by 250 ft. in area, of fireproof construction equipped with a standpipe and a sprinkler system; erected in 1935, located in an unrestricted "A" area district and occupied as follows: 1st floor—Manufacturing of cans and storage, 99 persons; 2nd floor—manufacturing of cans and lithographing, 250 persons, for which certificate of occupancy No. 52485 was issued November 26, 1935; and

WHEREAS, the applicant contends that Item 2 of the order appealed from refers to the steel pail department which occupies an area of 93 ft. by 129 ft.; that this area is well lighted and ventilated by modern and approved windows; that the spray booths used are each ventilated by means of a motor driven suction fan, assuring of no build up or accumulation of fumes in the spray booths, or surrounding area; that the fumes are drawn by means of these exhaust blowers through an 18 inch duct directly out of the side of the building; that the only spraying performed in these booths is that of the narrow seam on the side of the can or pail which is an inch or less in width. The operator in spraying uses a small automatic spray gun and sprays toward the suction fan which is surrounded by a metal enclosure 5 ft. in width and 6 ft. in height; that the spray booths receive the pails by means of conveyors along which various operations are performed in their manufacture; that at the beginning of these conveyors are situated the side seam welders and spot welders, that these welders are stationary and of the most modern and approved type; that the nearest contact wheel

of the welders is approximately 82 ft. 3 in. from the spray booth; that this distance applies to the five gallon line which is fully laid out on the blueprints filed with this appeal and designated as Steel Pail Line Layout; that the side seam welder on the 2 gallon line is situated at least 88 ft. 7 in. from the nearest spray booth herein described; that these welders are situated at such a distance that fumes from the spray booth are not discernible within their area in view of the ventilated spray booth used. In view of the great distance between the arc welders and the spray booths, and in view of the type of arc welders and ventilated spray booths used, it is requested that this appeal be granted.

Resolved, that the order of the fire commissioner, No. 70350-LC, be and it hereby is *modified*, and that the appeal be and it hereby is *granted on condition* that no spot welding or arc welding or any other open flame shall be permitted within 80 ft. from the spray booths; that the spray booths shall comply with the requirements of the Paint Spraying Rules of the Board of Standards and Appeals and that in all other respects, all laws, rules and regulations applicable to this building and its occupancy shall be complied with.

333-38-A.

APPLICANT—Harry M. Clawson, for Henry Street Settlement, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—262 Madison avenue and 22 East 39th street, southwest corner (Block No. 868, Lot No. 60), Borough of Manhattan.

APPEARANCES—

For Applicant: Harry M. Clawson and Julius Eckman.

For Administration: Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(333-38-A)

WHEREAS, Harry M. Clawson, for Henry Street Settlement, owner, filed on May 4, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, affecting premises 262 Madison avenue and 22 East 39th street, southwest corner (Block No. 868, Lot No. 60), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated May 2, 1938, on App. No. 1251-38, reads as follows:

"1. Building must be of fireproof construction, section 4.2.1. of Code."

and

WHEREAS, the building is 4 stories and basement (64 ft.) in height, 45 ft. by 100 ft. in area, partly fireproof and partly nonfireproof; erected in 1896, located in a residence use district, proposed occupancy to be administration building for the Henry Street Settlement and Visiting Nurses Service; Cellar—5 persons; Basement—25 persons; 1st floor—175 persons; 2nd floor—35 persons; 3rd floor—35 persons; 4th floor—60 persons; and

WHEREAS, the applicant contends that it is proposed to erect a new fireproof enclosed stairs, to enlarge the elevator shaft and to erect new partitions on all floors as shown on alteration plan; that the basement and first floors will be extended; new girders, grillages and columns will be erected, as shown on alteration plans; that the building was previously used as a private residence; that the first floor will be used occasionally for discussion with an attendance of 175 persons; that the rest of the building will only have a small occupancy; that it would be an unnecessary hardship to compel the replanning of the easterly portion in view of the fact that the occupants of the building will be afforded substantial safety with respect to exits. It is respectfully requested that the appeal be granted.

Resolved, that the decision of the borough superintendent be and it hereby is *modified*, and the appeal be and it hereby is *granted* as to Objection 1 on Application No 1251-38, *on condition* that the rear portion of the building shall be of fireproof construction throughout, including the proposed lecture room on the 1st story; that there shall be two (2) enclosed fireproof stairways leading independently through fireproof passage to street; that these stairways shall be not less than four feet in width of tread each for their entire height, except that the secondary stairway may be not less than three feet in width of tread above the main first floor; that in all other respects all laws, rules and regulations applicable to the building and its occupancy shall be complied with and the occupancy above the main first floor shall not exceed that legally permitted for the exits.

354-38-A.

APPLICANT—Aymar Embury II, for Department of Parks, City of New York, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—Southwest corner of Washington avenue and Eastern parkway (Block No. 1183, Lot No. 26); (Brooklyn Museum), Borough of Brooklyn.

APPEARANCES—

For Applicant: K. M. Boormann, W. B. Simonds and A. D. Marinelli.

For Administration: Benjamin Saltzman, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(354-38-A)

WHEREAS, Aymar Embury II, on behalf of the commissioner of parks, City of New York, owner, filed on May 11, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, affecting premises, southeast corner of Washington avenue and Eastern parkway, Wing G, Brooklyn Museum (Block No. 1183, Lot No. 26), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent, Department of Housing and Buildings, dated April 19, 1938, on Alt. App. No. 4860-38, reads as follows:

"1. Use of corrugated wire glass skylights on spans about 5 ft. 0 in. and less questioned."

and

WHEREAS, the building is three stories, 70 ft., in height, 400 ft. by 175 ft. in area, of fireproof construction, equipped with a standpipe system; erected in 1910; located in a residence use district and occupied throughout as a museum; and

WHEREAS, it is proposed to remove the existing skylights and replace same with corrugated wireglass construction; and

WHEREAS, the applicant contends that the objection of the Department of Housing and Buildings is based upon the fact that the glass which it is proposed to use has not been approved by the Board of Standards and Appeals, as required by the building code; that the glass which it is intended to use has been used on many similar jobs in New York City for the past twenty years, including in

these jobs is about 20,000 sq. ft. of corrugated glass for the roof of the Metropolitan Museum of Art; that the glass is designed to carry a live load of 60 lbs. per sq. ft. on a horizontal five ft. span; that the glass has been tested by several laboratories and recently by the Massachusetts Institute of Technology for the Department of Buildings of the City of Boston.

Resolved, that the decision of the borough superintendent be and it hereby is *modified,* and the appeal be and it hereby is *granted* as to Objection No. 1 of Application No. 4860-38 *on condition* that no individual pane of corrugated wire-glass shall exceed 5 ft. by 2 ft. 3 in.; and that all requirements of the building code as to roof framing shall be complied with.

227-38-A.

APPLICANT—Marc Fidlitz & Son, Inc., for R. H. Macy & Co., Inc., lessee.

SUBJECT—Application for consideration—reopening and amendment—re appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—1317-1329 Broadway, 149-167 West 34th street, 441-459 Seventh avenue and 148-164 West 35th street (Block No. 810, Lot Nos. 1, 2 and 50), Borough of Manhattan.

APPEARANCES—

For Applicant: John R. Knight and Joel D. Marder.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(227-38-A)

WHEREAS, Robert D. Kohn, for R. H. Macy & Co., Inc., lessee, filed on April 5, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, affecting premises 1317-1329 Broadway, 149-167 West 34th street, 441-459 Seventh avenue and 148-164 West 35th street (Block No. 810, Lot Nos. 1, 12 and 50); Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent on Alteration Application No. 903-38, dated March 30, 1938, reads as follows:

"Comply with 6.4.1.9 Bldg. Code and Administrative Code C26-292.0 (i) for openings in floors for escalators, viz.—Not more than two adjoining stories in any structure may be connected by an open well, unenclosed stairway or escalator."

and

WHEREAS, the building is 19 stories (286 ft. 9 in.) in height, 680 ft. by 197 ft. 6 in. in area; of fireproof construction; equipped with a standpipe and a sprinkler system; located in a business use district; erected in 1898, 1921, 1928 and 1930; occupied throughout as a department store, in accordance with Certificate of Occupancy No. 19040-33; and

WHEREAS, the applicant contends that the building is sub-divided into two fire areas; that a Central Station fire alarm and watchman service is maintained; that the escalators on the 4th and 8th floors are at present enclosed with metal kiosks with sidelights and double-acting doors, held open by means of fusible links and chains; side lights and doors are glazed with ¼ in. polished wire glass; it is proposed to remove these kiosks and replace same by means of a fireproof balustrading finished with plaster on two sides; that the wall opening provided with a rolling shutter in a horizontal position at top of balustrading, manually operated by means of a suitable chain; the wall opening below shall be protected by a steel flame baffle, 18 in. below the general ceiling level; that the opening shall be additionally protected by means of a sprinkler water curtain with heads located approximately 5 ft. 0 in. o.c. around the perimeter of the opening; an automatic electrical device shall be installed that will stop the operation of the escalator upon closing of the shutter; that in a sprinklered building the protection afforded by the proposed alteration is at least equal or superior to that of the existing construction; and

WHEREAS, this appeal was granted by the board April 12, 1938 on certain conditions and applicant requested an amendment of the resolution as to baffle plates.

Resolved, that the decision of the borough superintendent, dated March 30, 1938, in acting on Alt. Applic. No. 903/38, be and it hereby is *modified,* and that the appeal be and it hereby is *granted*, permitting the removal of the existing kiosks previously installed in connection with existing escalators on the 2nd floor adjacent to column 54, on the 4th and 8th floors on up and down escalators between columns 145 and 146 and 155 and 156, as indicated on plans filed with this appeal marked "received April 5, 1938" and to substitute therefor fireproof balustrade with a steel roller shutter at each opening affected, so arranged as to be readily operated by hand by means of a chain permanently secured by heavy rings to the bottom rail of the shutter and supported on hook brackets so as to be at all times readily available; that this chain shall weigh not less than ¼ lb. per running foot; that on all shutters directly above the bottom rail there shall be painted in black letters not less than 3 in. in height the words "close shutter to floor" with an arrow pointing downwardly; that there shall be erected around the floor opening at each escalator affected by this appeal, *two inch reinforced concrete* baffle plates extended downwardly not less than 2 ft. and erected within 2 ft. of the floor opening continuously around such opening; that outside of such baffle plates and within 2 ft. thereof there shall be constructed and maintained a sprinkler curtain with sprinkler heads not nearer than 2 ft. from the baffle plate and spaced 4 ft. apart; that these sprinkler heads shall be in addition to the present sprinkler system in the building; that wherever a sprinkler head herein required is nearer than 4 ft. to another head a metal reflector shall be installed at each such head to prevent water cooling; that as a part of the regularly required fire alarm and fire drill system, at least 4 employees regularly located near each escalator opening shall be instructed so that upon the sounding of the alarm they shall see that the roller curtain is immediately closed; that the closing of the curtain shall automatically stop all escalators; that this modification is granted only so long as this building is occupied as Macy's Department Store and only so long as fire-extinguishing equipment and maintenance of exits are to the satisfaction of the administrative official having jurisdiction.

VARIATIONS OF LABOR LAW

160-38-S.

APPLICANT—Joseph M. Lonergan, for Rio Caterers, Inc., lessee.

SUBJECT—Variation of the labor law, as cited in a decision of the health commissioner.

PREMISES AFFECTED—3869 Broadway, west side, 75 ft. north of West 161st street (Block No. 2137, part of Lot No. 18), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: A. E. Abrahamson and E. Kushel, Department of Health.

MINUTES

ACTION OF BOARD—Laid over to May 24, 1938, at 2 P. M.

225-38-S.

APPLICANT—Richard Steinberg, for Stouffer Fifth Avenue, Inc., lessee.

SUBJECT—Variation of the labor law as cited in an order and a decision of the Board of Health of the Department of Health.

PREMISES AFFECTED—538-540 Fifth avenue, west side, 50 ft. south of West 45th street (Block No. 1260, Lot No. 38), Borough of Manhattan.

APPEARANCES—

For Applicant: R. W. Steinberg and Mr. Baum.

For Administration: A. E. Abrahamson and E. Kushel, Department of Health.

ACTION OF BOARD—Laid over to June 7, 1938, at 2 P. M. applicant to provide better ventilation.

220-38-S.

APPLICANT—Cross & Brown Co., for Jacob Ruppert Realty Corporation, owner.

SUBJECT—Variation of the labor law as cited in an order of the commissioner of buildings and a decision of the borough superintendent of buildings.

PREMISES AFFECTED—15-19 East 26th street, north side, 120 ft. west of Madison avenue and 10-14 East 27th street (Block No. 856, Lot No. 11), Borough of Manhattan.

APPEARANCES—

For Applicant: E. E. Bloodgood.

For Administration: Fred Dahlem, Department of Housing and Buildings and Inspector Maher, Fire Department.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(220-38-S)

WHEREAS, Cross & Brown Co., for Jacob Ruppert Realty Corporation, owner, filed March 31, 1938, an application for a variation from the requirements of the Labor Law, as cited in an order of the commisioner of buildings and a decision of the borough superintendent, Department of Housing and Buildings, affecting premises 15-19 East 26th street, north side, 120 ft. west of Madison avenue and 10-14 East 27th street (Block No. 856, Lot No. 11), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated March 11, 1938, on Building Notice 65-1938, reads as follows:

> "This is to notify you that your Building Notice, numbered 65-1938 for premises above filed to remove present type B revolving wings and install in present marble housing type A panic-proof collapsible revolving wings, has been disapproved for the reason that the above building being a tenant factory building all exit doors leading to the street in the first story including the vestibule must open outwardly as per section 271, Labor Law, subdivision 4."

and

WHEREAS, Building Notice 65-1938 was filed in compliance with Order No. 37454-LD, dated October 28, 1937, issued by the Division of Fire Prevention of the Department of Buildings, Manhattan, and reads as follows:

> "1. Arrange exit doors leading to the street, first story, East 26th street side, to open outwardly. Section 271, Labor Law."

and

WHEREAS, the building is 20 stories, 273 ft. in height, 84 ft. by 197 ft. 6 in. in area, of fireproof construction, erected in 1911, and occupied as follows: Cellar—storage and boiler room, 2 persons; 1st floor—stores, 150 persons; 2nd floor to 20th floor—office, showroom and manufacturing, 150 to 180 persons per story; the building being equipped with two interior stairs, 3 ft. wide, extending from 1st story to roof, enclosed in 6 in. terra cotta partitions with kalemein self-closing doors, at opening and two exterior stairs located in the easterly and westerly courts, equipped with fireproof doors at the openings, these exterior stairs connect to existing stairhall lobbies; and with a sprinkler system, the floor being designed for a live load of 150 lbs. on the 1st floor, 120 lbs. on the 2nd to 15th floors and 75 lbs. above; and

WHEREAS, the applicant contends that the use of the building is indicated on new building plan No. 719 of 1910 as lofts and offices; that 250 persons are employed at manufacturing below the 15th floor; that the 26th street entrance is equipped with a revolving door and a pair of double acting vestibule doors at the street line; that the existing revolving door was constructed in accordance with new building plan No. 719 of 1910 and is of the non-collapsible type contained in a marble housing, detailed integrally with the marble trim of the vestibule; that the column spacing on the 26th street front restricts the entrance to the extreme westerly bay and renders impossible the provision of by-pass egress doors without invasion of store space. It is proposed to remove the present revolving door and substitute an automatic Class Z panic-proof collapsible door, equipped with traffic regulator; that elimination of the revolving doors would involve the reconstruction of the entire street end of the lobby and would result in an unworkable condition in severe weather; and

WHEREAS, it appears from the records in the Fire Department that the State Industrial Board accepted the existing revolving door in 1915; and

WHEREAS, in the opinion of the board the proposal to substitute a door of the improved panic-proof collapsible type will create a better condition than the existing cable-braced door.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the labor law as cited in Order No. 37454-LD and decision B.N. 65-38 of the borough superintendent and that the application be and it hereby is *granted*, permitting the installation of the improved Type A panic-proof collapsible revolving wing door in place of the existing revolving door, *on condition* that all outstanding violations shall be complied with and that all rules, laws and regulations applicable to this building and its occupancy shall be complied with.

MATERIALS SUBMITTED FOR APPROVAL

96-38-SM.

APPLICANT—Johns-Manville Sales Corporation, owner.

SUBJECT—Johns-Manville Corrugated Transite, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Material approved in accordance with report of a committee of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(96-38-SM)

WHEREAS, Johns-Manville Sales Corporation, owner, filed February 16, 1938, an application with the Board of Standards and Appeals for approval of their material known as the Johns-Manville Corrugated Transite; and

WHEREAS, this material was submitted to the engineer of the board for test and report; and

MINUTES

WHEREAS, the report of the committee of the board, of which the engineer was a member, was as follows:

REPORT OF COMMITTEE ON TESTS.

Re: Cal. 96-38-SM.

Johns-Manville Corrugated Transite.

The Johns-Manville Sales Corporation of New York filed on February 16, 1938, an application with the Board of Standards and Appeals for the approval of their material known as corrugated transite for use as a roofing and siding material.

Corrugated transite consists of an asbestos fibre and Portland cement molded into the corrugated form by high hydraulic pressure into a dense monolithic sheet. Each sheet consists of ten corrugations 4.2 inches c-c with a total width of 42 inches. The sectional dimension at the ridge and valley of the corrugations is 7/16 inches and through the slope sections 5/16 inches. The length of sheets varies from 3 feet to 11 feet in 6-inch increments. Accessories consisting of the same material and used for capping ridges and trimming corners are also manufactured by the applicant.

A committee of the board was present at the load tests conducted at the manufacturer's plant at Manville, N. J., on April 22, 1938. Tests were made in accordance with the requirements of section C-26-626.0 of the Administrative Code (10.3.8 BC) with a resulting allowable roof load based on ¼ of the total third point load of 35.5 pounds per square foot on the basis of an average of five test specimens. A copy of the report and the details of this test are filed with the application.

On the basis of this test it is recommended that Corrugated Transite as manufactured by the Johns-Manville Co. be approved for use under section C-26-347.0 of the Administrative Code (7.3.2.5 BC) for use in roofing *and limited* for use with roofs having a rise of at least 3 inches per foot of horizontal projection, with a maximum vertical load of 30 pounds per square foot of horizontal projection. Approval is also recommended for the use of Corrugated Transite as a siding under section C-26-351.0 Administrative Code (7.3.3.3 BC).

This material, when used, shall be secured by either lead-head or round head bolts ¼-inch diameter, which shall be weather protected and used in combination with special hot galvanized steel clips. All holes required in the Corrugated Transite shall be drilled and located in the high point of the corrugation. Sheets shall be secured to purlin or girts with at least 6 inches end lap and one corrugation side lap with all end laps occurring over the purlin or girts. The roof purlins shall be spaced not greater than 54 inches centers and siding girts on not greater than 66-inch centers. Each Corrugated Transite sheet shall bear a mark or label as follows: "Approved by the Board of Standards and Appeals for Use in New York City under Cal. 96-1938-SM."

(Sgd.) BERNARD A. SAVAGE,
Commissioner.
CHARLES M. BLUM,
Commissioner.
LESLIE V. HUBER,
Chief Engineer.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as Johns-Manville Corrugated Transite for use under section C26-347.0 Administrative Code (7.3.2.5 BC) and Section C26-351.0 Administrative Code (7.3.3.3 BC) when constructed and installed in accordance with above report *on condition* that the material shall bear a mark or label on each sheet reading:

APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
FOR USE IN NEW YORK CITY
UNDER CAL. NO. 96-38-SM.

301-38-SM.

APPLICANT—Frank H. Tichenor, Trustee, for Sayre & Fisher Brick Co., owner.

SUBJECT—S. & F. Colonial Veneer Brick, manufactured by Sayre & Fisher Brick Company, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Material approved in accordance with report of a committee of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(301-38-SM)

WHEREAS, Frank H. Tichenor, trustee, for Sayre & Fisher Brick Company, owner, filed April 25, 1938, an application with the the Board of Standards and Appeals for approval of their material known as the S. & F. Colonial Veneer Brick; and

WHEREAS, this material was submitted to the engineer of the board for test and report; and

WHEREAS, the report of the committee of the board of which the engineer was a member was as follows:

REPORT OF COMMITTEE ON TESTS.

Re: Cal. No. 301-38-SM

S. & F. Colonial Veneer Brick

The Sayre & Fisher Brick Co. of Sayreville, N. J., filed on April 25, 1938, an application with the Board of Standards and Appeals for approval of their brick known as Colonial Veneer Brick for use in veneered walls of frame constructed houses.

The brick submitted is made of burnt red clay and measures 8¼ in. length by 2½ in. thickness by 3 in. width, provided with three holes in the center of the brick, the holes ¾ in diameter. The bed surfaces are wire cut, after perforating.

This brick was tested in the laboratories of Columbia University on January 21, 1938. The test indicates an average compressive stress of 7,105 pounds per square inch, an average modulus of rupture, holes vertical, of 725 pounds per square inch and a cold water absorption of approximately 11%. A copy of this report is filed with the application.

The committee recommends that the Colonial Veneer Brick as manufactured by the Sayre & Fisher Co. of Sayreville, N. J., and as specified in the report, be approved for use in veneered walls of frame constructed houses when constructed in accordance with the requirements of Group 6, Administrative Code (8.4.6 BC) entitled Veneered Walls, of Sub Article 4, entitled Masonry Construction, and that the minimum width of brick be maintained at 3 in. and that the tie used for nailing to sheathing shall be so designed as to hook into the perforations of the brick and that each truck shipment shall have a sample labeled, "Approved by the Board of Standards and Appeals for use in New York City under Cal. 301-1938-SM.

(Sgd.) BERNARD A. SAVAGE,
Commissioner.
LESLIE V. HUBER,
Chief Engineer.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as the S. & F. Colonial Veneer Brick constructed and installed in accordance with the above report for use on buildings of frame construction only on condition that each truck shipment is marked—approved by the Board of Standards and Appeals for use in New York City under Cal. 301-38-SM.

Adjourned: 4.50 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

*CORRECTION.

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, March 1, 1938 as they appeared in Bulletin No. 10, Vol. 23, are hereby corrected to read as follows:

THE RESOLUTION—

(68-38-SA)

WHEREAS, William R. Wilson, president for The Gray-Wilson Company, owner, filed February 4, 1938, an application with the Board of Standards and Appeals for approval of their device known as the Romine Gas Range Connection, and

WHEREAS, the device was submitted to the engineer of the board for test and report; and

WHEREAS, the report of the engineer of the board and of the committee making the test is substantially as follows:

"This fitting consists of two threaded brass elbows with a bevelled end which are attached to a length of metal tubing with upset ends so designed as to fit tightly over the bevelled end of the elbow with a grip of approximately ⅛ in. and locked in place with a compression nut. The inside diameter of tubing and fittings is ½ in. so as to give free flow to the gas. The intent is to allow play in the piping so that the gas range or other appliances can be properly adjusted after it is connected up. The Tubing is aluminum or copper conforming to specifications of the A.S.T.M.

A committee of the board consisting of Commissioners Savage and Blum and Chief Engineer Huber inspected and tested the device and found the device satisfactory and conforming with the provisions of section 14.13.1 and with section 14.13.4 of the building code.

It is recommended that this device with approved aluminum, or copper tubing be approved for use in New York City as an intermediate connection between outlet and gas appliance on condition that no length of tubing exceed 6 ft. between connection and that the device have a stamp or decalcomania appearing on the fitting reading as follows: 'Approved by the Board of Standards and Appeals for Use in New York City, under Cal. No. 68-38-SA.' "

and

WHEREAS, the device has been approved by the American Gas Association, Inc. Testing Laboratories, No. H-10-031, December 22, 1937.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Romine Gas Range Connection for use in New York City as an intermediate connection between outlet and gas appliance on condition that no length of tubing shall exceed 6 ft. between connections and that the device have a stamp or decalcomania appearing on the fitting reading as follows:

APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City,
UNDER CAL. NO. 68-38-SA.

*Correction—Word "brass" changed to "copper" in line 20 and omitted in line 29 of the resolution.

APPROVED FUEL OIL PUMPS

Name of Pump	*Calendar No.*
American Marsh Duplex	638-25-SA
American Marsh Simplex	639-25-SA
Autopulse Electric Fuel Oil Pump	215-31-SA
Autopulse Electric Oil Pump Outfit, Model No. 1000	9-32-SA
Ballard Duplex Electric Driven Pump Set	1413-22-SA
Beach Russ Co. Rotary	1134-22-SA
Blackmer Rotary	935-24-SA
Blake & Knowles Horizontal Simplex Piston Pattern Pump	372-21-SA
Century Rotary	908-21-SA
Cook Electric Oil Pump	603-25-SA
Davidson	590-21-SA
Dean Bros. Durable Duplex	840-22-SA
DeLaval IMO Oil Pump	628-32-SA
Deming Double Oscillating Force Pump	458-27-SA
Deming Fuel Oil Pump	298-31-SA
Enterprise Oil Pump	11-28-SA
Exeter Rotary	507-22-SA
General Electric Oil Pump	475-32-SA
Goulds Hand Rotary	1133-25-SA
Goulds Rotary Oil Pump	437-31-SA
Goulds Triplex Plunger	257-22-SA
Hardinge Fuel Oil Pump	813-25-SA
Kinney Rotating Plunger Pump	503-24-SA
Koerting Gear Pump	1264-25-SA
Kraissl Fuel Oil Pump	60-28-SA
Leiman Rotary	95-24-SA
Marsh Fuel Oil Pump	1050-23-SA
McGowan Horizontal Duplex Fuel Oil Pump	936-23-SA
M. D. Rotary	52-27-SA
Milwaukee Piston Rotating Port Pump	763-25-SA
Monroe Oil Pump	658-26-SA
National Transit Rotary Pump for Gasoline and Fuel Oil	175-35-SA
Northern Rotary	1396-24-SA
Pascoe Pump Set	1029-26-SA
Petro-Nokol Industrial Oil Pump	570-32-SA
Quiet May Gerotor Pump	267-32-SA
Quimby Screw Pump	1193-21-SA
Range-O-Matic Oil Pump, Model 50 and Suction Model	102-35-SA
Ray Rotary	588-25-SA
Rotary Pressure Pump	1060-25-SA
Rotary Vacuum Pump	513-25-SA
Samson Magnetic Fuel Oil Pump	163-34-SA
S. B. U. Pumps, Models A, B, C and D	410-32-SA
Sundstrand Fuel Unit (Pump), Models 7-OB and 77-OB	199-36-SA
Tate-Jones	492-21-SA
Teesdale Automatic Booster Fuel Oil Pump	1279-25-SA
Tuthill Model B Fuel Oil Pump	60-28-SA
Tuthill Fuel Oil Pump, Models L, LD and 30-LE Fuelstat	568-30-SA
Union Steam Pump for Fuel Oil	705-30-SA
Viking	438-21-SA
Warren Oil Pump	1169-23-SA
Wayne Oil Pump & Fan Set	1155-25-SA
Webster Fuel Oil Pump, Types A, Q and T	23-34-SA
Worthington Duplex Double-Acting Steam Pump	184-22-SA
Worthington Show Model Duplex	194-22-SA

RULES

FACTORY EXIT RULES ADOPTED BY THE BOARD OF STANDARDS AND APPEALS FEBRUARY 23, 1927, AND AMENDED JANUARY 15, 1932.

(64-27-SR)

STANDARD FACTORY EXITS

Section 1—Fire Escapes.

Rule 1. In any building erected prior to October 1, 1913, now occupied or to be occupied as a factory, more than five stories in height and not exceeding nine stories in height, nor in any case more than 90 ft. from curb level to top floor level, one of the required means of exit or escape under Section 271-1 of the Labor Law may consist of an outside fire escape, provided that:

(a) Any such fire escape hereafter erected shall comply with all the provisions of Section 273, labor law, and in addition thereto:

(1) The balconies and stairs shall be protected on the outside by substantial railings to a height of at least 4 ft. 6 in., measured from floor of balcony or center of stair tread, constructed of bars at least one-half (½) inch in diameter, spaced not more than six (6) inches on centers, or of substantial grille work, or of screening not less than No. 10 U. S. gauge wire with not more than one and one-half (1½) inch mesh, all rigidly braced;

(2) When there is safe egress from the roof of the building to any adjoining structure, the fire escape stairway shall continue to the roof, and if there be no safe means of egress, a gooseneck ladder shall be provided from the top story balcony to the roof.

(b) Any such fire escape erected prior to October 1, 1913, shall conform in every respect with the requirements of paragraph (a) of this rule, except that balconies may be not less than 3 feet in width; the connecting stairs not less than 20 inches in width, and placed at an angle not exceeding 60 degrees if the building is not over six stories in height, otherwise at an angle of 45 degrees.

Rule 2. In any building erected prior to October 1, 1913, now occupied or to be occupied as a factory, five stories or less in height, one of the required means of exit under Section 271 of the Labor Law may consist of an outside iron fire escape, provided that:

(a) Any such fire escape hereafter erected shall comply with all the provisions of Section 273, Labor Law.

(b) Existing fire escapes shall comply with all the provisions of Section 274, Labor Law and in addition thereto

(1) The balconies shall be not less than 3 feet in width.

(2) The rails around balconies and well holes and on stairways shall be not less than 3 feet in height.

(3) Passageways on the balconies shall be not less than 14 inches in the clear.

(4) At least one opening to each balcony shall be a single fireproof casement door at least 2 feet wide and at least 6 feet in height, except that where the distance between the sill and lintel will not permit of an opening 6 feet in height, a casement door not less than 4 ft. 6 in. in height will be permitted.

Rule 3. The single fireproof casement doors leading to all fire escape balconies shall open out and shall be self-closing. An easily operated door lock with knobs on both sides of the door shall be provided.

Such fire doors may be at window sill level if fixed iron step at least two feet wide, with risers not exceeding eight (8) inches, and treads not less than eight (8) inches are provided on the inside from floor level to sills properly secured.

Rule 4 (a). Any such fire escape erected subsequent to October 1, 1913, and prior to these rules taking effect, unless previously accepted as one of the required means of exit or escape by the administrative official having jurisdiction, shall conform in every respect to the provisions of these rules.

(b) A fire escape shall not hereafter be accepted as constituting one of the required means of exit or escape under Section 271-1 of the Labor Law, in any building erected prior to October 1, 1913, now occupied or to be occupied as a factory, exceeding nine stories in height, or more than 90 feet from curb level to top floor level.

Rule 5. All fire escapes shall be maintained structurally safe, properly painted, and kept clear of all obstructions.

Section 2—Enclosure of Factory Stairways.

Rule 6. Except as herein provided, in all factory buildings five stories or less in height, erected prior to October 1, 1913, in which there are more than twenty-five persons employed above the second story, all interior stairways, serving as required means of exit, and the landings, platforms and passageways connected therewith, shall be enclosed on all sides by partitions of fire-resisting material extending continuously from the lowest point of the stairway in accordance with the following schedule:

Number of stories	Contents combustible, no sprinkler	Contents non-combustible no sprinkler	Contents combustible, and sprinkler	Contents non-combustible and sprinkler
Three	Stairways Enclosed			
Four	Stairways Enclosed	Stairways Enclosed		
Five	Stairways Enclosed	Stairways Enclosed	Stairways Enclosed	

The term "contents" as used above means articles, goods, wares and merchandise, packed, stored, manufactured or in the process of manufacture.

The term "combustible" as used above means articles, goods, wares or merchandise which will burn or support combustion.

The term "sprinkler" as used above means an adequate automatic sprinkler equipment installed and maintained in good working order on each floor.

The term "story" as used above means that part of a building between any floor and the floor or roof next above;—the first story is that part of a building which is more than 50 per cent above the floor below and the floor next above the curb or average grade level.

Where the stairways extends to the top floor of the building, such partitions shall extend to the under side of the roof boarding. That portion of the under side of the roof beams within the stair enclosure shall be covered with fire-resisting material, except in buildings with roofs of non-combustible material, in which case the partitions may stop at the under side of he roof.

Where the stairway is required to extend to the roof, the enclosure shall be so built as to form a bulkhead. The enclosure shall be ventilated by a skylight in the roof with louvres or ventilators, or exterior windows with ventilating sections at the top floor.

All openings in such partitions shall be provided with approved self-closing fire doors, except where such openings are in the exterior wall of the building.

The bottom of the enclosure shall be of fireproof material at least four inches thick unless the partition extends to the cellar bottom.

A horizontal exit, as defined in section 267 of the Labor Law, will be accepted as a compliance with this rule when both sides of the fire wall or walls are occupied on any factory floor by the same occupant.

Rule 7. Where there are occupancies on any story or part of a story involving the storage or use below the top story of the following materials and exceeding the amount specified, and there are more than 5 persons employed at manufacturing above such occupancy, the interior stairway serving as required means of egress shall be enclosed on that story with fire-resisting material from floor to under side of floor above, including any exposed stair soffits, landings and passageways; openings shall be provided with approved self-closing fire doors.

Nitrocellulose in any shape or form, 10 pounds.
Volatile inflammable oils, 1 gallon.
Volatile inflammable mixtures, 5 gallons.
Combustible mixtures, 10 gallons.
Paints, varnishes and lacquers, 10 gallons.
Upholstering or mattresses, manufacturing or repairing.
Cotton, rag and paper sorting, 1 ton.
Paper box manufacturing.

Restaurants and lunch rooms with cooking (not including tea, coffee or similar beverages).

The Board shall rule upon new occupanies as they arise and pass upon points under dispute.

When more than two stories are to be segregated, as above, the entire stairway shall be enclosed in fire-resisting material where there are more than 5 persons employed at manufacturing above the first story.

Rule 8. Required Exits and Enclosures of Stairways in Two-Story Factory Buildings.

1. Required Exits.—In every two-story factory building erected prior to October 1, 1913, in which more than five persons are employed at manufacturing, there shall be provided from each story at least two means of exit or escape from fire remote from each other, one of which from every floor above or below grade shall lead to or open on an interior stairway which shall be enclosed, as hereinafter provided, or on an exterior enclosed stairway. The other may lead to such a stairway, or to a horizontal or grade exit, or to an exterior screened stairway, or to a fire escape conforming to section 273, Labor Law, or rule 2 of these rules. Except that exit door shall be a fire door, with substantial steps to the sills properly secured when sill is more than 8 inches above the floor level; and where there is no safe egress from the roof, a gooseneck ladder shall be provided from top balcony to the roof, except on the front of buildings.

Unobstructed egress from the foot of the fire escape or exterior screened stairway shall be as required by section 273, Labor Law, or to open adjoining yard with egress to the street. No point on any floor of such building shall be more than one hundred and fifty (150) feet distant from such an exi'

Rule 9. Enclosure of Stairways.—In two-story buildings where there are occupancies on any story or part of a story involving the storage or use below the top story of any of the materials exceeding the amounts specified in Rule 7 and there are more than 5 persons employed at manufacturing above such occupancy, all interior stairways serving as required means of exit shall be enclosed from the lowest point of such stairway to the ceiling of the first floor by partitions of fire-resisting material, unless the building is provided with a wet sprinkler system, in which case such enclosure of stairways shall not be required. Such enclosures shall lead directly to a door opening outwardly to a street or road, or an open area affording unobstructed passage to a street or road. All openings in such enclosure shall be provided with fire doors equipped with self-closing devices.

All reference herein to "Enclosure of Stairways" shall be considered as applying only to required stairways.

Rule 10. Storage of Combustible Material Within Factory Stairway Enclosures.

In all factory buildings no articles or wares of any nature shall be kept or stored inside the limits of any stairway enclosure or unenclosed stairway, or on the landings, platforms or passageways connected therewith.

But this shall not prohibit the erection and maintenance of a stand to be built of incombustible material and wire glass or ¼-inch-thick plate glass for the retail sale of cigars, cigarettes and tobacco and candies in original packages or daily newspapers in the public hall or corridor on the first story of any building provided there is no open flame. All portions of the stand and any portion of any permitted accessory use to same shall be set back at least 18 inches from the outside line of travel of the required legal width of exit. Each such stand shall be provided with at least one approved 2½-gallon chemical fire extinguisher.

Section 3—Safe Egress from Roofs of Factory Buildings.

Rule 11. Interior stairways serving as required means of exit in factory buildings erected after October 1, 1913, and not exceeding five stories in height, and in buildings erected before October 1, 1913, now occupied or to be occupied as a factory, shall not be required to extend to the roof where there is no safe egress from the roof, under Sections 270, 271 and 272, Labor Law.

(a) When the roofs, or the top of the parapet wall of an adjoining building are more than eight feet below or more than five feet above the top of the parapet wall of the building in question, and there is no outside party wall fire escape, party wall exterior screened stairway, party wall balconies or bridges, or where any outside exits do not connect to adjoining buildings at roof level, or where there are no unbarred window openings five feet above the roof or parapet wall of the building in question.

(b) When the roof of the building in question has a pitch exceeding one foot in six feet of horizontal run.

Rule 12 (a). When there is no safe egress from the roof, as above described, there shall be in all cases at least a double-rung ladder at the top of the interior stairway, and within the interior stairway enclosure when stairway is enclosed. Such ladder shall be at least 18 inches in width and shall be properly secured at top and bottom. The ladder shall lead to a scuttle opening not less than 2 feet by 3 feet or be of such additional area as may be required to provide ample head room. The scuttle cover shall be hinged and of light weight construction, or be counter-balanced. An easily operated hook may be provided on scuttle cover.

(b) Where the stair bulkhead door opens within 10 feet from the open edge of the roof, an iron railing properly braced at least 3 feet high and at least 10 feet long shall be provided at the edge of roof.

SUBSTANDARD FACTORY EXITS

Section 4—Fire Escapes.

Rule 13. When in addition to the required exits from any factory or factory building, there exist other means of egress which are not entirely in accordance with the requirements of the Labor Law and the Rules of the Board of Standards and Appeals, such means of egress may be retained under the following conditions:

(a) Fire Escapes.—All substandard fire escapes on factory buildings shall be maintained, structurally safe, properly painted, and with the openings leading thereto, kept in good repair.

In lieu of a counter-balanced stairway, a drop ladder in guides with a back-drop gravity hook may be provided.

The drop ladder shall be of sufficient length to reach from the lowest balcony to the ground or safe landing place, with a passageway opening cut in the balcony rail, which rail shall be properly braced.

When such substandard fire escapes are located in a court, side or rear of a building, proper egress to a point of safety shall be provided, either to open adjoining yards, or the lowest balcony may be connected to an adjoining fire escape, exterior stairway, to the roof of adjoining extensions, or other means of egress satisfactory to the authorities having jurisdiction.

Substandard fire escapes shall be kept clear of all obstructions, shall not be used for fire drills, and shall not be considered as a basis for increase in occupancy.

Section 5—Stairways and Bridges.

Rule 14. Interior Stairways.—All interior stairways not conforming to the requirements of the Labor Law or rules of the Board of Standards and Appeals may be retained, provided that egress to same is maintained unobstructed, halls are properly lighted, and all landings, passageways, etc., are maintained free and unobstructed. An easily operated panic bolt or other similar device may be installed at street exit door.

Rule 15. Exterior Screened Stairways.—Exterior screened stairways not serving as a required means of egress shall be maintained structurally safe and properly painted, exits thereto and all platforms and passageways thereof shall be maintained unobstructed, and egress from termination shall be provided as required for substandard fire escapes in subdivision a.

Rule 16. Horizontal Bridges.—Horizontal bridges and party wall balconies between buildings shall be maintained structurally safe and properly painted, and access thereto and all passageways thereof shall be maintained unobstructed.

Rule 17. No sign of any character shall be placed at openings leading to these substandard exits.

RULES

SMOKING IN FACTORIES

Adopted by the Board of Standards and Appeals, August 12, 1918.

RULE 1. PERMIT.

(a) **Prohibition.** No person shall smoke, or carry a lighted cigar or cigarette in any factory as defined in Article 1, Section 2, of the State Labor Law, nor in any portion of a factory, within the City of New York, except in such protected portions or special classes of occupancies as are specified in Rule 2 of these rules, and then only after the issuance of a permit by the administrative official.

It shall be the joint and several duty of the owner and of the lessee or lessees of the building containing such factory or factories to cause to be posted in each and every entrance hall, stair hall or room throughout the building, as well as in every elevator-car, in English, and also in such other language or languages as the administrative official shall direct, a notice of such prohibition, and the penalty for its violation.

(b) **Application.** Application for such permit shall be made only by the owner of the building on suitable blank forms to be furnished by the administrative official.

(c) **Time Limit.** Such permit shall be for a definite period, not exceeding one year, and shall not be renewed upon expiration until a reinspection of the premises for which it is issued has been made for the purpose of determining whether existing conditions warrant a renewal.

(d) **Conditions.** The permit shall state the conditions under which, the hours between which, and the place or places in such factory where smoking may be permitted, and this permit shall be framed and kept posted in a conspicuous place in the factory.

(e) **Revocation.** Violation of any of the conditions specified in the permit, in addition to incurring such penalties as are prescribed by law, shall be full and sufficient cause for the revocation of such permit by the administrative official, and he shall not again issue a permit for the same premises until at least one year has elapsed.

RULE 2. PERMISSIBLE CASES.

Smoking may be permitted in:—

(a) Factories engaged in the manufacture of cigars, cigarettes, or smoking tobacco, when necessary for the efficient conduct of the business, provided that:

(1) No smoking other than that for sampling, testing and experimental purposes is carried on.

(2) Such smoking is conducted in a room provided especially for that purpose, separated from the rest of the building by fireproof or fire-resisting partitions, with all openings therein protected by self-closing fire doors, and, further, unless the building is of fireproof construction or equipped with an approved automatic sprinkler system, the floor and ceiling of such room shall be covered with fire-retarding material.

(3) Such chemical fire extinguishers as the administrative official may direct are installed.

(4) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

(b) Factories devoted entirely to one of the following occupancies:

Blacksmithing or horseshoeing;
Boiler making;
Brick, terra cotta or artificial stone works;
Forge shops;
Foundries;
Iron, steel, brass or copper works;
Machine shops;
Smelting;
Stone or monumental works;

provided that in any case:

(1) The building is not of wooden construction;

(2) Such chemical fire extinguishers as the administrative official may direct are installed;

(3) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

APPROVED APPLIANCES

APPROVED RANGE OIL BURNERS AND SPACE HEATERS

Name of Burner	*Calendar No.*
A.B.C. Range Burner Assemblies, Models AS-4, AS-6, AD-6, AS-9 and A-3798 Water Heater Assembly	250-34-SA
Aetna Range Oil Burner	29-35-SA
Aetna Water Heater, Models 6, 7, 9 and 47 W.H.T. and 15 and 16 W.H.T.	148-37-SA
Air-O-Flame Space Heater, Models 108 and 810 (pot type)	190-35-SA
Air-O-Flame Space Heater, Models 71, 91, 1572 and 1582 (sleeve type)	206-35-SA
Air-O-Flame Range Burner	236-34-SA
American Beauty Heater (Pot Types), Models 1P61, 1P62, 1P91 and 1P92	224-36-SA
Ameroil Oil Burner for Stoves and Ranges	592-32-SA
Biltwell Range Oil Burner, Models B-1 and B-2	196-34-SA
Bland Range Oil Burner	234-34-SA
Blue Glow Range Oil Burners, Models Supreme and DeLuxe	308-34-SA
Brigham Range Oil Burner	217-35-SA
Caloroil Range Oil Burner	172-34-SA
Champion Range Oil Burner, Models A and B	291-34-SA
Cole Hot Blast Oil Burning Stove, Model No. 912	207-35-SA
Coleman Oil Burning Circulating and Space Heater, Model 825	308-36-SA
Diamond Range Oil Burner	325-34-SA
Easyway Range Oil Burner, Models D27, DC27, G27 and NG27	157-35-SA
Easyway Space Heater, Models CRL19, CRN17, CSP27 and CSP19	158-35-SA
Easyway Water Heater, Models H.W.1 and H.W.2	159-35-SA
Ellington Range Oil Burner, Square Circulating Heater and Round Circulating Heater	351-34-SA
Ellington Range Oil Water Heater, Models M and J	40-35-SA
Evur-Ready Range Oil Burner, Models Leader, Standard and DeLuxe	311-34-SA
Fairfax Range Burner	302-34-SA
Florence Oil Heater, Models KC-9, GC-6, GC-7, GS-27, CH-9, CH-27, CH-28, CH-29, RH-7 and RH-9	62-33-SA
Florence Oil Space Heater, Models PH-28, PH-8, PC-8, PC-28, PR-10, PR-81 and PR-82	172-35-SA
Florence Range Burners	219-34-SA
Fox Range Oil Burner	200-34-SA
Hi-Heat Range Burner, Models A and De-Lux	323-34-SA
Hupp Range Oil Burner, Models S.D. and C.D.	309-34-SA
Ker-Oil Automatic Water Heater	263-35-SA
Kerogas Bowl Type Space Heater, Models 300-300-A, 303-303-A, 310-310-A, 315-315-A and 320-320A	266-35-A
Kerogas Hot Blast Oil Heater, Models 210, 135, 110, 207 and 115	339-34-SA
Kolrid Range Burner	48-34-SA
Kres-Kno Range Oil Burner, Model MD. Sizes KR, KRF, KRF-1 and 1R	355-34-SA
Lochinvar Automatic Oil Burning Water Heater	143-36-SA
Lonergan Automatic Hot Water Heater	179-35-SA
Lonergan Oil Burning Heater, Models F-2, F-3, C-4, R-1 and R-2	263-34-SA
Loyalty Range Burner	302-34-SA
Lynn-Range Burner, Models Junior, Lypre and DeLuxe	238-33-SA
M.W. Bake Oven Range Burner, Model 448 and M.W. Core Oven Range Burner, Model 450	367-34-SA
M.W. Circulating and Radiant Heaters, Models 501, 601, 701 and 801	366-34-SA
M.W. Oil Burning Range, Commercial Models 152 and 251 and Domestic Models 101-G and 126-B	364-34-SA
Majestic Range Oil Burner, Models 27B and 27T	180-35-SA
Majestic Space Heater, Models 247T and 248	181-35-SA
Majestic Water Heater, Models 255A and 255B	182-35-SA
Matchless Self-Lighting Range Oil Burner	410-37-SA
Moderne Range Oil Burner, Models Regular, Junior and Firenew	357-34-SA
National Range Oil Burner	361-34-SA
Nesco Circulating Heater, Models 041, 41, 042 and 42	264-36-SA
No-Wyck-Koaless Range and Stove Oil Burner	251-34-SA
Norge Space Heater, Models 75, 50, 37 and 37-R	366-34-SA
Octo Range Oil Burner	410-37-SA
Odin Beauty (Space Heater), Models 61, 62, 91 and 92	233-35-SA
Odin Beauty Heater (Pot Types), Models 1P61, 1P62, 1P91 and 1P92	224-36-SA
Putnam Range Oil Burner	54-35-SA
Quaker Burnoil Stove	11-31-SA
Quick Meal Range Burner	304-34-SA
Quick Meal Space Heater, Models 5672-0, 5671-13, 5671-33 and 5671-35	306-34-SA
Quick Meal Water Heater, No. 5681-0	305-34-SA
Ray-Dio Sunshine Range Oil Burner, Models A, Daisy and Water Heater	32-31-SA
Sachem Oil Space Heater, Models GB-811, GB-815, GB-1011, GB-1015 and GB-1315	56-37-SA
Samco Oil Space Heater, Models 1108 and 1110	73-37-SA
Sears Roebuck Oil Burning Water Heater, Hercules Model No. 2544	303-36-SA
Serv-Well Range Oil Burner, Models 27B and 27T	165-35-SA
Serv-Well Space Heater, Models 247T and 248	166-35-SA
Serv-Well Water Heater, Models 255A and 255B	167-35-SA
Silent Glow Range Oil Burner	172-34-SA
Silent Glow Si-Glo-Lo Oil Space Heater, Models 15, 35, 60 and 80	24-37-SA
Silent Heet Oil Burner for Ranges and Stoves	592-32-SA
Smith-Whaley Range Oil Burner, Models SW-1 and SW-2	196-34-SA
Speedy Hot Oil Space Heater, Models GB-811, GB-815, GB-1011, GB-1015 and GB-1315	56-37-SA
Superfex Oil Burning Heater, Models 1031, 1032, 1035, 1036, 1107, 1108, 1109, 1110, 1117, 1118, 1119 and 1120 and Superfex Heat Projector, Models 1051, 1052, 1053 and 1054	491-31-SA
Toridheet Range Water Heater, Models 222, 232 and 242	65-35-SA
Tower Range Oil Burner	126-33-SA
Vap-R-Oil Oil Burner for Ranges and Stoves	592-32-SA
Victor Circulating Fuel Oil Heater, Models VCH-27, VCH-19 and VCH-17	243-36-SA
Victor Range Oil Burner, Models VJ-275, VJ-195 and VO-275	329-34-SA
Viking Pot Type Space Heater, Models 120, 165 and 170	310-35-SA
Viking Range Oil Burner and Range Oil Burning Heater, Models 20, 30, 60, 65, 70 and 80	333-34-SA
Viking Range Water Heater, Models 222, 232 and 242	65-35-SA
Vitro-Heet Range Oil Burner, Model MD, sizes KR, KRF, KRF-1 and 1-R	355-34-SA

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BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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DIRECTORY

BOARD OF STANDARDS AND APPEALS
HARRIS H. MURDOCK, Chairman
BERNARD A. SAVAGE
CHARLES M. BLUM
CHIEF JOHN J. McELLIGOTT
EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.

TELEPHONE—WORTH 2-0184.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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Minutes of Regular Meeting May 24, 1938, at 2 P. M., Affecting Calendar Numbers 493-37-BZ, 186-30-BZ, 345-32-BZ, 152-37-BZ, 534-37-BZ, 127-38-BZ, 170-38-BZ, 273-34-BZ, 528-37-BZ, 318-36-BZ, 68-36-BZ, 600-37-A, 284-38-A, 339-38-A, 356-38-A, 371-38-A, 389-38-A, 380-38-A, 251-38-A, 241-38-A, 348-38-A, 353-38-A-WF, 358-38-A, 361-38-A, 363-38-A, 376-38-A, 377-38-A, 349-38-A-WF, 580-37-A, 160-38-S, 207-35-SA and 56-37-SA.

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PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

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All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

DOCKET

New Cases Filed up to May 24, 1938

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377-38-A.....F.D.....126 Delancey street, north side, 51.9 ft. west of Norfolk street (Block 353, Lot 41), Borough of Manhattan, Decision.

378-38-SM.....H.B.....Stran-Steel Framing, manufactured by Stran-Steel Division, Great Lakes Steel Corporation, Material.

379-38-SM.....H.B.....Kwiklay Backer Block (Hollow Tile), manufactured by New Jersey Hollow Tile Corporation, Material.

380-38-A.....H.B.Bx.....430-440 East 138th street, south side, 300 ft. east of Willis avenue and 419-425 East 137th street (Block 2282, Lot 18), Borough of The Bronx, Alt. 123-38.

381-38-SA.....F.D.....Davidson Automatic Damper Control, Model M405A, manufactured by Davidson Electric Company, Appliance.

382-38-A.....H.B.M.....116-120 Varick street, east side, 48.2 ft. south of Dominick street (Block 491, Lots 3, 4, 5 and part of Lots 11 and 12), Borough of Manhattan, Decision.

383-38-A.....F.D.....41-79 Gleane street, east side, 188 ft. south of Elmhurst avenue (Block 1555, Lot 46), Elmhurst, Borough of Queens, 74985-L.C.

384-38-A-WF..H.B.Q.....39-15 Prince street, east side, 75 ft. north of Roosevelt avenue (Block 4976, Lot 27), Flushing, Borough of Queens, Alt. 3209-38.

385-38-A-WF..H.B.Q.....135-18 Northern boulevard, south side, 144 ft. 10⅛ in. west of Main street (Block 4971, Lots 30 and 31), Flushing, Borough of Queens, Alt. 267-38.

386-38-A-WF..H.B.Q.....135-16 Northern boulevard, south side, 98.80 ft. east of Prince street (Block 4971, Lots 29 and 30), Flushing, Borough of Queens, Alt. 3200-38 and Alt. 3201-38.

387-38-A.....F.D.....32 Cortlandt street, north side, 70 ft. west of Church street (Block 61, Lot 1), Borough of Manhattan, 10708-L.C. and Decision.

388-38-SM.....H.B.....Jiffy House Insulation, manufactured by Jiffy Manufacauring Company, Material.

389-38-A.....H.B.M.....1 East 62nd street, north side, 108 ft. east of Fifth avenue (Block 1377, Lot 5), Borough of Manhattan, Alt. 1249-38.

390-38-SM.....H.B.....Truscon Open Truss (O. T.) Joist, manufactured by Truscon Steel Company, Material.

391-38-A.....H.B.B.....1358-1360 Jefferson avenue (1354 displayed), east side, 100 ft. south of Knickerbocker avenue (Block 3391, Lot 26), Borough of Brooklyn, Alt. 14711-37.

392-38-BZ.....H.B.Bx.....2776 Jerome avenue, east side, 200 ft. north of East 196th street (Block 3318, Lots 16-19 incl.), Borough of The Bronx, N.B. 658-37.

393-38-SA.....F.D.....Econ-O-Mizer Oil Burner, Models EM and A, Appliance.

394-38-A.....H.B.Q.....210-213 Northern boulevard, north side, 50 ft. east of 210th street (Block 6281, Lot 1), Bayside, Borough of Queens, Alt. 3532-38.

395-38-S.....H.D.....15 Doyers street, west side, 89.5 ft. south of Pell street (Block 162, Lot 26), Borough of Manhattan, Order and Decision.

396-38-SM.....H.B.....Dux-Sulation, manufactured by Grant Wilson, Inc., Material.

397-38-A.....H.B.B.....782-784 Saratoga avenue, southwest corner of Livonia avenue (Block 3582, Lot 32), Borough of Brooklyn, Applic. 5624-38.

398-38-BZ.....H.B.B.....827 East 21st street, east side, 100 ft. north of Glenwood road (Block 5242, Lot 11), Borough of Brooklyn, Applic. 5105-38.

399-38-A-WF..H.B.Q.....37-97 103rd street, northeast corner of 39th avenue (Sackett street); (Block 1769 Lot 58), Corona, Borough of Queens, N.B. 1181-38.

400-38-BZ.....H.B.B.....339-347 Columbia street, east side, 150 ft. north of Coles street (Block 510, Lot 6), Borough of Brooklyn, Alt. 3633-38.

Restored to Calendar.

186-30-BZ.....H.B.Q.....74-02 Jamaica avenue and 1

CALENDAR

Elderts lane, southeast corner (Block 50 and part of Lot 1), Woodhaven, Borough of Queens, Decision.

DESIGNATIONS: H.B.—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

COURT DECISIONS

Arverne Bay Construction Co. v. Thatcher, supt. &c.—Motion for summary judgment dismissing the complaint is denied. The plaintiff is not precluded by the determination in the certiorari proceeding which was instituted to review the ruling of the Board of Standards and Appeals, denying a variance under section 21 of the Building Zone Resolution. In the present action the plaintiff does not seek a variance but rather a declaration that the Building Zone Resolution, in so far as it affects the plaintiff's property, is unreasonable, discriminatory or confiscatory and therefore without constitutional sanction. Since this constitutional question could not have been raised in the certiorari proceeding (Matter of Levy v. Board of Standards and Appeals, 267 N.Y. 347; Matter of Dillon v. O'Shaughnessy, Pres. &c., 222 App. Div. 772), the defense of *res adjudicata* is unavailable to the defendant. (Justice Steinbrink, N.Y.L.J., December 21, 1936).

Mr. Justice Dodd upheld plaintiff's contention, stating in part: "* * * because of the offensive conditions to which I have alluded, in my opinion, the property will not be properly or profitably suitable for residential purposes for many years to come. My conclusion upon the above facts as found, is that the constitutional rights of the plaintiff have been invaded in that the zoning ordinance is confiscatory, arbitrary and unreasonable when enforced in reference to plaintiff's property." (N.Y.L.J., May 29, 1937).

The Appellate Division reversed the judgment of Special Term on the law (N.Y.L.J., February 14, 1938). The opinion stated in part:

"It must be conceded, upon the undisputed facts in this case, that this property cannot, presently or in the immediate future, be profitably used for residential purposes. But the court cannot for that reason substitute its judgment for the judgment of the zoning authority and set the ordinance aside as beyond the police power of the city legislature. * * * The question of what is beneficial to the public welfare is a legislative question (Matter of Wulfsohn v. Burden, 241 N.Y. 288) and cannot be interfered with by the courts unless the discretion exercised 'has no foundation in reason and is a mere arbitrary or irrational exercise of power having no substantial relation to public health, the public morals, the public safety or the public welfare in its proper sense.' (Euclid v. Ambler Co., 272 U.S. 365, cited in Nectow v. Cambridge, 277 U.S. 183.) Looking at this property from the point of view of the immediate future, we might say that the regulation has no relation to public welfare, health, safety or morals. But such a view would be narrow and provincial. If zoning boards were to take such a view, all regulations would, of necessity, be haphazard and temporary. The position of this respondent if no better nor worse than owners of property on either side of these premises for several city blocks. * * * The respondent urges that its property is worthless as restricted. It is assessed at a substantial sum and the fact that its value would be increased by removing the restriction is not controlling. * * * This property has remained undeveloped since it ceased to be used as farm land. In my opinion the regulation will ultimately create a desirable residential community. The action of the regulating authority indicates that it has taken a long-term view of the situation. * * * In my opinion this regulation is designed to promote the health, welfare, safety, and morals of the entire community. Consequently, the incidental present hardship must be borne by the respondent together with other owners similarly situated. The plaintiff's pleadings and proof do not show that he has a remediable grievance. (People ex rel. Arverne Bay Contruction Co. supra.)"

Court of Appeals reversed order of Appellate Division and affirmed order of Special Term (N.Y.L.J., May 25, 1938), stating: "Now we hold only that the present regulation *as applied to plaintiff's property* is not valid."

* * *

Matter of Drake Holding Corporation vs. Murdock—On December 1, 1936, Board granted stores on first story (previously denied) under section 21, in residence district, plot being partly in business district, Cal. No. 225-36-BZ, premises southeast corner Grand Concourse and East 167th street, Borough of The Bronx. Mr. Justice Noonan reversed board on ground that hardship had not been proven (N.Y.L.J., July 1, 1937). Appellate Division unanimously affirmed order of Special Term reversing board. (N.Y.L.J., January 22, 1938). Court of Appeals affirmed order of Appellate Division, without opinion. (N.Y.L.J., May 25, 1938.)

* * *

Peo. ex rel. 2291 Realty Corporation v. Murdock—On February 24, 1937, board denied stores in residence district under section 21; Cal. No. 366-36-BZ, premises 2261-69 Grand Concourse, south of East 183rd street, Borough of The Bronx. Mr. Justice Miller reversed the Board (N.Y.L.J., June 11, 1937). Appellate Division affirmed order of Special Term, without opinion (November 26, 1937). Court of Appeals affirmed order of Appellate Division without opinion (N.Y.L.J., May 25, 1938).

RULES

	Last Publication in Bulletin
Carbon Dioxide Liquefier Rules	May 31, 1938—Vol. 23, No. 22
Certificate of Occupancy, approved forms	Aug. 2, 1932—Vol. 17, No. 31
Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
Concrete Rules (Hydrated Lime)	Aug. 3, 1937—Vol. 22, No. 31
Elevator Rules	Mar. 3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors)	June 15, 1937—Vol. 22, No. 24
Factory Exit Rules	May 24, 1938—Vol. 23, No. 21
Fire Alarm Rules (Interior)	Apr. 5, 1938—Vol. 23, No. 14
Fire Drill Rules	April 26, 1938—Vol. 23, No. 17
Fire Retarding Rules for Garages, etc.	May 17, 1938—Vol. 23, No. 20
Fireproof Wood, Testing of	Apr. 13, 1937—Vol. 22, No. 15
Frame Garages, Ruling for	Jan. 21, 1919—Vol. 4, No. 3
Fusion Welding and Gas Cutting Rules	May 3, 1938—Vol. 23, No. 18
Gas Shut-Off Rules	Apr. 7, 1925—Vol. 10, No. 14
Hatchway Protection	June 5, 1928—Vol. 13, No. 23
Oil Burner Rules	Apr. 19, 1938—Vol. 23, No. 16
Paint, Varnish and Lacquer Spraying Rules	April 26, 1938—Vol. 23, No. 17
Platform Trucks, Specifications for	Nov. 24, 1936—Vol. 21, No. 47
Plumbing Rules	Aug. 3, 1937—Vol. 22, No. 31
Procedure, Rules of	Sept. 7, 1937—Vol. 22, No. 36
Refrigerating Systems, Extract C.O.	May 10, 1938—Vol. 23, No. 19
Smoking in Factories, Rules for	May 24, 1938—Vol. 23, No. 21
Sprinkler Rules	June 29, 1937—Vol. 22, No. 26
Standpipe Fireline Rules	June 8, 1937—Vol. 22, No. 23
Structural Alterations, Reporting	June 7, 1932—Vol. 17, No. 23
Tank Trucks, Fuel Oil, etc.	Nov. 24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc.	Nov. 24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr. 10, 1923—Vol. 8, No. 15

LIST OF APPROVED APPLIANCES

Anti-Siphon Valves	Mar. 5, 1935—Vol. 20, No. 10
Fireline Hose Valves	May 3, 1938—Vol. 23, No. 18
Fuel Oil Burners for Domestic and Commercial Use	Apr. 19, 1938—Vol. 23, No. 16
Fuel Oil Fill Pipe Terminals	May 3, 1938—Vol. 23, No. 18
Fuel Oil Burners for Industrial Use	Jan. 25, 1938—Vol. 23, No. 4
Fuel Oil Pumps	May 24, 1938—Vol. 23, No. 21
Paint, Varnish and Lacquer Spraying Equipment	April 26, 1938—Vol. 23, No. 17
Range Oil Burners and Space Heaters	May 24, 1938—Vol. 23, No. 21

JUNE 1, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Wednesday morning, June* 1, 1938. at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 168-28-BZ—Application of William H. Garbade, applicant, on behalf of Adelaide F. Garbade, owner, reopened November 23, 1937, under section 7f of the building zone resolution, to permit, for a temporary period of not more than two (2) years, in a business use district, the erection and maintenance of

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a gasoline service station (previously denied); premises 54-82 to 54-90 Kissena boulevard, northwest corner of North Hempstead turnpike (Block No. 5179 (1056), Lot No. 1), Flushing, Borough of Queens.

CAL. NO. 318-30-BZ—Application of Samuel Rosenblum, applicant, on behalf of Edward F. McNally, owner, reopened March 8, 1938, under sections 7c and 21 of the building zone resolution, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenance of a garage for more than five (5) motor vehicles and, also, a gasoline service station; premises 441-451 89th street and 8814-8824 Fifth avenue, northwest corner (Block No. 6065, Lot Nos. 32 and 35), Borough of Brooklyn.

CAL. NO. 619-37-BZ—Application, December 28, 1937, under section 7h of the building zone resolution, of John J. Dunnigan, applicant, on behalf of Joseph Havender, owner, to permit, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles; premises 3664-3696 Jerome avenue and 3653-3663 Bainbridge avenue, west side, 74 ft. south of Jerome avenue (Block No. 3329, Lot No. 100), Borough of The Bronx.

CAL. NO. 250-38-BZ—Application, April 11, 1938, under section 21 of the building zone resolution, of Harry Hurwit, applicant, on behalf of Trustees of Columbia University, owner, to permit in a residence use district the erection and maintenance of a gasoline service station and, also, the parking and storage of more than five (5) motor vehicles; premises 9-10 East street, west side, from Cherry street to Grand street, 615-625 Grand street and 506-530 Cherry street (Block No. 264, Lot No. 20), Borough of Manhattan.

CAL. NO. 289-38-BZ—Application, April 20, 1938, under section 21 of the building zone resolution, of Shreve, Lamb and Harmon and Harrison and Fouilhoux, applicants, on behalf of the Board of Higher Education, City of New York, owner, to permit partly in a residence use district and partly in a business use district, "B" area and one and one-half (1½) times height district the erection of the street walls of a building (Hunter College) not conforming with the height requirements of the building zone resolution; premises 657-699 Park avenue, 924-942 Lexington avenue, 57 East 68th street and 54 East 69th street (Block No. 1403, Lot No. 1), Borough of Manhattan.

CAL. NO. 29-38-BZ—Application, January 18, 1938, under section 7h of the building zone resolution, of Theodore R. Feinberg, applicant, on behalf of Hotels Statler Company, Inc., owner, to permit in a retail use district the parking and storage of more than five (5) motor vehicles for a temporary period of two (2) years; premises 251-253 West 33rd street, north side, 225 ft. east of Eighth avenue and 250 West 34th street (Block No. 783, Lot Nos. 12, 13 and 72), Borough of Manhattan.

CAL. NO. 448-37-BZ—Application, September 16, 1937, under section 7h of the building zone resolution, of Max Fuchs, applicant, on behalf of 460 Eighth Avenue Corporation, owner, to permit, for a temporary period of two (2) years, in a retail use district, the parking and storage of more than five (5) motor vehicles; premises 255 West 33rd street, north side, 200 ft. east of Eighth avenue (Block No. 783, Lot No. 11), Borough of Manhattan.

CAL. NO. 1146-17-BZ—Application of William Sparago, applicant, on behalf of Vincenza Montana, owner, reopened June 22, 1937, under section 21 of the building zone resolution, to permit in a business use district the change of occupancy of an existing garage for more than five (5) motor vehicles to a garage for more than five (5) motor vehicles and a motor vehicle repair shop (the existing garage granted by the Board); premises 4509-4511 18th avenue, east side, 359 ft. 6 in. south of McDonald avenue (Block No. 5439, Lot No. 27), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

JUNE 1, 1938, 2 P. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Wednesday afternoon, June* 1, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 128-38-BZ—Application, March 1, 1938, under section 21 of the building zone resolution, of Julius S. Rapson, applicant, on behalf of Beaudel Brothers, owners, to permit in a business use district the erection and maintenance of a gasoline service station and, also, a motor vehicle repair shop; premises 240-18 South Conduit avenue, southeast corner of Memphis avenue and southwest corner of Memphis avenue and 241st street (Block No. 4840, part of Lot No. 245), Rosedale, Borough of Queens.

CAL. NO. 6-27-BZ—Application of Frank S. Parker, applicant, on behalf of Ortcar Realty Corporation, owner, reopened May 10, 1938, under section 21 of the building zone resolution, to permit in a business use district the inclusion of a motor vehicle repair shop in an exist-

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ing garage for more than five (5) motor vehicles (previously granted by the Board); premises 211-225 West 61st street, north side, 400 ft. east of West End avenue (Block No. 1153, Lot Nos. 17 to 24 inclusive), Borough of Manhattan.

CAL. NO. 54-38-BZ—Application, January 29, 1938, under section 21 of the building zone resolution, of Olga Gazarian, applicant and lessee, on behalf of Hub Holding Corporation, owner, to permit in a residence use district a building now occupied as a private dancing school to be rented to organizations conducting dances for their members and guests; premises 90-92 Bennett avenue, west side, 105 ft. south of West 186th street (Block No. 2180, Lot No. 172), Borough of Manhattan.

CAL. NO. 384-37-BZ—Application, July 30, 1937, under sections 7c, 7h and 21 of the building zone resolution, of Samuels and Samuels, applicants, on behalf of New York Life Insurance Company, owner, to permit partly in a business use district and partly in an unrestricted use district the parking of more than five (5) motor vehicles (for a temporary period of not more than two (2) years) and, also, a driveway to an existing gasoline service station located in the unrestricted use district; premises 29 Union Square west and 28-36 East 16th street, southwest corner (Block No. 843, Lot No. 29), Borough of Manhattan.

CAL. NO. 480-37-BZ—Application, October 11, 1937, under sections 7h and 7c of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Wendel Foundation and Phelps Estate, Inc., owners, to permit partly in a business use district and partly in an unrestricted use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises 21-25 Union Square west, west side, 52 ft. north of East 15th street (Block No. 843, Lot Nos. 22 and 25), Borough of Manhattan.

CAL. NO. 436-37-BZ—Application, September 7, 1937, under sections 7h and 21 of the building zone resolution, of Herman Kron, applicant, on behalf of Chanler Estate, Inc., owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 239-255 East 3rd street, north side, 90 ft. west of Avenue C (Block No 386, Lot Nos. 45 to 51), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

Appeals from Administrative Orders.

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

276-38-A—145-155 West 47th street, north side, 240 ft. east of Seventh avenue and 148-154 West 48th street (Block No. 1000, Lot No. 11), Borough of Manhattan.

193-38-A—17 East 54th street, north side, 110 ft. west of Madison avenue (Block No. 1290, Lot No. 13), Borough of Manhattan.

346-38-A—2473-2475 Broadway and 252-254 West 92nd street, southwest corner (Block No. 1239, Lot No. 55), Borough of Manhattan.

371-38-A—539 Timpson place, west side, 83.24 ft. south of East 149th street (Block No. 2600, Lot No. 162), Borough of The Bronx.

389-38-A—1 East 62nd street, north side, 108 ft. east of Fifth avenue (Block No. 1377, Lot No. 5), Borough of Manhattan.

401-38-A—57-40 57th road, south side, 125 ft. west of 58th street (Block No. 2671, Lot No. 1), Maspeth, Borough of Queens.

JUNE 7, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, June* 7, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 568-37-BZ—Application, December 2, 1937, under sections 7g and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Theresa Van Houten, owner, to permit in a business use district the erection and maintenance of a garage for more than five (5) motor vehicles and, also, a gasoline service station; premises 8917-8923 Flatlands avenue, southwest corner of Remsen avenue (Block No. 8010, Lot No. 1), Borough of Brooklyn.

CAL. NO. 564-23-BZ—Application of Lama and Proskauer, applicants, on behalf of Scotto Holding Corporation, owner, reopened April 12, 1938, under sections 7c and 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the extension of an existing motion picture theatre building; premises 395 Court street, east side, 100 ft. south of First place (Block No. 459, Lot Nos. 2 and 6), Borough of Brooklyn.

CAL. NO. 51-38-BZ—Application, January 27, 1938, under section 7h of the building zone resolution, of Bernhardt T. Berman, applicant, on behalf of Dimbashe Holding Corporation and Estate of Adam Schepp, owners, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 44-54 Suffolk street, east side, 100 ft. north of Grand street (Block No. 346, Lot Nos. 3, 7 and 8), Borough of Manhattan.

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CAL. NO. 215-38-BZ—Application, March 31, 1938, under sections 7b and 7c of the building zone resolution, of I. L. Crausman, applicant, on behalf of Jerome Building Corporation, owner, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a multiple dwelling having stores in part of the cellar story; premises 190 Mosholu Parkway south and 265 East 204th street, northwest corner (Block No. 3311, Lot Nos 138-142 inclusive), Borough of The Bronx.

CAL. NO. 224-38-BZ—Application, April 4, 1938, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Hanover Service Station, Inc., owner, to permit partly in a residence use district and partly in a business use district the erection and maintenance of a gasoline service station; premises 32-11 to 32-19 Cross Island boulevard and 198-05 to 198-09 33rd avenue, northeast corner (Block No. 6025, Lot No. 36), Bayside, Borough of Queens.

CAL. NO. 55-38-BZ—Application, January 28, 1938, under section 21 of the building zone resolution, of Lewis Braverman, applicant, on behalf of New York Majestic Corporation, owner, to permit in a residence use district the alteration and change of occupancy of part of the first story of an existing multiple dwelling to business use (Broker's Office); premises 115-119 Central Park west, west side, from West 71st street to West 72nd street, 1-15 West 71st street and 2-10 West 72nd street (Block No. 1124, Lot No. 27), Borough of Manhattan.

CAL. NO. 200-38-BZ—Application, March 25, 1938, under section 21 of the building zone resolution, of MacMurray Holding Corporation, applicant and lessee, on behalf of Frank S. Staley, attorney-in-fact for John D. Rockefeller, Jr., owner, to permit in a residence use district the parking and storage of more than five (5) motor vehicles; premises 2-24 West 53rd street, south side, 100 ft. west of Fifth avenue (Block No. 1268, Lot Nos. 42 to 52, inclusive), Borough of Manhattan.

CAL. NO. 347-38-BZ—Application, May 9, 1938, under section 21 of the building zone resolution, of I. L. Crausman, applicant, on behalf of Gelson Realty Corporation, owner, to permit in a residence use and "D" area district the erection and maintenance of a multiple dwelling not conforming with the area requirements of the building zone resolution; premises 182 St. Georges Crescent and 185 East 206th street, northeast corner (Block No. 3313, Lot Nos. 1 to 9, inclusive), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman*

JUNE 7, 1938, 2 P. M.

Appeals from Administrative Orders

284-38-A—44-48 East 14th street, south side, 49 ft. 9 in. west of Broadway and 45-51 East 13th street (Block No. 565, Lot Nos. 11, 13 and 14), Borough of Manhattan.

339-38-A—157-161 Ocean avenue, east side, 468 ft. 11 in. south of Lincoln road (Block No. 5026, Lot No. 20), Borough of Brooklyn.

356-38-A—333 West 83rd street and 110-112 Riverside drive, southeast corner (Block No. 1245, Lot Nos. 47, 49, 54 and part of Lot No. 56), Borough of Manhattan.

303-38-A—439-441 11th street, north side, 239 ft. 3 in. east of Sixth avenue (Block No. 1018, Lot No. 71,) Borough of Brooklyn.

318-38-A—Northeast corner of 44th avenue and 111th street (Block No. 2015, Lot No. 78), Corona, Borough of Queens.

330-38-A—26 Second avenue (rear), east side, 81 ft. 6 in. north of First street (Block No. 443, Lot No. 4), Borough of Manhattan.

Variation of Labor Law

225-38-S—538-540 Fifth avenue, west side, 50 ft. south of West 45th street (Block No. 1260, Lot No. 38), Borough of Manhattan.

Building Zone Application

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, June* 7, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent, applicants, on behalf of Maude B. Mowry, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

JUNE 14, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, June* 14, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 100-38-BZ—Application, February 17, 1938, under section 7h of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Three Eighty-Three Realty Corporation, owner, to permit in a retail use district, for a temporary period of not more than two (2) years, the parking and storage of more than

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five (5) motor vehicles; premises 11-17 West 35th street, north side, 200 ft. west of Fifth avenue and 12-14 West 36th street, south side, 219 ft. west of Fifth avenue (Block No. 837, Lot Nos. 31, 32, 33, 34, 54 and 55), Borough of Manhattan.

CAL. NO. 1481-22-BZ—Application of A. S. G. Construction Corporation, applicant and owner, reopened May 17, 1938, under section 21 of the building zone resolution, to permit in a residence use district the alteration and conversion of occupancy of a bank to stores located on part of the first story of an existing building (the bank use having been previously granted by the Board); premises 8502-8518 Fourth avenue, southwest corner of 85th street (Block No. 6034, Lot No. 41), Borough of Brooklyn.

CAL. NO. 199-38-BZ—Application, March 24, 1938, under sections 7f and 21 of the building zone resolution, of William Barker, applicant, on behalf of Jamaterm Realty Co., Inc., owner, to permit, for a temporary period of not more than two (2) years, in a residence use district, the parking and storage of more than five (5) motor vehicles; southeast corner of Van Wyck boulevard (137th street) and 85th avenue (Block No. 9647, Lot Nos. 1, 8, 16, 30 and 32), Jamaica, Borough of Queens.

CAL. NO. 530-37-BZ—Application, November 3, 1937, under section 21 of the building zone resolution, of Otto F. Semsch, applicant, on behalf of Ernest Flagg, owner, to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use; premises 7202-7224 Ridge boulevard, west side, from 72nd street to 73rd street, 158-190 72nd street and 181-191 73rd street (Block No. 5906, Lot No. 1), Borough of Brooklyn.

CAL. NO. 278-38-BZ—Application, April 18, 1938, under section 21 of the building zone resolution, of Clayton G. Shirkey, applicant, on behalf of Ethel Scully, owner, to permit in a business use and "A" area district the alteration and conversion of occupancy of part of an existing building from business use to a dwelling use; the alteration and conversion of occupancy not conforming with the area requirements of the zone resolution; premises 110-20 to 110-22 Rockaway Beach boulevard, north side, 1242 ft. east of Beach 116th street (Block No. 598, Lot No. 61), Rockaway Beach, Borough of Queens.

CAL. NO. 546-37-BZ—Application, November 17, 1937, under section 21 of the building zone resolution, of Michael & Company, applicant, on behalf of Anna Donnelly, owner, to permit in a residence use district the maintenance of three (3) two-car garages; premises 36-34 to 36-38 Old Ridge road, west side, 195 ft., 221 ft. and 246 ft. north of 37th avenue (Block No. 342, Lot Nos. 37, 38 and 39), Long Island City, Borough of Queens.

CAL. NO. 315-38-BZ—Application, April 29, 1938, under section 21 of the building zone resolution, of Joel D. Marder, applicant, on behalf of Presbyterian Hospital in The City of New York, owner, to permit partly in a residence use district and partly in a business use district the parking and storage of more than five (5) motor vehicles; premises 601 West 165th street, northwest corner of Broadway (Block No. 2138, part of Lot No. 40), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

JUNE 14, 1938, 2 P. M.

Appeals from Administrative Orders

280-38-A—162-10 Jamaica avenue, south side, 70 ft. east of 162nd street, 92-15 Union Hall street and 92-14 New York boulevard (Block No. 1052, Lot Nos. 4, 6, 13 and 79), Jamaica, Borough of Queens.

600-37-A—841-843 Broadway and 53-63 East 13th street, northwest corner (Block No. 565, Lot No. 17), Borough of Manhattan.

307-38-A—220-230 East 64th street, south side, 255 ft. east of Third avenue (Block No. 1418, Lot No. 11), Borough of Manhattan.

133-38-A—7202-7224 Ridge boulevard, west side, from 72nd street to 73rd street, 158-190 72nd street and 181-191 73rd street (Block No. 5906, Lot No. 1), Borough of Brooklyn.

Building Zone Application

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, June* 14, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

There is now on display in one of the rooms in this Board a set of seven maps of the City of New York, covering the real property inventory report, prepared by the Mayor's Committee on City Planning. If interested, these maps may be seen any week day and up to 12 o'clock on Saturdays.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, MAY 24, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the regular meeting of the board held on Tuesday morning, May 17, 1938 and the minutes of the regular meeting of the board held on Tuesday afternoon, May 17, 1938, were approved as printed in Bulletin No. 21, Vol. XXIII.

BUILDING ZONE CASES

181-38-BZ.

APPLICANT--Leonard A. Swarthe for Horace Smith, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under sections 7a and 21 of the building zone resolution, to permit in a business use district the alteration and conversion of occupancy of part of an existing garage for more than five (5) motor vehicles (previously acted upon by the board so as to include a gasoline service station.

PREMISES AFFECTED—410 City Island avenue, northeast corner of Ditmars street (Block No. 5645, Lot No. 1), Borough of The Bronx.

APPEARANCES—

For Applicant: Leonard A. Swarthe.

For Opposition: Louis Sills and Alfonsò Azara.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(181-38-BZ)

WHEREAS, Leonard A. Swarthe, for Horace Smith, owner, filed March 14, 1938, an application under the building zone resolution to permit in a business use district the alteration and conversion of occupancy of part of an existing garage for more than five (5) motor vehicles (previously acted upon by the board so as to include a gasoline service station); Premises: 410 City Island avenue, northeast corner of Ditmars street (Block No. 5645, Lot No. 1), Borough of the Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 24, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that City Island is in a business use district; Ditmars street is in a residence and business use district; Minneford avenue is in a residence use district and Hunter avenue s in a business use district; and

WHEREAS, the decision of the borough superintendent, department of housing and buildings, rendered March 11, 1938, re Alt. Applic. 519-1937, reads:

> "1. Proposed alteration to existing garage and stores located in a business district to change the occupancy to a garage, stores and gasoline service station is contrary to the provisions of section 6 of article 2 of the amended building zone resolution."

and

WHEREAS, the building is of non-fireproof construction one story in height, with a frontage of 150.6 ft. on City Island avenue and 69.4 ft. on Ditmars street and occupied as a garage for more than five motor vehicles; it is proposed to alter the front of the building so as to form an alcove gasoline service station; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that applicant was entitled to relief under section 21 of the building zone resolution on the ground of unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21 thereof, to permit alteration of the existing garage, as previously permitted by the board under various calendar numbers, to be reconstructed in order to form a gasoline selling alcove, substantially as indicated on plans filed with this appeal, *on condition* that walls of brick shall be constructed on the interior lines of the proposed alcove and that not more than two openings into the garage shall be constructed, which openings may have wood closure doors; that the ceiling of the alcove on the line of the bottom of the chords of the trusses shall be fire-retarded in accordance with the rules of the Board of Standards and Appeals; that any windows constructed in the rear wall of the alcove, shall be of fixed steel sash, glazed with wire glass; that no additional gasoline pumps shall be erected other than those shown; that no portable gasoline pumps shall be used on or from the premises; that no lighting standards, air pumps or other fixtures shall be on the public sidewalk; that no automobile repairing shall be permitted on the premises unless legally authorized; that no additional signs shall be erected on the garage other than those now existing; that no roof signs shall be erected; that the existing curb cuts shall not be increased; that in all other respects the previous resolutions adopted by the board in relation to these premises shall be complied with other than as may be inconsistent herewith; that all permits required shall be obtained and all work involved completed within one year from the date of this action.

84-38-BZ.

APPLICANT—Samuel Rosenblum, for Kew Plaza Holding Corporation, owner.

SUBJECT—Application (decision of the acting superintendent) under section 21 of the building zone resolution, to permit in a residence use district the maintenance of a restaurant in part of the cellar story of an existing multiple dwelling.

PREMISES AFFECTED—80-40 Lefferts boulevard, north side, 100 ft. east of Austin street (Block No. 3353 (2142), Lot No. 59), Kew Gardens, Borough of Queens.

APPEARANCES—

For Applicant: Samuel Rosenblum.

For Opposition: Francis M. Carmody, A. Mark Smith and Samuel Weiss.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Application denied.

THE VOTE—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(84-38-BZ)

WHEREAS, Samuel Rosenblum, for Kew Plaza Holding Corporation, owner, filed February 10, 1938, an application under the building zone resolution to permit in a residence use district the maintenance of a restaurant in part of the cellar story of an existing multiple dwelling; Premises: 80-40 Lefferts boulevard, north side, 100 ft. east of Austin street (Block No. 3353 (2142), Lot No. 59), Kew Gardens, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 24, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Lefferts boulevard is in a residence and business use district; 82nd drive is in a residence and business use district and Austin street is in a business use district; and

WHEREAS, the decision of the acting borough superintendent of housing and buildings, rendered January 11, 1938, re B.N. Application 6531-37, reads:

"Restaurant in a residence district is in violation of section 3 of the building zone resolution, not further considered."

and

WHEREAS, the building is of non-fireproof construction six (6) stories in height, with a frontage of 160 ft. and a depth of 72 ft., occupied as a multiple dwelling; it is proposed to alter a portion of the cellar for a restaurant occupancy; and

WHEREAS, the premises and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that the applicant did not substantiate his basis of appeal under section 21 of the building zone resolution on the grounds of practical difficulties and unnecessary hardship.

Resolved, that the decision of the acting borough superintendent in acting on B.N. Application 6531-37, be and it hereby is *affirmed* and that the application be and hereby is *denied.*

414-37-BZ.

APPLICANT—Meyer Cuttler, for Michael Berman, owner.

SUBJECT—Application (decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—796 East 166th street, south side, 90 ft. west of Union avenue (Block No. 2670, Lot No. 35), Borough of The Bronx.

APPEARANCES—

For Applicant: Isidore Dollinger and Sophie Cuttler.

For Opposition: Sidney E. Garber, C. C. Meleney, Frank Steinberg and W. H. Amend.

For Administration: Fred Fletcher, Department of Housing and Buildings, and Nathan C. Horwitz, Fire Department.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(414-37-BZ)

WHEREAS, Meyer Cuttler, for Michael Berman, owner, filed August 23, 1937, an application under the building zone resolution to permit partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles; Premises: 796 East 166th street, south side, 90 ft. west of Union avenue (Block No. 2670, Lot No. 35), Borough of the Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 24, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that East 166th street is in a business use district; Union avenue is in a business use district and Tinton avenue is in a residence and business use district; and

WHEREAS, the decision of the Borough Superintendent, Dept. of Housing & Buildings, rendered April 21, 1938, reads:

"Your application for the occupancy of the vacant lot at above mentioned premises as specified in Calendar No. 414-37-BZ for the storage or parking of twenty (20) motor vehicles is hereby denied as the location is partly in a residence district and partly in a business use district where such occupancy would be unlawful."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 34 ft. on East 166th street, a depth of 126 feet and a distance of 64.7 feet along the south lot line. The easterly portion of the plot is located in a business use district and the westerly portion is located in a residence use district. Plans show a 2-family stucco dwelling and 14 metal garages located on the plot. It is proposed to occupy the vacant portion of the plot for the parking and storage of more than five (5) motor vehicles for a temporary period of not more than two years in addition to the occupancy as dwelling and garages; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that the applicant was entitled to temporary relief under section 21 on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21 thereof for a period of five years from the date of this action, to permit the rear portion of Lot No. 35 to be used for the parking and storage of more than five motor vehicles, *on condition* that there shall be on the premises not more than thirteen single car metal garages and that the cars parked or stored in the open shall at no time exceed twenty (20); that there shall be no repairing carried on and that the rear portion of the plot shall be for no other use than the parking and storage herein permitted; that only cars of the pleasure-car type shall be stored or parked; that no sign shall be exhibited on the property; that no lights shall be installed; that at all times the fence surrounding this parking area, shall be maintained in good structural condition; that all permits required shall be obtained and all work involved completed within six months from the date of this action.

790-27-BZ.

APPLICANT—Shapiro and Sikawitt, for D. & H. Garage Corporation, owner.

SUBJECT—Application reopened December 21, 1937 (re order of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the maintenance of a motor vehicle repair shop, distributing station and garage for more than five (5) motor vehicles with the elimination of two (2) stores shown on original plans previously acted upon by the board.

PREMISES AFFECTED — 2170-2178 Jerome avenue, northeast corner of Cameron place (Block No. 3186, Lot No. 1), Borough of The Bronx.

APPEARANCES—

For Applicant: I. J. Sikawitt.

For Opposition: Ida Suriny, Pauline Calf and Thomas Hicks.

ACTION OF BOARD—Resolution amended.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(790-27-BZ)

WHEREAS, Sommerfeld & Sass, for Samuel Snow, owner, filed, July 8, 1927, an application, under the building zone resolution, to permit in a business district the erection and maintenance of a motor vehicle repair shop and distributing station; premises northeast corner of Jerome avenue and Cameron place (Block No. 3186, Lot No. 1), Borough of The Bronx; and

WHEREAS, this application was granted by the board November 22, 1927, on certain conditions and the present owner, D. & H. Garage Corporation, through its attorneys, Shapiro and Sikawitt, requested a reopening of the case and an amendment of the resolution; and

WHEREAS, this case was reopened by vote of the board December 21, 1937; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 24, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Jerome avenue is in a business district, Cameron place is in a residence district and Walton avenue is in a residence district; and

WHEREAS, the order of the commissioner of buildings, dated December 13, 1937, Order No. 10117-L.C. reads:

"The object of this communication is to inform you permit dated to expire December 22, 1937, cannot be renewed if and when application is filed for such renewal for the reason that a recent reinspection with resolution of the Board of Standards and Appeals, Calendar No. 790 of 1927-B.Z. shows use and occupancy varies from the conditions stipulated in said resolution in the following respects.

1. Although resolution permits garage occupancy, such occupancy is limited to automobile sales service and distribution.
2. Building in part is equipped in a manner to indicate auto painting and spraying is done. No actual work done at time of reinspection.
3. Resolution limits advertising to a flat wall sign or lettering on the plate glass show window at the street front and one projecting electric illuminated sign indicating the title of business conducted on premises.
4. Use of portable gasoline tanks is prohibited by resolution.

You may accept this notice as a disapproval of renewal application and avail yourself of the right to seek relief by appealing to the Board of Standards and Appeals from this determination OR abide by the terms of the resolution Calendar 790-27-BZ."

Resolved, that the resolution adopted by the board on November 22, 1927 be and it hereby is *amended,* so that as amended it shall read:

"Resolved, that the Board of Standards and Appeals docs hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted on condition* that the structure shall be constructed fireproof throughout; that it shall not exceed a height of two stories above grade; that the exterior walls on street fronts shall be finished with face brick with architectural terra cotta or stone trimmings, substantially in accordance with the design of elevations submitted in this application; that the rear and northerly gable walls shall be unpierced throughout their entire height and length; that there shall be no doorway on the Cameron place front other than an emergency exit, not exceeding a width of 3 ft. 6 in.; that the sills of any windows on the Cameron place front shall be not less than 6 ft. above the sidewalk level, other than one single plate glass show window return of the corner store or office; that the use and occupancy of the building shall be for *a storage garage for more than five motor vehicles;* that any repairs or alterations conducted on these premises shall be restricted to that of manual labor; that there shall be no motor-driven machinery, other than one-half horse power drill or punch; that there shall be no open forge or furnace used in the conduct of any repairs on these premises; that there shall be no portable gasoline tanks maintained or operated on these premises; that no roof signs shall be erected; that any advertising shall be restricted to flat wall sign or lettering on the plate glass show window at street front, and that not more than one projecting electric illuminated sign, indicating the title of business conducted on the premises, shall be permitted; that the partitions indicated on plans filed with this appeal, *showing spaces along the Jerome avenue front for a depth of* 36 *ft. on the first story, which were proposed in* 1927 *to be used for the display of automobiles, may be removed and the space so occupied used as a part of the garage, on condition* that in all other respects the resolution adopted on November 22, 1927 shall be compiled with and that the premises as a whole may be operated as a storage garage for more than five motor vehicles and for repairing as herein permitted; and that all permits shall be obtained and all work completed within one year from the date of this amended resolution."

571-37-BZ.

APPLICANT—Morris A. Marks and Joshua Tabatchnik, for 87th Shore Road Realty Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings and an order of the tenement house commissioner) under section 21 of the building zone resolution, to permit in a residence use district the conversion of occupancy of part of the cellar story of an existing multiple dwelling to store use.

PREMISES AFFECTED—8701-8723 Shore road, 8702-8724 Narrows avenue, 1-27 88th street and 2-30 87th street (Block No. 6040, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: M. A. Marks and Joshua Tabatchnik.

For Opposition: Nathan A. Epstein, P. W. Reed, W. A. O'Leary, L. E. Silvy and Arthur S. Hodgkiss, Department of Parks.

For Administration: Samuel B. Mitzner, Department of Housing and Buildings.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Absent 0

THE RESOLUTION—

(571-37-BZ)

WHEREAS, Morris A. Marks and Joshua Tabatchnik, for 87th Shore Road Realty Corporation, owner, filed December 3, 1937, an application under the building zone resolution to permit in a residence use district the conversion of occupancy of part of the cellar story of an existing multiple dwelling to store use; Premises: 8701-8723 Shore road, 1-27 88th street, 8702-8724 Narrows avenue and 2-30 87th street (Block No. 6040, Lot No. 1), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 24, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Narrows avenue is in a residence use district; 87th street is in a residence use

district; 88th street is in a residence use district and Shore road is in a residence use district; and

WHEREAS, the decision of the commissioner of buildings, rendered November 18, 1937, re Alt. Application No. 15694-1937, reads:

"1. Proposed grocery store in cellar not permissible as building is located in a residential use district, article 2, section 3 of the building zone resolution."

and

Violation notice from the tenement house department, dated November 10, 1937, reads:

Items:

8. In violation of sections 2 and 3 of article 2 of the building zone resolution and section 242B of the Greater New York Charter, the northwest room in the cellar of the south wing is used for commercial purposes as a general merchandise store.

NOTE: Such use is prohibited by sections 2 and 3 of article 2 of the building zone resolution and sections 242B of the Greater New York Charter.

9. In violation of section 9 of the multiple dwelling law and subdivision 4, section 5, article 1, chapter 5 of the code of ordinances of the city of New York, the northwest room in the cellar of the south wing is being illegally used as a general merchandise store in violation of the certificate of occupancy under which the said building is occupied.

and

WHEREAS, the building is of non-fireproof construction six (6) stories in height, with a frontage of 224 ft. 11½ in. on Shore road, 200 ft. on Narrows avenue, 228 ft. 4 in. on 88th street, and 254 ft. 6 in. on 87th street; portion of basement to be occupied as grocery store; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that the applicant failed to substantiate a basis of appeal under section 21 of the building zone resolution and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decisions of the commissioner of buildings and of the tenement house commissioner be and they hereby are *affirmed*, and that the application be and it hereby is *denied*.

24-38-BZ.

APPLICANT—Gerald J. Friedberg, for Fanny Tozzi and Esther V. Tozzi, owners.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a garage for more than five (5) motor vehicles and gasoline service station.

PREMISES AFFECTED—686-688 Bergen street, south side, 200 ft. west of Underhill avenue (Block No. 1145, Lot Nos. 32 and 33), Borough of Brooklyn.

APPEARANCES—

For Applicant: Gerald J. Friedberg.

For Opposition: John Donovan.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(24-38-BZ)

WHEREAS, Gerald J. Friedberg, for Fanny Tozzi and Esther V. Tozzi, owners, filed January 15, 1938, an application under the building zone resolution to permit in a business use district the erection and maintenance of a garage for more than five (5) motor vehicles and a gasoline service station: Premises: 686-688 Bergen street, south side, 200 ft. west of Underhill avenue (Block No. 1145, Lot Nos. 32 and 33), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 24, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Bergen street is in a business and unrestricted use district; Underhill avenue is in an unrestricted, business and residence use district and St. Marks avenue is in a business and unrestricted use district; and

WHEREAS, the decision of the commissioner of buildings, rendered December 31, 1937, re App. No. 20660-37, reads:

"1. Garage for storage of more than 5 cars and trucks storage and sale of gasoline contrary to article 2, section 4, paragraphs 15 and 46 of zone resolution."

and

WHEREAS, the building is of non-fireproof construction one story in height, with a frontage of 50 ft. and a depth of 147 ft. 2 in. irregular, to be occupied as a garage for more than five motor vehicles and a gasoline service station; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that the provisions of section 7, subdivision E of the building zone resolution, empowered the board to exercise its discretion and to grant this application in view of the record in previous appeals on this street, indicating existence of a stable prior to 1916.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 7-e, to permit the plot under appeal to be occupied as a non-storage garage for more than five motor vehicles, *on condition* that the building shall not exceed one-story in height and shall have a front elevation substantially as indicated on plans filed with this appeal; that the ceiling throughout shall be fire-retarded in accordance with the fire-retarding rules of the Board of Standards and Appeals; that no automobile repairing shall be permitted on the premises and no gasoline shall be stored, other than in the tanks of the cars; that the garage use shall be limited to cars of the pleasure car type only; that no signs shall be erected on the roof of the building and no signs on the front of the building except a neat sign advertising the garage use painted on the proposed plate glass windows; that there shall be no excavation under the building, except for the boiler room, which shall be separated from the other parts of the building with fireproof construction and enterable only from the exterior; that no windows or other openings shall be constructed in the side lot line walls; that any windows constructed in the rear lot line walls, shall be fireproof self-closing, glazed with wire glass; that all permits shall be obtained and all work completed within one year from the date of this action.

192-38-BZ.

APPLICANT—Power and Hopkins for Walter W. Welton, owner.

SUBJECT—Application (decision of acting superintendent) under section 21 of the building zone resolution, to permit in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop.

PREMISES AFFECTED—1679-1681 Jerome avenue, west side, 275 ft. north of Featherbed lane (Block No. 2861, Lot No. 32), Borough of The Bronx.

APPEARANCES—

For Applicant: Walter J. Hopkins.

For Opposition: J. F. Leviness, Peter T. Kourides and Robert Moyse.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(192-38-BZ)

WHEREAS, Power and Hopkins, for Walter W. Welton, owner, filed March 22, 1938, an application under the building zone resolution to permit in a business use district the conversion of occupancy of an existing building to a motor vehicle repair shop; premises: 1679-1681 Jerome avenue, west side, 275 ft. north of Featherbed lane (Block No. 2861, Lot No. 32), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 24, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Jerome avenue is in a business use district; Davidson avenue is in a residence use district; Featherbed lane is in a residence and business use district and Clifford place is in a residence and business use district; and

WHEREAS, the decision of the acting superintendent, Department of Housing and Buildings, rendered March 2, 1938, re N.B. Plan No. 2429-27, reads:

"Application for an amended certificate of occupancy for a motor vehicle repair shop at above mentioned location is hereby denied as the building is located in a business district and proposed occupancy would be contrary to section 4, article 2 of the building zone resolution."

and

WHEREAS, the building is of non-fireproof construction one story in height, with a frontage of 50 ft. and a depth of 50 ft. erected as a business building; it is proposed to occupy the premises as a motor vehicle repair shop; and

WHEREAS, the board deemed that applicant was entitled to temporary relief under section 21 on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted,* under section 21, to permit the building under appeal to be used *for a period of two* (2) *years* from the date of this action, as an automobile repair shop, *on condition* that the construction of the building shall comply with all the requirements for such use and that the repairing shall be limited to hand tools and to motor-driven tools not requiring a motor power greater than ½ h.p.; that no anvils or forges shall be used on the premises; that if an acetylene torch is used, a proper permit shall be obtained from the fire commissioner; that any paint-spraying carried on shall be subject to similar legal permit; that there shall be no sign erected on roof of building nor on the front of building, except a neat sign over the entrance, advertising the repairing work; that the rear yard shall be left unoccupied and not used; that there shall be no excavation under the building; and that all permits shall be obtained and all work shall be completed within one year from the date of this action.

410-31-BZ.

APPLICANT—Michael Levine, for Louise De Vito, owner.

SUBJECT—Application reopened March 22, 1938 (re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the alteration and maintenance of a gasoline service station (erection and maintenance of a gasoline service station previously granted by the board under section 7f of the building zone resolution for a temporary period).

PREMISES AFFECTED—175-14 Horace Harding boulevard, south side, 117.71 ft. west of Utopia parkway (Block No. 2661, Lot No. 26), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Michael Levine.
For Opposition: None.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION (SECTION 7F, 2 YEARS)—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO RECONSIDER (FOR A LONGER PERIOD UNDER SECTION 21)—

Affirmative 0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Absent 0

THE RESOLUTION—

(410-31-BZ)

WHEREAS, Michael Levine, for Louise De Vito, owner, requested a reopening of this application to permit partly in a business use district and partly in a residence use district the alteration and maintenance of a gasoline service station, erection and maintenance of which was previously granted by the board under section 7f of the building zone resolution for a temporary period; premises: 175-14 Horace Harding boulevard, south side, 117.71 ft. west of Utopia parkway (Block No. 2661, Lot No. 26), Flushing, Borough of Queens; and

WHEREAS, this application was reopened by vote of the board March 22, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 24, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the decision of the borough superintendent, dated April 28, 1938, re N.B. Applic. No. 4258-31, reads:

"The use of the above premises as a gasoline service station terminates May 12, 1938, according to the terms of the resolution of the Board of Standards and Appeals, Cal. No. 410-31-BZ. After which date the maintenance of a gasoline service station located within a business district and extending into a residence district is contrary to section 4 and 3 of the Building Zone Resolution. Not further considered."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 112.16 ft. on Horace Harding boulevard, a distance of 66 ft. along the east lot line and 139.4 ft. along the south lot line. It is proposed to remodel the existing gasoline station and to erect upon the plot a one-story building, 75 ft. 6 in. by 25 ft. in area, to be used as auto laundry, lubritorium and office and, also, to install the necessary tanks and pumps for a gasoline service station. A small irregular portion at the rear of the plot is in a residence use district—the remainder is in a business use district; and

WHEREAS, the applicant amended the application brought under section 21 also to include section 7, subdivision F; and

WHEREAS, the board deemed that there was no basis for favorable action under section 21, but that the permit might be extended for an additional term of two years under section 7, subdivision F, inasmuch as no substantial change had occurred in the immediate area.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on April 29, 1932, so that as amended this resolution shall read:

"Granted, under section 7-F, *for a temporary period of two (2) years from the date of this amended resolution, on condition* that all pumps shall be set back not less than 10 ft. from the building line; that any buildings erected on the premises as an office or accessory use shall be but one story in height; that any advertising signs shall be confined to illuminated globes of the pumps or the facade of any building erected on premises; and that all permits shall be obtained and all work shall be completed within six months from the date of this amended resolution."

603-37-BZ.

APPLICANT—Thomas P. DeGraffenried, for John C. Gabler, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7c and 21 of the building zone resolution, to permit partly in an unrestricted use district extending into a business use district the erection of a gasoline service station.

PREMISES AFFECTED—240-13 and 241-01 to 241-21 Northern boulevard and 44-20 to 44-48 Douglaston parkway, northwest corner (Block No. 3951, Lot No. 220), Douglaston, Borough of Queens.

APPEARANCES—

For Applicant: Thomas P. DeGraffenried, John C. Gabler.

For Opposition: Charles T. Rice, George Gray, James W. Andrews, and James Hamilton.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(603-37-BZ)

WHEREAS, Thomas P. DeGraffenried, for John C. Gabler, owner, filed December 20, 1937, an application under the building zone resolution to permit partly in an unrestricted use district extending into a business use district the erection of a gasoline service station; premises: 240-13 and 241-01 to 241-21 Northern boulevard and 44-20 to 44-48 Douglaston parkway, northwest corner (Block No. 3951, Lot No. 22), Douglaston, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 24, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Northern boulevard is in a business district; Douglaston parkway is in a business and residence district; 44th avenue is in a business and residence district; Alameda avenue is in a business and residence district; Lynxville street is in an unrestricted and business district and 240th street is in an unrestricted and business district; and

WHEREAS, the decision of the commissioner of buildings, rendered December 3, 1937, re. N.B. Application 93-37, reads:

"1. The erection of a gasoline service station within an unrestricted district but extending into a business district is contrary to section 4, subdivision A 46. Not further considered."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 305.61 ft. on Northern boulevard, 267.10 ft. on Douglaston parkway, upon which there exists a 2½ story frame dwelling and upon which it is proposed to erect a building 52 ft. 4 in. by 24 ft. in area to be used for automobile laundry, lubrication and office and to install the necessary tanks and pumps for the conduct of a gasoline service station; and

WHEREAS, these premises were inspected by a committee of the board prior to the hearing; and

WHEREAS, the board deemed that there was no basis for the use of its discretion under the provisions of section 7, subdivision C of the building zone resolution and that to permit a variance would not be in harmony with the general purpose and intent of the building zone resolution; and that under section 21 the applicant failed to substantiate a basis of appeal and, therefore, was not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the commissioner of buildings in acting on N.B. Application 93-37, be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

304-38-BZ.

APPLICANT—New York Telephone Company, owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit in an unrestricted use, "B" area and one and one-half (1½) times height district, the erection of an extension to an existing telephone building—which extension exceeds the zoning requirements as to area and height.

PREMISES AFFECTED—221-231 East 37th street, north side, 230 ft. west of Second avenue (Block No. 918, Lot Nos. 14, 17 and 18), Borough of Manhattan.

APPEARANCES—

For Applicant: Frank A. Fritz and others.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(304-38-BZ)

WHEREAS, New York Telephone Company, owner, filed April 23, 1938, an application under the building zone resolution to permit in an unrestricted use "B" area and one and one-half (1½) times height district, the erection of an extension to an existing telephone building—which extension exceeds the zoning requirements as to area and height; Premises: 221-231 East 37th street, north side, 230 ft. west of 2nd avenue (Block No. 918, Lot Nos. 14, 17 and 18), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 24, 1938, after due notice of publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the district maps accompanying the building zone resolution show that East 37th street and East 38th street are in unrestricted and business use, "B" area and 1½ times height; 2nd avenue and 3rd avenue being business use, "B" area and 1½ times height; and

WHEREAS, the decision of the borough superintendent, dated March 25, 1938, re. Alt. Applic. No. 828-38, reads:

"1. New street to tunnel has not been approved officially and it may therefore not be considered.

The entire lot is considered as an inside lot back to back with the other inside lots. Maintain the present rear yard of existing building and provide a lawful rear yard along the full length of the rear lot line of the new extension as per section 17, building zone resolution.

Also the entire front portion of the new extension

more than 90 ft. above the lowered sidewalk level must set back as per section 8, building zone resolution."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 125 ft. on East 37th street, a distance of 113 ft. 6 in. along the west lot line. Upon the west portion of the plot there is located a 7-story fireproof telephone building, 75 ft. by 105 ft. in area; there is an 8 ft. 6 in. wide yard at the rear of this building. It is proposed to remove the existing fire escapes on this building and to erect a fire tower in the present rear yard. It is proposed to erect a 7-story addition, to the existing building, having a frontage of 50 ft. and a depth of 60 ft. 10 in., irregular, in area. In the erection of the extension it is proposed to omit the required rear yard (as shown upon filed plans); also, the height of the street wall of the proposed extension exceeds by 18 ft. 7 in. the height limit set by the zone resolution (for a 60 ft. wide street and as shown on filed plans). Also, the proposed fire tower encroaches 19 ft. 6 in. by 8 ft. 6 in. upon the required yard at the rear of the existing building. It is proposed to occupy the entire structure as a telephone exchange building; and

WHEREAS, the record presented, indicates that plans have been duly approved by the proper authorities for the widening of East 37th street and the construction of the north and south street in connection with the tunnel; and

WHEREAS, upon completion of this work, the plot under appeal will become part of a corner plot requiring no rear yard and the widened 37th street would permit of the proposed height of the extension at the street line; and

WHEREAS, the board after study of the situation involved herein, deemed that the applicant was entitled to relief under section 21 on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the area and height district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21 thereof, as to height and area including the erection of the proposed fire tower, *on condition* that all permits shall be obtained and all work involved shall be completed within eighteen months from the date of this action; that the work shall conform substantially with the plans filed herein; that in all other respects all requirements of all rules, laws and regulations applicable to this building and its construction shall be complied with.

Adjourned, 1:45 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, MAY 24, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

493-37-BZ.

APPLICANT—Nugent and Nugent, for Maude B. Mowry, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—71-20 to 71-32 Roosevelt avenue and 40-02 to 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

APPEARANCES—

For Applicant: James F. Nugent, Max Siegel, Maude B. Mowry, and others.

For Opposition: Jacob Waas, S. Meyerowitz and others.

ACTION OF BOARD—Laid over to June 7, 1938, at 2 P. M. for further consideration and decision without further argument.

186-30-BZ.

APPLICANT—Hartman, Sheridan and Tekulsky, for Ethel Quasman, owner.

SUBJECT—Application for consideration—reopening and restoration to calendar, previously withdrawn—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—74-02 Jamaica avenue and 1 Elderts lane, southeast corner (Block No. 50, part of Lot No. 1), Woodhaven, Borough of Queens.

APPEARANCES—

For Applicant: Daniel J. Madigan and Alfred Quasman.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

345-32-BZ.

APPLICANT—Alphonsus Casey, for Patrick J. Reilly, owner.

SUBJECT—Application reopened February 23, 1938, for consideration as to extension of permit—re application (decision of the superintendent of buildings) previously granted on condition under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station for a temporary period.

PREMISES AFFECTED—North side of 47th avenue, 91 ft. east of Cross Island boulevard (Block No. 1299, part of Lot No. 105), Bayside, Borough of Queens.

APPEARANCES—

For Applicant: Alphonsus Casey.

For Opposition: None.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

MINUTES

THE RESOLUTION—

(345-32-BZ)

WHEREAS, this application affecting premises north side of 47th avenue, 91 ft. east of Cross Island boulevard (Block No. 1299, Lot No. 105), Bayside, Borough of Queens, was granted by the board at its meeting March 3, 1933, on certain conditions, resolutions amended June 20, 1933, and owner requested a reopening of the case and a further amendment of the resolution; and

WHEREAS, this case was reopened by vote of the board February 23, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting, May 24, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, these premises were inspected by a committee of the board, report of which committee was read at the hearing and which report follows:

REPORT OF COMMITTEE

May 23, 1938.

Re Cal. No. 345-32-BZ.

N.S. of 47th avenue, 91 ft. east of Cross Island boulevard, Bayside, Borough of Queens.

On March 3, 1933, the board in recognizing the then undeveloped condition, permitted the use of these premises temporarily as a gasoline station for a term of five years, which expired in March 1938. A request has been filed for a further extension of five years.

The improvement of Cross Island boulevard and other streets adjacent to this premises, which has been authorized and which is expected to be carried out prior to the opening of World's Fair in April, 1939, may bring about a material change in this area and because of this, the committee recommends that the previous resolution be amended so as to extend the time of the permit for one year, inasmuch as conditions at the present are substantially as they were in 1933.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
Committee.

Resolved, that the resolution adopted by the board on March 3, 1933, as amended by resolution adopted by the board on June 20, 1933, be and it hereby is *amended,* only so far as it has reference to the term of the variance, so that as amended the resolution shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21 for a period of *one year from the date of this action, on condition* that all pumps shall be set back not less than 10 ft. from the building line; that any accessory use shall be confined to one-story structures; that any advertising signs shall be confined to illuminated globes of the pumps or fixed letters on the facades of the buildings erected on the premises; that the entire area shall be leveled and covered with either cracked bluestone or cement paving; that there shall be a woven wire fence not less than No. 16 gauge with not more than 2 in. mesh erected to a height of 5 ft. on the interior lot lines or in the event that the portion of the rear of the lot is not used for gasoline station purposes, the fence may be constructed on the side interior lot lines and across the property at the rear of the office and greasing pits, in which case there may be a gate not over 3 ft. in width in the fence to be erected across the plot; that there shall be no cellar or other excavation under any of the accessory buildings except the grease pits; that there shall be no open flame permitted on the premises; that there shall be no portable gasoline pumps used on the premises or used for servicing cars, and that all permits shall be obtained within three months and any work involved shall be completed within nine months from the date of this action."

152-37-BZ.

APPLICANT—Michael Falzarano (lessee), for I. Rosenwasser, N. Glantz and Bessie Greenwald, owners.

SUBJECT—Application reopened and restored to calendar April 5, 1938 (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles (previously dismissed for lack of prosecution).

PREMISES AFFECTED — 9508-9530 Church avenue, southeast corner of East 96th street (Block No. 4716, Lot Nos. 42 to 50 inclusive), Borough of Brooklyn.

APPEARANCES—

For Applicant: Abraham Brodsky and Michael Falzarano.

For Opposition: Jerome N. Wanshel.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(152-37-BZ)

WHEREAS, Michael Falzarano, for Bessie Greenwald, I. Rosenwasser and N. Glantz, owners, filed April 3, 1937, an application under the building zone resolution to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 9508-9530 Church avenue, southeast corner of East 96th street (Block No. 4716, Lot Nos. 42 to 50 inclusive), Borough of Brooklyn; and

WHEREAS, the application was dismissed for lack of prosecution December 14, 1937 and reopened and restored to calendar April 5, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 24, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Church avenue is in a business use district; E. 96th street is in a residence and business use district; East 95th street is in a residence and business use district and Linden boulevard is in a residence and business use district; and

WHEREAS, the decision of the borough superintendent, Department of Housing and Buildings, rendered January 5, 1938, N. B. Application No. 2867-1937, reads:

"Proposed parking and storage of more than five motor vehicles in business use district is contrary to article II, section 4a of zone resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 200 ft. on Church avenue and 100 ft. on East 96th street; it is proposed to use the plot for a temporary period of not more than 2 years for parking and storage of more than five (5) motor vehicles; and

WHEREAS, the site under appeal was inspected by a committee of the board, verbal report of which inspection recommended the granting of this application for a temporary period of 2 years under section 7h; and

WHEREAS, the board deemed that this was a proper case to exercise its discretion under section 7, subdivision H of the building zone resolution.

Resolved, that the Board of Standards and Appeals does

hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 7h, for a temporary period of two years from the date of this action, to permit the plot under appeal to be occupied for the parking and storage of more than five motor vehicles, *on condition* that the motor vehicles so parked and stored shall be solely of the pleasure car type; that during the term of this variance, the premises shall be used for no other use; that all existing uses not conforming to the requirements of this resolution shall be removed; that the plot shall be leveled substantially to the grade of the surrounding streets; that there shall be erected on the interior and street building lines, substantial woven wire fences not less than 6 ft. in height with not over one opening therein with entrance to Church avenue, such opening to be not over 20 ft. in width with curb cut opposite not over 15 ft. in width; that during the term of the variance there shall be no building permitted on the premises or erected, other than a building not exceeding 150 sq. ft. in area and not over one-story in height, as office and shelter for the attendant; that no signs shall be erected upon the premises, other than a neat sign at the entrance, advertising the parking and storage use, such sign not to exceed an area of 15 sq. ft.; that any lights for general illumination shall be on metal standards and so placed with metallic reflectors to reflect toward the center of the premises and away from the adjoining occupancies; that proper aisles shall be left at all times for easy entrance and exit; that such portable fire-fighting appliances shall be maintained as the fire commissioner shall direct; that the entire premises shall be surfaced with steam cinders or other suitable material properly bound and rolled to prevent dusting and graded so as to provide surface drainage; that the existing sump pit on the premises shall be removed and any requirements for unusual surface drainage shall be provided for, to the satisfaction of the superintendent of buildings; that all permits shall be obtained and all work completed within six months from the date of this action.

534-37-BZ.

APPLICANT—James J. Millman, for Nakoma Realty Corporation, owner.

SUBJECT—Application reopened May 3, 1938 (re decision of the commissioner of buildings) under section 21 of the building zone resolution, for consideration and amendment to resolution, to permit the building to be occupied as a public garage with a gasoline storage system and motor vehicle repair work—business use district.

PREMISES AFFECTED—144-146 and 148-150 Frost street, south side, 100 ft. west of Graham avenue (Block No. 2739, Lot Nos. 15 and 17), Borough of Brooklyn.

APPEARANCES—

For Applicant: James J. Millman and Frank Weinstein.

For Opposition: None.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO RECONSIDER—

Affirmative: Commissioner Savage	1
Negative: Chairman Murdock, Commissioner Blum and Assistant Chief Walsh	3
Absent	0

THE RESOLUTION—

(534-37-BZ)

WHEREAS, James J. Millman, for Nakoma Realty Corporation, owner, filed November 10, 1937, an application under the building zone resolution to permit in a business use district the alteration and conversion of part of two (2) existing buildings to a garage for more than five (5) motor vehicles; Premises: 144-146 and 148-150 Frost street, south side, 100 ft. west of Graham avenue (Block No. 2739, Lots Nos. 15 and 17), Borough of Brooklyn; and

WHEREAS, this application was granted by the board March 25, 1938 on certain conditions and applicant requested an amendment of the resolution; and

WHEREAS, this case was reopened by vote of the board May 3, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its special meeting, May 24, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the resolution adopted by the board on March 25, 1938, be and it hereby is *amended,* so that as amended the resolution will read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21, to permit the street floor stories of the buildings under appeal to be used as a *non-storage* garage for the storage of more than five (5) *motor vehicles;* that a 12 foot opening, as indicated, may be constructed between the buildings *on condition* that the buildings shall comply in all other respects with all laws, rules and regulations applying to use and occupancy; that no gasoline storage system shall be installed in the premises; that no gasoline shall be permitted except in the fuel tanks of the *cars;* that the upper stories of the building shall be put in good repair and occupied only by uses conforming to the requirements of the business district; that no roof signs shall be erected on the building; that no automobile repair work shall be carried on; that all permits required shall be obtained and all work involved completed within one year from the date of this action."

127-38-BZ.

APPLICANT—James Russell Ashley, for Elmtree Realty Company, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of eight (8) buildings to be occupied by garage for forty (40) automobiles.

PREMISES AFFECTED—195-201 West 237th street, northeast corner of Broadway (Block No. 3270, Lot No. 40), Borough of The Bronx.

APPEARANCES—

For Applicant: James Russell Ashley.

For Opposition: R. J. Orr and Peter J. Smith.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(127-38-BZ)

WHEREAS, James Russell Ashley, for Elmtree Realty Company, owner, filed March 1, 1938, an application under the building zone resolution to permit in a business use district the erection and maintenance of eight (8) buildings to be occupied by garage for forty (40) automobiles; Premises: 195-201 West 237th street, northeast corner of Broadway (Block No. 3270, Lot No. 40), Borough of the Bronx; and

WHEREAS, a public hearing was held on this applica-

tion by the Board of Standards and Appeals, at its regular meeting, May 24, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Broadway is in a business use district; West 237th street is in a business and unrestricted use district; West 238th street is in a business use district and Putnam avenue is in a business and unrestricted use district; and

WHEREAS, the decision of the commissioner of buildings, rendered February 10, 1938, re N.B. Application No. 50-1938, reads:

"1. Proposed buildings (8) to be occupied by garage for 40 automobiles located in a business district, is contrary to article 2, section 4 of amended building zone resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 100 ft. on Broadway and 125 ft. on West 237th street. It was proposed to erect upon the plot eight (8) units of 5-car garages (a total storage of 40 motor vehicles); each unit constructed of metal and 45 ft. by 18 ft. in area. Applicant has amended his application so as to omit the metal building and to use the premises for parking and storage of more than 5 motor vehicles; and

WHEREAS, the site under appeal was inspected by a committee of the board and the verbal report of the committee of inspection recommended that the application be granted on the amended basis of parking and storage without the metal garages.

Resolved, that the Board of Standards and Appeals does hereby *made a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-H *for a temporary period of two (2) years* from the date of this action, to permit the premises under appeal to be occupied for the parking and storage of more than five motor vehicles, *on condition* that only vehicles of the pleasure-car type shall be so stored and parked; that the parking lot shall be levelled substantially to the grade of surrounding streets and surfaced with steam cinders or other suitable material, properly bound and rolled to prevent dusting, and graded so as to provide suitable drainage; that there shall be erected on the lot line and street lines, a substantial woven-wire fence not less than 6 ft. in height with two (2) entrances only to West 237th street, each entrance not to exceed 25 ft. in width, with curb cuts opposite not over 15 ft. in width; that during the term of this variance, the plot shall be used for no other use; that no building shall be erected thereon, except there may be erected near the entrance, a building not over 150 sq. ft. in area, not over one story in height, as an office and for shelter for attendant; that no sign shall be erected except a sign at the entrance, advertising the parking and storage use, such sign not to exceed 15 sq. ft. in area; that a similar sign may be erected on the Broadway frontage at the building line, provided such sign does not exceed 10 sq. ft. in area; that such portable fire-fighting appliances shall be installed as the fire commissioner shall direct; and that all permits shall be obtained and all work shall be completed within six months from the date of this resolution.

170-38-BZ.

APPLICANT—Samuels and Samuels for Benjamin Levinson and Maxwell R. Ginsberg, owners.

SUBJECT—Application (re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station (part of plot in question previously denied for use as gasoline service station).

PREMISES AFFECTED—201-02 to 201-14 47th avenue, 47-02 to 47-06 202nd street, southwest corner and 201-01 to 201-13 Rocky Hill road, northwest corner of 202nd street (Block No. 5560, Lot Nos. 1 and 3), Bayside, Borough of Queens.

APPEARANCES—

For Applicant: Archie H. Samuels.

For Opposition: None.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(170-38-BZ)

WHEREAS, Samuels and Samuels, for Benjamin Levinson and Maxwell R. Ginsberg, owners, filed March 10, 1938, an application under the building zone resolution to permit in a business use district the erection and maintenance of a gasoline service station (part of plot in question previously denied for this use); premises: 201-02 to 201-14 47th avenue, 47-02 to 47-06 202nd street, southwest corner and 201-01 to 201-13 Rocky Hill road, northwest corner of 202nd street (Block No. 5560, Lot Nos. 1 and 3), Bayside, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 24, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Rocky Hill road is in a business use district; 47th avenue is in business and residence use districts and 202nd street is in residence and business use districts; and

WHEREAS, the decision of the borough superintendent, Department of Housing and Buildings, rendered February 18, 1938, re N.B. Application 1477-38, reads:

"1. The erection of a gasoline service station within a business district is contrary to section 4, Building Zone Resolution."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 128 ft. on Rocky Hill road, 126 ft. on 47th avenue and 50 ft. on 202nd street. It is proposed to erect upon the plot a one story building 42 ft. by 25 ft. in area, to be used as office and lubritorium and also, to install the necessary tanks and pumps for a gasoline service station; and

WHEREAS, the site under appeal was inspected by a committee of the board, report of which inspection was read at this hearing and which report follows:

REPORT OF COMMITTEE

May 23, 1938.

Re Cal. No. 170-38-BZ.

201-02 to 201-14 47th avenue, 47-02 to 47-06 202nd street, southwest corner, and 201-01 to 201-13 Rocky Hill road, northwest corner of 202nd street, Bayside, Borough of Queens.

This application involves the triangular shaped block at the intersection of Rocky Hill road, 47th avenue and 202nd street, Borough of Queens. In 1928, under Cal. No. 524-BZ of 1927, a portion of this block was the subject of a hearing for a zoning variance for a similar use as now desired—a gasoline service station. The action of the board at that time was to deny the application. This present appeal was accepted because it involved the entire block including the portion formerly considered. The plot and the area has been inspected by a committee of the board.

A plan has been duly adopted by the Board of Estimate and Apportionment to improve Cross Bay boulevard which crosses 47th avenue about 150 ft. from the westerly end of this plot under appeal and also to

improve the intersection by taking part of these premises under appeal. In view of the previous finding of the board together with these improvements which the board is advised will be effected this year and which will greatly enhance the area, and particularly the taking of part of the lot under appeal, the committee recommends that the application be denied.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
Committee.

and

WHEREAS, the board deemed that applicant failed to substantiate a basis of appeal under section 21 of the building zone resolution and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the borough superintendent in acting on N.B. Application 1477-38, be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

273-34-BZ.

APPLICANT—Nathan D. Shapiro, for Mansfield Service Station, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the commissioner of buildings) granted on condition under section 21 of the building zone resolution, permitting in a residence district the extension of an existing gasoline service station and, also, the erection and maintenance of an office, auto laundry and greasing pits.

PREMISES AFFECTED—1314-1332 Ocean avenue, west side, 100 ft. south of Avenue H (Block No. 6703, Lot No. 55), Borough of Brooklyn.

APPEARANCES—
For Applicant: Nathan D. Shapiro.
For Opposition: Jerome N. Wanshel.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(273-34-BZ)

WHEREAS, this application affecting premises 1314-1332 Ocean avenue, west side, 100 ft. south of Avenue H (Block No. 6703, Lot No. 55), Borough of Brooklyn, was granted by the board March 26, 1935, on certain conditions and applicant requested an amendment of the resolution; and

WHEREAS, the case was reopened by vote of the board April 5, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting, May 24, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on March 26, 1935, so far as it has reference to width of entrances to the premises, so that as amended the resolution shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted,* under section 21, permitting the continutaion of the use as a gasoline service station of the premises as indicated on plans filed with this application, with a total frontage not exceeding 162 feet 6 inches, *on condition* that the existing buildings shall be entirely removed and the premises shall be arranged as shown on plans marked 'Received March 26, 1935'; that the accessory building shall be located toward the rear centre as indicated and shall not exceed one story in height and shall be constructed of fireproof materials except that the roof beams, roof board, door and door frames, window frames and sash may be of wood, provided the ceilings throughout are fire-retarded in accordance with the rules of the Board of Standards and Appeals and the roof weather surfacing is of non-inflammable material; that there shall be no open excavation under these buildings except for hydraulic lifts; that the boiler room shown on these plans as located in cellar shall be located above ground in the office section or in an addition thereto as may be necessary for the accommodation of the heating equipment and enclosed in fireproof partitions; that there shall be erected on the northerly lot line a fence not less than 6 feet in height as indicated on plan; that the pumps shall be located not nearer than 20 feet from the building line; that there shall be constructed along the street frontage of Ocean avenue a curbed area not less than 6 feet in width, *continuously, except for two* (2) *openings, one toward the south,* 55 *ft. in width, one toward the north,* 46 *ft.* 6 *in. in width, with curb cuts opposite, each not exceeding* 43 *ft. in width; that the curbed area between such openings on the building line shall not be less than* 42 *ft. in length; that these curbed areas and the curbed area all along the entire length of the interior lot line and adjacent to the accessory building, as shown, shall be planted with shrubbery and other appropriate planting, which shall be maintained at all times; that no parking or storage of automobiles shall be permitted on the plot other than those being serviced;* that the plot from street building line to the front of the accessory building shall be either cement or asphalt paved and that the balance of the plot to the rear may be covered with cracked bluestone provided the bluestone is bound with tarvia or other suitable binder; that there shall be no portable gasoline tanks used on or from the property; that there shall be no automobile repairing carried on; that such trees as now exist within the area shall be maintained as far as practicable; that advertising shall be limited to the illuminated globes of the pumps and to signs on the windows of accessory building, eliminating all roof signs and signs of a temporary nature; that the exterior of the accessory building shall be constructed of face brick and stone or terra cotta trimmings and of the architectural design shown on plans marked 'Received March 26, 1935'; and that all permits shall be obtained within three months and all work shall be completed within one year from the date of this resolution."

528-37-BZ.

APPLICANT—Joseph B. Lynch, for Jacob Morgenthaler's Sons, owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the superintendent of buildings) under sections 7c and 21 of the building zone resolution, permitting in a business use district the alteration of a garage for more than five (5) motor vehicles (granted by the board) by the removal of a portion thereof and the extension over the plot of an existing gasoline service station with the conversion of a portion of the premises to a brake testing station.

PREMISES AFFECTED—164-176 Fourth avenue and 334-344 Douglass street, southwest corner (Block No. 420, Lot No. 34 and part of Lot No. 37), Borough of Brooklyn.

APPEARANCES—
For Applicant: Joseph B. Lynch.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(528-37-BZ)

WHEREAS, Jacob Morgenthaler, for Jacob Morgenthaler's Sons, owner, filed November 5, 1937, an application under the building zone resolution to permit in a business use district the alteration of a garage for more than five (5) motor vehicles (granted by the board) by the removal of a portion thereof and the extension over the plot of an existing gasoline service station with the conversion of a portion of the premises to a brake-testing station; Premises: 164-176 Fourth avenue and 334-344 Douglass street, southwest corner (Block No. 420, Lot No. 34 and part of Lot No. 37), Borough of Brooklyn; and

WHEREAS, this application was granted by the board April 5, 1938, on certain conditions and applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on April 5, 1938, so that as amended, it shall read:

"*Resolved*, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* as to Alt. App. 17650-37, permitting the premises for a distance of 90 ft. southerly along Fourth avenue from the corner formed by the intersection with Douglass street, and westerly for a distance of 40 ft. along the interior lot line, thence northerly parallel to Fourth avenue for a distance of 30 ft., thence westerly 18 ft. thence northerly for a distance of 60 ft. to Douglass street and along Douglass street for a distance of 59 ft. to the intersection with Fourth avenue, to be occupied as a gasoline service station, *on condition* that there shall be constructed an unpierced masonry wall to separate the gasoline station from the garage portion to the west to be continued as such and for motor vehicle repairing, as permitted under Cal. No. 795-23-BZ; that all buildings and structures shall be removed from the proposed gasoline station area, except that a portion of the existing garage building easterly from the above required masonry wall may be reconstructed as the accessory building for car washing and greasing, office, toilets and storeroom; that such reconstruction shall be of fireproof materials, except that the roof beams and roof boarding, door frames and doors may be of wood, provided there are no exterior windows or other openings to adjoining premises not included within the gasoline service station, and provided the ceilings throughout are fire-retarded in compliance with the rules of the Board of Standards and Appeals; that any skylights shall be of metal frames; that any mezzanine space may be used for light storage of non-combustible materials only; that all greasing equipment shall be of the hydraulic type; that the heater room shall be constructed of fireproof materials, separated from the accessory building and enterable from the exterior only, *that the roof of this heater room building may be constructed of Class 2 construction substituting Gyp steel planking for the required concrete arch*, that the floor of the accessory building and the entire gasoline selling area shall be cement paved; that all greasing pits shall be discontinued and filled to grade; that there shall be erected on interior lot lines where walls of accessory buildings and heater room do not occur, masonry walls continuously to Fourth avenue; that such walls shall be not less than six feet in height, except that at the Fourth avenue building line, the height may be four feet and ramped or stepped up to the six-foot height within a distance of 8 feet; that *the gasoline pumps and island shall not be erected nearer than* 10 *feet to* either street building line; that pumps shall have masonry pedestals, as approved for parkway use to a height of *at least* four (4) feet; that gasoline storage tank and piping installation shall be of new materials; that curb cuts shall not exceed two (2) from Fourth avenue, each not exceeding thirty (30) feet in width and one from Douglass street not exceeding twenty-five (25) feet in width; that no part of any curb cut shall be nearer than 1 *ft.* 6 *in* to any lot line as extended nor to the street intersection; that there shall be constructed and maintained a concrete curb not less than *seven* (7) inches in height at the intersection of the street lines and extending five (5) feet along each street line; that all existing curb cuts not herein permitted, except for existing entrance to garage, shall be restored; that new concrete sidewalks shall be constructed; that signs shall be restricted to a permanent flat sign erected upon the front of the accessory building and to the illuminated globes of the gasoline pumps and to one post standard erected within the building lines near the street intersection for support of a sign which may be illuminated, advertising only the brand of gasoline for sale and provided such sign does not extend over the building line for a distance of more than seven (7) feet; that there shall be no roof signs or temporary signs; that no portable gasoline tanks shall be used; that there shall be no repairing carried on or parking of cars other than those being serviced; that working plans marked 'Received March 31, 1938,' when corrected to comply with the requirements of this resolution may be approved for general arrangement and design; that all permits shall be obtained and all work completed within one year from the adoption of this resolution."

318-36-BZ.

APPLICANT—John C. Wandell Co., for Eugene J. Muldoon, owner.

SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the commissioner of buildings) under section 7e of the building zone resolution, permitting in a business use district the extension of an existing garage for more than five (5) motor vehicles.

PREMISES AFFECTED—112-116 Newton street, 127 Bayard street and 442-464 Manhattan avenue, east side, from Newton street to Bayard street (Block No. 2719, Lot Nos. 1, 4 and 8), Borough of Brooklyn.

APPEARANCES—
For Applicant: John C. Wandell.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO EXTEND TIME—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0
Absent 0

THE RESOLUTION—

(318-36-BZ)

WHEREAS, this application affecting premises 112-116 Newton street, 127 Bayard street and 442-464 Manhattan avenue, east side from Newton street to Bayard street (Block No. 2719, Lots Nos. 1, 4 and 8), Borough of Brooklyn, was granted by the board, June 8, 1937, on certain conditions and applicant requested an extension of time to obtain permits and complete work.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on June 8, 1937, only so far as it has reference to obtaining permits and completing work, so that as amended this portion of the resolution shall read:

". . . that all permits shall be obtained and all work shall be completed within one year from the date of this amended resolution."

68-36-BZ.

APPLICANT—Lama and Proskauer, for Joseph P. Day, Inc., owner.

SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a residence use "C" area district the erection and maintenance of a garage for more than five (5) motor vehicles and, also, the omission of the required rear yard.

PREMISES AFFECTED — 40-48 Brighton 11th street (Hoff street), west side, 314 ft. 11 in. south of Neptune avenue (Block No. 7516, Lot No. 2386), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(68-36-BZ)

WHEREAS, this application affecting premises 40-48 Brighton 11th street (Hoff street), west side, 314 ft. 11 in. south of Neptune avenue (Block No. 7516, Lot No. 2386), Borough of Brooklyn, was granted by the board June 2, 1936, on certain conditions, time extended June 2, 1937 and applicant requests a further extension of time to complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted by the board on June 2, 1936, only so far as it has reference to the completion of work, so that as amended this portion of resolution shall read:

"In view of statement of applicant, that all permits have been obtained, all work shall be completed within one year from the date of this amended resolution."

APPEALS FROM ADMINISTRATIVE ORDERS

600-37-A.

APPLICANT—Hyman Fried, for Crawford Clothes, Inc., lessee.

SUBJECT—Appeal from an order of the commissioner of buildings.

PREMISES AFFECTED—841-843 Broadway and 53-63 East 13th street, northwest corner (Block No. 565, Lot No. 17), Borough of Manhattan.

APPEARANCES—

For Applicant: A. N. Horwitz.

ACTION OF BOARD—Laid over to June 14, 1938 at 2 P. M., on request of appellant's representative.

284-38-A.

APPLICANT—J. M. Berlinger, for Ohrbach's, Inc., owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—44-48 East 14th street, south side, 49 ft. 9 in. west of Broadway and 49-51 East 13th street (Block No. 565, Lot Nos. 11, 13 and 14), Borough of Manhattan.

APPEARANCES—

For Applicant: J. M. Berlinger.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Laid over to June 7, 1938 at 2 P. M., for inspection by committee of board and further consideration.

339-38-A.

APPLICANT—John J. Gilmartin, for Ernest S. Williams, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—157-161 Ocean avenue, east side, 468 ft. 11 in. south of Lincoln road (Block No. 5026, Lot No. 20), Borough of Brooklyn.

APPEARANCES—

For Applicant: John J. Gilmartin.

For Administration: Samuel Cohen, Department of of Housing and Buildings.

ACTION OF BOARD—Laid over to June 7, 1938, at 2 P. M., for inspection by a committee of the board.

356-38-A.

APPLICANT—Nordlinger, Riegelman and Cooper, for Metropolitan Life Insurance Company, owner.

SUBJECT—Appeal from an order of the deputy commissioner, division of housing, department of housing and buildings.

PREMISES AFFECTED—333 West 83rd street and 110-112 Riverside drive, southeast corner (Block No. 1245, Lot Nos. 47, 49, 54 and part of Lot No. 56), Borough of Manhattan.

APPEARANCES—

For Applicant: J. Filler.

ACTION OF BOARD—Laid over to June 7, 1938, at 2 P. M., on request of appellant's representative.

371-38-A.

APPLICANT—Koenig, Siskind and Drabkin, for Kate Davis, owner and Well-Bilt Table Co., Inc., lessee.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—539 Timpson place, west side, 83.24 ft. south of East 149th street (Block No. 2600, Lot No. 162), Borough of The Bronx.

APPEARANCES—

For Applicant: Ruth D. Hillman.

ACTION OF BOARD—Laid over to June 1, 1938, at 2 P. M., on request of appellant's representative.

389-38-A.

APPLICANT—One East 62nd Street Corporation, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

MINUTES

PREMISES AFFECTED—1 East 62nd street, north side, 108 ft. east of Fifth avenue (Block No. 1377, Lot No. 5), Borough of Manhattan.
APPEARANCES—
For Applicant: Ralph S. Wood.
ACTION OF BOARD—Laid over to June 1, 1938 at 2 P. M., on request of appellant's representative.

380-38-A.
APPLICANT—Samuel P. Oppenheimer, for 430 East 138th Street Corporation, owner.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—430-440 East 138th street, south side, 300 ft. east of Willis avenue and 419-425 East 137th street (Block No. 2282, Lot No. 18), Borough of The Bronx.
APPEARANCES—
For Applicant: Samuel P. Oppenheimer.
For Administration: Inspector M. Harris, Department of Housing and Buildings.
ACTION OF BOARD—Appeal withdrawn, applicant to submit new facts to the department of buildings.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

251-38-A.
APPLICANT—George Ginsburg, for Panlo Waste Corporation, owner.
SUBJECT—Appeal from an order of the commissioner of buildings and a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—256-260 Georgia avenue and 325 Belmont avenue, northwest corner (Block No. 3735, Lot No. 34), Borough of Brooklyn.
APPEARANCES—
For Applicant: George Ginsburg and Arnold Baker.
For Administration: Inspector Maher, Fire Dept.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(251-38-A)

WHEREAS, George Ginsburg, for Panlo Waste Corporation, owner, filed April 11, 1938, an order of the commissioner of buildings and a decision of the acting borough superintendent, affecting premises 256-260 Georgia avenue and 325 Belmont avenue, northwest corner (Block No. 3735, Lot No. 34), Borough of Brooklyn; and
WHEREAS, the order of the commissioner of buildings, dated February 24, 1937, re Order No. 14357-LF, reads:
"1. Provide a separate and distinct system of automatic sprinklers throughout building having at least one source of water supply, arranged and equipped as provided in the rules for fire extinguishing appliances adopted by the Board of Standards and Appeals, November 9, 1927. Sec. 20, Chap. 12, Code of Ordinances."
and
WHEREAS, the decision of the acting borough superintendent, dated March 15, 1938, reads:
"In reply to your letter of March 9, 1938, advising that you have been retained by the owners to appeal from the requirements of Order 14357 L.F., and that you are unable to do so due to the fact that the Board of Standards and Appeals will not accept an appeal for the reason that the time limit, thirty (30) days, had elapsed, and request dismissal and re-issuance of the above order.
"You are advised that the order cannot be dismissed or re-issued. Therefore, your request is denied."
and
WHEREAS, the building is three stories, 45 ft. in height, 50 ft. by 100 ft. in area, of fireproof construction, erected in 1920, located in an unrestricted use district and occupied since May 1, 1937, as follows: Cellar—storage—no persons; 1st, 2nd and 3rd floors—sorting and bailing of feathers and hair—2 persons per story; a certificate of occupancy No. 8044 was issued April 18, 1921, permitting the occupancy of the building as a factory; and
WHEREAS, the applicant contends that on each floor a total of 12 fire buckets have been provided in groups of three, accessible to all points of the floor; that the building is equipped with a fire alarm system; that it is proposed to install chemical extinguishers at convenient points throughout the building; that at no time will there be more than 20 tons of feathers and hair on any one floor; and that to compel installation of the sprinkler system at this time will force liquidation of the business.
Resolved, that the order of the acting borough superintendent of building Order No. 14357-LF, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that there shall be stored at no time more than twenty (20) tons of loose feathers, hair or similar material; that such portable fire extinguishers shall be installed throughout the building as the commissioner may direct; that in all other respects all laws, rules and regulations applicable to this building and its occupancy shall be complied with.

241-38-A.
APPLICANT—Brutus Gundlach, for J. M. Huber, Inc., owner.
SUBJECT—Appeal from an order and a decision of the fire commissioner and a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—602-632 62nd street and 6201-6223 Sixth avenue, southeast corner (Block No. 5802, Lot Nos. 1 and 84), Borough of Brooklyn.
APPEARANCES—
For Applicant: Brutus Gundlach and Charles Cubberson.
For Administration: Inspector Meyer, Fire Dept.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0
THE RESOLUTION—

(241-38-A)

WHEREAS, Brutus Gundlach, for J. M. Huber, owner, filed on April 7, 1938, an appeal from an order and decisions of the fire commissioner and a decision of the borough superintendent, department of housing and buildings, affecting Premises 602-632 62nd street and 6201-6223 6th avenue, southeast corner (Block No. 5802, Lot Nos. 1 and 84), Borough of Brooklyn; and
WHEREAS, the Order No. 73206-LC, issued by the fire commissioner, November 22, 1937, reads as follows:
"You are hereby notified that an inspection of the above premises used to store oils, etc., shows that the following must be done before the permit requested by you can be issued:
FORTHWITH
1. Discontinue the use of the two (2) 300-gallon storage tanks now used as measuring tanks for volatile inflammable oils (benzine, zylol and toluol) pend-

ing the approval of plans for the installation of said tanks."

and

WHEREAS, the decision of the fire commissioner, dated February 28, 1938, reads as follows:

"With reference to your letter of February 16, 1938, relative to the tanks used for volatile inflammable liquids, I have to advise you that this department is of the opinion that the two 300-gallon tanks now used for measuring tanks for volatile inflammable oils (benzol, zylol and toluol) should be placed underground."

and

WHEREAS, the decision of the fire commissioner, dated March 24, 1938, reads as follows:

"With reference to your letter of March 18th, relative to the 300-gallon measuring tank, I have to again advise that it will be necessary for you to place the said tank underground.

If you desire to make an appeal to the Board of Standards and Appeals, I enclose herewith a letter on which you may appeal. When you file your appeal, please notify us as soon as possible at the same time giving us the calendar number of your case before the board."

and

WHEREAS, the decision of the fire commissioner, dated March 24, 1938, reads as follows:

"In answer to your request please be advised that this department does not rescind an order and reissue it so that it may be taken to the Board of Standards and Appeals when you have exceeded the time limit in which to file your appeal.

However, we have been advised that the Board of Standards and Appeals will accept a letter from this department as the basis for an appeal. For that purpose, this communication is forwarded and will certify that Order No. 73206-LC was issued against J. M. Huber & Co., Inc., and reads as follows:

'Discontinue the use of the two 300-gallon storage tanks now used as measuring tanks for volatile inflammable oils (benzine, tylol and toluol) pending the approval of plans for the installation of said tanks.

Plans and specifications for the installation of these two tanks and of filling line extending from tanks to the mixing room on 2nd story must be filed with and approved by the department of buildings.'"

and

WHEREAS, the decision of the borough superintendent, department of housing and buildings, on Alt. App. No. 584-38, dated May 16, 1938, reads as follows:

"2. Tanks used for the storage of volatile inflammable oil shall be buried in accordance with subdivision 13, article 9, chapter 10, code of ordinances—said article 9 to be complied with in all respects."

and

WHEREAS, the building is 3 stories (40 ft.) in height, 36 ft. by 52 ft. in area; of fireproof construction; erected in 1922 and located in an unrestricted use district and occupied as follows: Cellar—rotogravure printing; 1st and 2nd floors—manufacturing of rotogravure ink, for which Certificate of Occupancy No. 84663 was issued October 26, 1937; and

WHEREAS, the applicant contends that for the manufacture of rotogravure ink it is necessary that all ingredients be carefully measured; meters were supplied in the supply line for this purpose and found unsatisfactory and, therefore, it became necessary to install two (2) weighing tanks in an open steel shed, covered with galvanized iron, in the open yard; the weighing tanks are set on scales and connections are provided so that liquid can be pumped from storage tanks to the building; the fire department contends that the weighing tanks are storage tanks and must be buried.

Resolved, that the order of the fire commissioner, No. 73206-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted,* permitting the continuation of the use of the two 300-gallon tanks used as measuring tanks, so long as they are continued for such use and are not used for regular storage of volatile inflammable oils; that these tanks and hose for pumping material to the mixing room shall be properly grounded to the satisfaction of the fire commissioner and that in all other respects the installation shall comply with all rules, laws and regulations applicable thereto.

348-38-A.

APPLICANT—Pathe Film Corporation, for R.K.O. Radio Pictures, Inc., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—35-39 West 45th street, north side, 427 ft. west of Fifth avenue (Block No. 1261, Lot No. 19), Borough of Manhattan.

APPEARANCES—

For Applicant: Nick Tronolone and V. Cano.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(348-38-A)

WHEREAS, Pathe Film Corporation for G. W. F. Realty Corporation, owner, filed on May 10, 1938, an appeal from an order of the fire commissioner affecting premises 35-39 West 45th street, north side, 427 ft. west of Fifth avenue (Block No. 1261, Lot No. 19), Borough of Manhattan; and

WHEREAS, the order No. 12579-LC, issued by the fire commissioner, April 26, 1938, reads as follows:

"Before a permit may be issued for your refrigerating plant, the following must be done:

1. Discontinue the direct method of refrigeration from one floor to another above the first story.

Chapter 19, title C, article 18, Administrative Code.

It is unlawful to maintain a refrigerating plant without a permit. Please notify this department when this order has been complied with."

and

WHEREAS, the building is 13 stories, 161 ft. 6 in. in height, 50 ft. by 100 ft. in area at first floor and 50 ft. by 90 ft. in area at typical floor level, of fireproof construction, equipped with a standpipe and sprinkler system and located in a retail use district, erected in 1921 and occupied: Cellar—boiler room, storage, 27 persons; 1st floor—furniture showroom, 6 persons; 2nd to 5th stories—offices, 12 to 25 persons per story; 6th and 7th stories—office, animating, 13 to 18 persons; 8th story—photography, storage and shipping of motion picture film and trailers, 30 persons; 9th and 10th stories—offices, 10 to 17 persons; 11th story—cutting and projection of film, 24 persons; 12th story—film laboratory, 15 persons; 13 story—film storage, office, 6 persons; for which certificate of occupancy has been issued; and

WHEREAS, the applicant contends that the refrigeration system which contains 90 pounds of Freon, is used for air conditioning two film drying cabinets and consists of fan, motor, reheater coil direct expansion coils and filters located on the 13th story with a closed duct system running from the air-conditioning unit to the drying cabinets on the 12th story; fire dampers connected with fusible links are provided on the ducts where they pass through the floors and walls of building.

Resolved, that the order of the fire commissioner, No. 12579-LC be and it hereby is *modified* and that the appeal

be and it hereby is *granted on condition*, that the refrigerating system shall not be further increased in size; that proper ventilation shall be furnished at all times; that fire dampers connected with fusible links shall be provided on all ducts that pass through the walls and floors of the building; that in all other respects the refrigerating system shall comply with all requirements applicable thereto.

353-38-A-WF.

APPLICANT—Austin W. Magee, for Antonio Mongelluzzo, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—106-02 Northern boulevard, southeast corner of 106th street (Block No. 1721, Lot No. 1), Corona, Borough of Queens.

APPEARANCES—

For Applicant: Austin W. Magee.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(353-38-A-WF)

WHEREAS, Austin W. Magee, for Antonio Mongelluzzo, owner, filed on May 11, 1938, an application pursuant to the provisions of the resolution adopted by the Board of Estimate and Apportionment relative to the World's Fair District, affecting proposed sign at No. 106-02 Northern boulevard, southeast corner of 106th street (Block No. 1721, Lot No. 1), Corona, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, department of housing and buildings, dated April 11, 1938, on Alt. App. No. 1506-38, reads as follows:

"1. The erection of a sign exceeding 30 sq. ft. in area within the World's Fair area is contrary to section 4 of the World's Fair Resolution. Appeal may be taken to the board of S. & A."

and

WHEREAS, the building on which the sign is to be erected is 3 stories (30 ft.) in height, 20 ft. by 68 ft. in area; of frame construction; located in a business use district; erected in 1908, and occupied as follows: Cellar—storage; 1st floor—tavern; 2nd and 3rd floor—dwellings; and

WHEREAS, the proposed electric sign will be 11 ft. high by 5 ft. wide, located 10 ft. above grade; extending 8 ft. beyond the building line at rightangles to the building; and

WHEREAS, the applicant contends that the sign will advertise the business conducted on the premises; that it will be of dark red background with cream letters and red neon; that it will be difficult to get the required wording on a sign less than 30 sq. ft. in area; the sign will be 37 sq. ft. in area; its distance from the Fair rounds will preclude any vital advertising advantage to be derived from the Fair.

Resolved, that the decision of the borough superintendent, in acting on Alt. App. 1506-38, be and it hereby is *modified* and that the appeal be and it hereby is *granted on condition* that the sign shall not exceed the size and height indicated on plans filed with this appeal and shall not extend beyond the building line for a distance of over six feet, instead of eight feet, as indicated.

358-38-A.

APPLICANT—Sidney Daub, for Freehold Properties, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—917 Ogden avenue, west side, 125 ft. south of West 162nd street (Block No. 2524, Lot Nos. 21, 22 and 24), Borough of The Bronx.

APPEARANCES—

For Applicant: Sidney Daub.

For Administration: Inspector M. Harris, Department of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(358-38-A)

WHEREAS, Sidney Daub for Freehold Properties, Inc., filed on May 13, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, affecting premises 917 Ogden avenue, west side, 125 ft. south of West 162nd street (Block No. 2524, Lot Nos. 21, 22 and 24), Borough of The Bronx; and

WHEREAS, the decision of the borough superintendent, Department of Housing and Buildings, on Application No. 204-1938, reads:

"1. Objection not removed:

"New water-closet compartment should be properly lighted and ventilated to outer air pursuant to section 75, Multiple Dwelling Law. Section 250, subdivision 1, Multiple Dwelling Law.

NOTE: Existing vent duct from former store water-closet compartment not acceptable."

and

WHEREAS, the building is 6 stories, 61 ft. in height, 100 ft. by 77 ft. in area of non-fireproof construction, located in a business use district and erected in 1929 and occupied: Cellar—storage; 1st floor—stores and living apartments; 2nd to 6th floors, inclusive—apartments; and

WHEREAS, the applicant contends that it is proposed to change the occupancy of the three stores at the 1st story to a living apartment; that it is proposed to convert the three existing toilet rooms to one bathroom and use the existing horizontal vent duct for ventilation of this bathroom; that the existing duct is 144 sq. in. in diameter and it is proposed to provide an electric fan to provide mechanical exhaust ventilation with four changes of air per hour, and therefore requests that this condition be accepted for the one bathroom; and

WHEREAS, this application involved a modification of the Multiple Dwelling Law, which the board is without power to grant.

Resolved, that the decision of the borough superintendent of buildings in acting on Application No. 204-1938, be and it hereby is *affirmed*, and that the appeal be and it hereby is *denied*.

361-38-A.

APPLICANT—F. S. Neill, Inc., owners.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—35-20 Lawrence street, west side, 163 ft. south of Northern boulevard (Block No. 4963, Lot No. 221), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: John F. Finn, Jr., F. S. Neill and George L. Bovsquet.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(361-38-A)

WHEREAS, F. S. Neill, Inc., owners, filed on May 13, 1938, an appeal from a decision of the Borough Superintendent, Department of Housing and Buildings, affecting Premises No. 35-20 Lawrence street, west side, 163 ft. south of Northern boulevard (Block No. 4963, Lot No. 221, Flushing, Borough of Queens; and

WHEREAS, the decision of the borough superintendent on Alt. App. No. 2613-38, dated May 4, 1938, reads:

"2. Proposed construction in fire limits contrary to Sec. 4.1.2. Code."

and

WHEREAS, the building is 2 stories (24 ft.) in height, 49.92 ft. by 132 ft. in area; of frame construction; located in an unrestricted use district; erected in 1928 and occupied as follows: 1st story—lumber storage and office, 4 persons; 2nd story—lumber storage and mill work, 2 persons; for which a certificate of occupancy has been issued; and

WHEREAS, the applicant contends that the building is divided by a fire wall approximately in the centre thereof; that the City has condemned a portion of the building to a depth of 30 ft. from Lawrence street for street-opening purposes; it is proposed to demolish the building to a depth of 30 ft. on Lawrence street and to re-build the front wall of frame construction covered with metal lath and cement stucco; that the proposed fire-retarded front wall will afford greater protection than the existing construction; that Section 4.1.2 prohibits the construction of a frame *structure* within fire limits; that the proposed construction is only the front wall of a structure and does not involve the construction of a building; that it would be a practical difficulty and unnecessary hardship on the applicant if he were required to construct the wall proposed of masonry.

Resolved, that the decision of the borough superintendent, acting on Alt. Applic. No. 2613-38, be and it hereby is *modified*, and that the appeal be and it hereby is *granted*, to permit the proposed new front on the existing lumber storage shed covered by certificate of occupancy No. 58718, *on condition* that the work shall conform to the design and general construction as shown on plans filed with this alteration application number; that the structural features thereof shall comply with the requirements of the building code, permitting the frame construction and metal lath and cement stucco, as indicated on plans filed with alteration application No. 2613-38.

363-38-A.

APPLICANT—Sol Oberwager, for Wood-Dolson Company, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—2091 Broadway, west side, 106.10 ft. north of West 72nd street (Block No. 1164, Lot No. 34), Borough of Manhattan.

APPEARANCES—

For Applicant: William M. Smith, F. A. Wyckoff, Peter Copeland, G. W. Haight and Mr. Wood.

For Administration: Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum	3
Negative	0
Absent: Assistant Chief Walsh	1

THE RESOLUTION—

(363-38-A)

WHEREAS, Sol Oberwager, for Wood-Dolson Company, Inc., owner, filed on May 12, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, affecting premises 2091 Broadway, west side, 106.10 ft. north of West 72nd street (Block No. 1164, Lot No. 34), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent on Alteration Application 4582-1937, dated April 13, 1938, reads:

"Approval of the subject application given under date of January 13, 1938, and approval of the accompanying plan No. 4582-1937, is hereby revoked.

The basis for the revocation of the alteration plan application is the fact that the proposed marquise, if erected as indicated on the drawing submitted, would not be at right angles to the building line and would extend beyond the front of the adjoining property."

and

WHEREAS, the building is three stories, 40 ft. in height, 24 ft. 2¾ in. by 112 ft. 9¾ in. in area, of fireproof construction, located in a business use district; erected in 1922 and occupied as follows: Cellar, storage and boiler room, 1st floor, offices, 28 persons; 2nd floor, office, 21 persons; 3rd floor, office, 20 persons; for which certificate of occupancy No. 6411 was issued in 1923. It is proposed to erect a marquise on the front of this building with line of sides of marquise parallel to the side lot lines and plans for the marquise were filed; and

WHEREAS, the applicant contends:

"(1) The superintendent of buildings had no jurisdiction, power, or authority to make said order, decision or determination because the superintendent of buildings had, on or about February 2, 1938, made an order, decision, or determination refusing to revoke his approval of the subject application given under date of January 13, 1938, and his approval of the accompanying plan No. 4582-1937, upon the same state of facts, which said order, decision or determination was, upon appeal to the Board of Standards and Appeals, duly affirmed by the said Board of Standards and Appeals, said order, decision, or determination being final in character and not subject to review or rescission or to be revoked and set aside by a subequent order, decision or determination of the superintendent of buildings.

"(2) That the superintendent of buildings is not empowered to review his own prior decision in the same matter by vacating, revoking, rescinding or altering it when made regardless of whether or not such attempted review, vacation rescinding or altering of his said prior decision is attempted by him prior or subsequent to the affirmance of his prior decision by the Board of Standards and Appeals.

"(3) That the superintendent of buildings is not empowered to review the decision of the Board of Standards and Appeals affirming the decision of the superintendent of buildings in the same matter by vacating, rescinding or altering his prior decision in the same matter subsequent to such prior decision having been affirmed by the Board of Standards and Appeals.

"(4) That the power of the superintendent of buildings to revoke his approval of the subject application given under date of January 13, 1938 and his approval of the accompanying plan No. 4582-1937, was legally terminated by the action of the Board of Standards and Appeals in affirming the prior decision of the superintendent of buildings refusing to revoke said approval.

"(5) That the Board of Standards and Appeals is not empowered to review its own prior decision in the same matter by the indirect method of affirming the subsequent decision of the superintendent of buildings, which subsequent decision is tantamount to a review and reversal of the prior decision in the same manner by the Board of Standards and Appeals.

"(6) That the power of the Board of Standards and Appeals to revoke the approval of the subject application given under date of January 13, 1938 and approval of the accompanying plan No. 4582-1937, was legally terminated by the action of the Board of Standards and Appeals in affirming the prior decision of the superintendent of buildings, refusing to revoke said approval.

"(7) The present decision of the superintendent of buildings of the Borough of Manhattan, dated April 13, 1938, is contrary to the facts and to the law.

"(14) That the superintendent of buildings of the Borough of Manhattan has no power to revoke the approval of the subject application given under date of January 13, 1938, or of the accompanying plan under the law applicable thereto except in the case of any false statement or any misrepresentation as to material facts; that the approval of the subject application given under date of January 13, 1938 and the approval of the accompanying plan, were given with full knowledge of the facts and with due consideration of the provisions of law."

and

WHEREAS, the board deemed that in view of the previous determination and the review thereof by the board under Cal. No. 77-38-A, there was no justification of the rescindment of the prior approval of plans.

Resolved, that the Board of Standards and Appeals does hereby *grant* the appeal, revoking the decision of the borough superintendent on Alt. App. 4582-1937, dated April 13, 1938, and restoring the previous approval of the superintendent of buildings under Plan No. 4582-37, as rendered January 13, 1938.

376-38-A.

APPLICANT—G. W. Haight, for The Newsreel Theatres Incorporated, lessee.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—2081-2089 Broadway, northwest corner of West 72nd street (Block No. 1164, Lot No. 26), Borough of Manhattan.

APPEARANCES—

For Applicant: G. W. Haight, Peter Copeland and Mr. Wood.

For Opposition: F. A. Wyckoff and others.

For Administration: Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum	3
Negative	0
Absent: Assistant Chief Walsh	1

THE RESOLUTION—

(376-38-A)

WHEREAS, G. W. Haight, for The Newsreel Theatres, Inc., lessee, filed on May 17, 1938, an appeal from a decisino of the borough superintendent, Department of Housing and Buildings, affecting premises 2081-2089 Broadway, northwest corner of West 72nd Street (Block No. 1164, Lot No. 26), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated May 16, 1938, on E. S. App. 3102-37, reads as follows:

"Regarding your amendment to electric sign application No. 3102-37 received May 12th, 1938, you are advised that same is disapproved in that section B 26.7.0, g of the Administrative Code prohibits electric signs on marquises except on the face of the marquise and not to exceed 2 ft. and not to extend above or below the marquise."

and

WHEREAS, an application No. N.B. 245-1937, was filed in the Department of Buildings, December 2, 1937, to permit the erection of a two-story fireproof theatre with a marquise on the front and with an electric sign on the front and sides of this marquise. E. S. Application 3102-1937 was filed for this isgn. In an amendment to the new building plan, the marquise was omitted, thus rendering the E. S. Application void; and

WHEREAS, it appeared that the electric sign application automatically became void upon omission from the plans of the marquise to which the sign application applied; and

WHEREAS, the board deemed that the application was therefore not properly before it and that a new sign application should be filed with the superintendent of buildings to apply to the marquise as now approved under date of May 5, 1938; and

WHEREAS, the applicant requested permission to withdraw this appeal.

Resolved, that the appeal be and it heerby is *withdrawn.*

377-38-A.

APPLICANT—Simon B. Zelnik, for Lancey Cafeteria, Inc., lessee.

SUBJECT—Appeal from a decision of the fire commissioner.

PREMISES AFFECTED—126 Delancey street, north side, 51.9 ft. west of Norfolk street (Block No. 353, Lot No. 41), Borough of Manhattan.

APPEARANCES—

For Applicant: Simon B. Zelnik, and E. Steinberg.

For Administration: Inspecter Meyer, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(377-38-A)

WHEREAS, Simon B. Zelnik, for Lancey Cafeteria, Inc., lessee, filed on May 18, 1938, an appeal from a decision of the fire commissioner, affecting premises 126 Delancey street, north side, 51.9 ft. west of Norfolk street (Block No. 353, Lot No. 41), Borough of Manhattan; and

WHEREAS, the decision of the fire commissioner, dated May 13, 1938, reads as follows:

"In response to your favor of April 25, 1938, in reference to the proposed installation of a direct expansion air-conditioning system at 126 Delancey street, Manhattan, we regret to advise you that to permit the installation as you have outlined would be a violation of section C19-96.0 (a) of the Administrative Code and section C19-98.0 (a) of the Refrigerating Rules.

We would suggest that you either abandon your intention to place this air conditioning apparatus on the second floor, or take advantage of your right to appeal from the fire chief and commissioner's decision by appealing to the Board of Standards and Appeals, Room 1002, Municipal Building, Manhattan."

and

WHEREAS, the building is five stories, 50 ft. 6 in. in height, 24.6 ft. by 100 ft. in area at 1st story and 24.6 ft. by 52 ft. in area at typical floor, of nonfireproof construction; located in a business use district; erected in 1908 and occupied since 1927 as follows: Cellar—food storage; 1st floor—cafeteria, 60 persons; 2nd to 5th floors, inc.—permanently vacant; and

WHEREAS, the applicant contends that the proposed air conditioning system is of the direct expansion type, using freon as a refrigerant; that the cooling coils and fan will be located on the second floor within five feet of the rear windows; that the refrigerating compressor of 30 ton capacity will be at the same location, within 15 feet of the cooling coils; that the compressor and cooling coils will be inter-connected with copper pipe and sweat fittings; that from the discharge of the fan a system of galvanized iron ducts properly braced will be located on the same floor as the equipment, with outlet connections through the existing second floor to the ceiling of the first floor with suitable means for diffusing the cooled air; that return air ducts will be provided on the second floor with connections to grilles on the ceiling of the first floor; that all ducts and machinery will be properly insulated, so that there will be no greater fire hazard in having the ducts above the

first floor than in having them on the first floor.

Resolved, that the decision of the fire commissioner, dated May 13, 1938, be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that in all other respects the refrigerating system comply with all rules and regulations applicable thereto and that the building shall remain vacant above the second floor and that the second floor shall be used solely for the refrigerating machinery.

349-38-A-WF.

APPLICANT—Shirley Yanser, for Hudson Bakery Company, lessee.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—103-08 Roosevelt avenue, south side, 60 ft. east of National avenue (Block No. 1975, Lot No. 8), Corona, Borough of Queens.

APPEARANCES—

For Applicant: Shirley Yasner.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(349-38-A-WF)

WHEREAS, Shirley Yasner, for Hudson Bakery Company, lessee, filed on May 10, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, relating to the erection of a sign in violation of the provisions of the resolution adopted by the Board of Estimate and Apportionment, creating the World's Fair District; premises 103-08 Roosevelt avenue, south side, 60 ft. east of National avenue (Block No. 1975, Lot No. 8), Corona, Borough of Queens; and

WHEREAS, the decision of the borough superintendent on Alt. App. 1824-38, dated May 10, 1938, reads as follows:

"The erection of a sign extending 30 sq. ft. in area within World's Fair area is contrary to section 4 of the World's Fair Resolution."

and

WHEREAS, the proposed sign will be 15 ft. wide, 5 ft. high and located on the face of the building 10 ft. above sidewalk level and will read as follows:

FISCHER'S BAKERY—RESTAURANT

as shown on plans filed with this application; and

WHEREAS, the applicant contends that the proposed sign will improve the appearance of the building as it will replace an existing sign which must be removed because of its condition.

Resolved, that the decision of the borough superintendent, in acting on Alt. Applic. No. 1824-38, be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that the proposed sign shall not exceed the area as indicated on plans filed with this appeal; that the sign shall be in accord with the plans filed with this appeal as to the area, size and location above the building.

580-37-A.

APPLICANT—Harley and Ellington, for The John Eichler Brewing Co., owner.

SUBJECT—Application for reopening-reconsideration—re appeal from a decision of the commissioner of buildings.

PREMISES AFFECTED—3582 Third avenue, east side, 219 ft. south of Third avenue (Block No. 2610, Lot Nos. 12-47), Borough of The Bronx.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(580-37-A)

WHEREAS, Harley and Ellington, applicants, for the John Eichler Brewing Co., owner, filed December 8, 1937, an appeal from a decision of the commissioner of buildings, affecting premises 3582 Third avenue, east side, 219 ft. south of East 169th street (Block No. 2610, Lot Nos. 12-47), Borough of The Bronx; and

WHEREAS, the decision of the commissioner of buildings dated November 23, 1937, re. N. B. Applic. No. 586-1937, reads:

"1. Standpipe system must be installed as required by section 581 of the building code."

and

WHEREAS, the building in question will be part of a group of existing buildings used as a brewery; the proposed building will be of fireproof construction 8 stories, 120 ft. 6 in. in height, 32 ft. 10 in. by 50 ft. 6 in. in area at first story level and 32 ft. 10 in. by 49 ft. 9 in. in area above, to be occupied as follows: Cellar—grain, storage, 3 persons; 1st to 5th floors, steel bins, extending the five floors, to be used for grain storage—no persons; 6th floor—to consist of steel grating around top of grain bins which extend through from the 1st floor; 7th floor—milling equipment and weigh hoppers—3 persons; 8th floor—conveyor equipment and weigh hoppers, 3 persons; and

WHEREAS, appellant contends that the contents of the building comprise whole malt grits, in the steel bin storage or in the process of milling preparatory to brewing operations. The occupancy of the building will never require in excess of three persons, and the majority of the time there will be required, due to the remote control apparatus, not more than one employe; that the building does not contain any facilities for employes' lockers or any other reason for them to congregate therein, and presents a minimum fire hazard; that, in the vicinity and around this new grain storage building are other brewery buildings, all of which are equipped in numerous places with water and hoses for general operating and washing purposes; that, since construction of the building will not start until the new building code of the city of New York, effective January 1, 1938, becomes operative, it is requested that the standpipe, if any is required, be considered under the provisions of article 16 of the new building code; and

WHEREAS, this appeal was granted by the board December 14, 1937 and applicant requested an amendment of the resolution.

Resolved, that the decision of the commissioner of buildings dated November 23, 1937, in connection with N. B. App. No. 586-1937, be and it hereby is *modified,* and the appeal be and it hereby is *granted, on condition* that the proposed standpipe system shall comply in all respects with the standpipe rules of the Board of Standards and Appeals except that the water supply thereto may be taken from the existing 4-inch line serving the existing shipping building extended to the rear, as indicated on sheet No. 1 of the plans filed with this appeal; that the pressure at all times on the top floor shall be not less than *10* lbs.; *that all hoze nozzles on the top floor shall be not more than ¾ in. in diameter* and that the siamese connection shall be located at the front of the proposed building facing on existing yard, as indicated on sheet No. 2 of plans filed with this appeal and that no roof tank need be provided.

MINUTES

VARIATION OF LABOR LAW

160-38-S.

APPLICANT—Joseph M. Lonergan, for Rio Caterers, Inc., lessee.

SUBJECT—Variation of the labor law, as cited in a decision of the health commissioner.

PREMISES AFFECTED—3869 Broadway, west side, 75 ft. north of West 161st street (Block No. 2137, part of Lot No. 18), Borough of Manhattan.

APPEARANCES—

For Applicant: Joseph M. Lonergan.

For Administration: A. E. Abrahamsen, and E. Kushel, Department of Health.

ACTION OF BOARD—Granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(160-38-S)

WHEREAS, Joseph M. Lonergan for Rio Caterers, Inc., lessee, filed March 10, 1938, an application for a variation of the labor law as cited in decision of the Board of Health on an application for Sanitary Certificate to conduct a bakery at premises 3869 Broadway, west side, 75 ft. north of West 161st street (Block No. 2137, part of Lot No. 18), Borough of Manhattan; and

WHEREAS, the decision of the Board of Health, dated February 25, 1938, reads as follows:

"In reply to your letter in which you request a letter stating the reason for the denial by the Board of Health of the application for Sanitary Certificate to conduct a bakery by the Rio Caterers, Inc., at 3869 Broadway, Manhattan, please be advised that this application was denied by the Board of Health for the following reason:

"'No record of exemption for cellar bakery.'"

and

WHEREAS, the building is one story (17 ft. 8 in.) in height, 25 ft. by 100 ft. in area; erected in 1921, and occupied: Cellar—vegetable storage and bakery, 5 persons; 1st story—restaurant, 25 persons; the cellar is 9 ft. 2 in. in height with finished floor and finished ceiling; the ceiling of cellar being at curb level; and

WHEREAS, the applicant contends that the restaurant sells some of its products for consumption off the premises; that the baking is done in a gas-fired, small oven in the cellar; that although two such ovens exist, only one is used; that these ovens were in the premises and in use when the present proprietors took over the bakery about two years ago; that the cellar is ventilated at front by an opening under the show window of the store, direct to the outer air, 1 ft. 3 in. by 6 ft. in size; that it is proposed to install an 18-inch fan and exhaust duct from the rear of the cellar to the outer air; that there are four refrigerators in the store, kitchen and cellar, cooled by a 2 h.p. ammonia machine, direct expansion, using a maximum of 20 lbs. ammonia; that this machine is located in a room in the cellar to the southwest of main cellar, and this room is directly ventilated to the external air by a window opening at the south; and

WHEREAS, applicant has submitted to the board a proposal, dated May 24, 1938, of work to be done as follows:

1. Install in the cellar an 18 in. intake fan drawing air through a duct from above the roof at the front (Broadway side) of building.
2. Install a 20 in. exhaust fan and duct extending above the roof at the rear of premises.
3. Extend the dwarf partition at Broadway side to ceiling, separating the dressing rooms from the bakery.
4. Change the position of the ammonia machine at the easterly side of the extension toward West 161st street to adjoin the ammonia machine at the westerly side thereof, enclosing these machines in a room with terra cotta brick partitions vented by a duct to the external air.
5. Build metal hood over gas steamer on mezzanine at West 161st street side of cellar and vent this by duct to the external air.
6. Extend the present house drain toward the Broadway side of cellar to pick up a new drained, water supplied sink for new ice box in cellar.
7. Properly trap two sinks along the southerly wall of the bakery, connect them to the house drain, back venting them.
8. Remove the "Geco" trap on vegetable washing sink on mezzanine near West 161st street side and drain this sink into the present sewer connected, water supplied ice box drip sink.
9. Repair and reconcrete, where necessary, the cellar floor.
10. Paint walls and ceiling of bakery.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the labor law, and that the application be and it hereby is *granted,* modifying the decision of the Board of Health, dated February 25, 1938, and that a certificate of exemption shall be issued *on condition* that the defects in the cellar of the bakery shall be corrected in accordance with the proposal of May 24, 1938 submitted to this board; that all work shall be in compliance with the laws, rules and regulations.

APPLIANCES SUBMITTED FOR APPROVAL

207-35-SA.

APPLICANT—William V. McDevit, for Cole's Hot Blast Mfg. Company, owner.

SUBJECT—Cole Hot Blast Oil Heater, Model 915, approval of. (Model 912 previously approved by board).

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application withdrawn on written request.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

56-37-SA.

APPLICANT—Modern Utilities Engineering Co., for Samuel Stamping & Enameling Co., owner.

SUBJECT—Application for consideration—reopening and change of name—re Sachem Oil Space Heater, Models GB-1315, GB-1015, GB-1011, GB-815 and GB-811, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

MINUTES

THE RESOLUTION—

(56-37-SA)

WHEREAS, Modern Utilities Engineering Co., for Samuel Stamping and Enameling Co., owner, filed February 16, 1937, an application with the Board of Standards and Appeals, for approval of the device known as the Sachem Oil Space Heaters, Models GB-1315, GB-1015, GB-1011, GB-815 and GB-811 and the Speedy Hot Oil Space Heater, Models GB-1315, GB-1015, GB-1011, GB-815 and GB-811; and

WHEREAS, the device was submitted to the engineer of the board and the Division of Combustibles of the Fire Department for test and report; and

WHEREAS, this device was approved by the board October 26, 1937 and applicant requested permission to market the burner under the name Gilbert and Barker, same models.

Resolved, that the Board of Standards and Appeals does hereby approve the device known as the Sachem Oil Space Heater, Models GB-1315, GB-1015, GB-1011, GB-815 and GB-811 and the Speedy Hot Oil Space Heater Models GB-1315, GB-1015, GB-1011, GB-815 and GB-811, for use with range oil or No. 1 fuel oil in domestic and commercial installations when installed in accordance with the above report and with the Oil Burner Rules of the Board of Standards and Appeals and with the following additional requirements:

1. Only safety cans approved by the New York Fire Department shall be used for the storage and filling of oil containers.
2. The device shall bear a label permanently affixed thereto reading as follows:

NOTICE
APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. No. 56-37-SA.

3. Floor beneath the oil burning device shall be protected by a ½ inch asbestos or other equivalent shield, extending at least 12 inches beyond the outline of such device.
4. The manufacturer or installer of this burner shall, within 48 hours after each installation, notify the fire department in writing of the name of the person to whom this burner was sold and the address of the premises where installed.
5. This burner shall be connected to a legal chimney, complying with the requirements of Section 403, of Chapter V of the Code of Ordinances; said chimney to have a readily accessible cleanout door; the flue connection to the chimney shall be equipped with automatic damper.

Resolved further, that this device may also be marketed under the name of Gilbert & Barker Oil Space Heaters, Models GB-1315, GB-1015, GB-1011, GB-815, GB-811, *on condition* that under whichever name marketed the requirements of this resolution shall be complied with in all respects.

Adjourned, 4:45 P. M. to May 25, 1938, at 10 A. M.
Convened May 25, 1938, 10 A. M. Adjourned, 12:00 M.

EDWARD V. BARTON, Chief Clerk.

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*CORRECTION.

The minutes of the meeting of the Board of Standards and Appeals held Tuesday April 26, 1938, as they appeared in Bulletin No. 18, Vol. 23, are hereby corrected to read as follows:

THE RESOLUTION—

(248-38-SM)

WHEREAS, Page Steel and Wire Division of American Chain and Cable Company, Inc., owner, filed April 9, 1938, an application with the Board of Standards and Appeals for approval of their material known as the Page Hi-Tensile C and G Welding Electrodes; and

WHEREAS, this material was submitted to the engineer of the board for test and report; and

WHEREAS, the report of the committee of the board of which the engineer was a member was as follows:

REPORT OF COMMITTEE ON TESTS.

Re: Cal. No. 248-38-SM.
Welding Electrodes, Page Hi-Tensile C, F and G and Page B Special.

The Page Steel and Wire Division of the American Chain and Cable Co., Inc., owner, filed April 9, 1938, an application with the Board of Standards and Appeals for approval of the material known as the Welding Electrodes, Page Hi-Tensile C, F and G and Page B Special, but withdrew this application as to F and B Special.

A committee of the board inspected the making up of the all-weld metal tension test samples at Laboratory of the Brooklyn Polytechnic Institute on Monday, April 18, 1938, and samples were made up of these specimens with Page Hi-Tensile C and G rods, one with reverse polarity rods and the other straight polarity. The base plates in conformance with the ASTM A-7-36 were bevelled as required for the welds.

These samples were not stress relieved and subjected to tensile test in the same laboratory on April 23, 1938. The specimens with the reverse polarity rods developed a tensile stress of 62,600 lbs. per sq. in. and an elongation of 33 1/3 per cent. The specimen made up with the straight polarity rod developed 70,440 lbs. per sq. in. and an elongation of 21 per cent.

In both cases the rupture was clean and an inspection of the broken cross section showed a complete absence of voids and slag inclusions.

The samples met the requirement of the test of the American Welding Society for the No. 10 grade, which specified a working stress of 60,000 pounds and an elongation of 20 per cent for "non-stress relieved specimens."

The committee accordingly recommends that the Page Hi-Tensile C reverse polarity rods, when made in sizes of 3/32, 1/8, 5/32, 3/16, 1/4, 5/16, and 3/8, in lengths of 14 in., excepting the 3/32 size, which is 12 in., be approved for flat, vertical, or overhead positions; that Page Hi-Tensile G electrodes of straight polarity made in sizes of 5/32, 3/16, 1/4, 5/16, 3/8, in 14 in. lengths, except sizes 3/8, 5/16 and 1/4, which are made in 18 in. lengths, be approved for use in flat fillet welding; and that both types when coated with a suitable flux coating and when packed in bundles with marking indicating the name, the grade and the wording, approved for use in New York City under Cal. No. 248-38-SM, be approved as meeting the requirements for grade No. 10, 15, 20, 30 and 40, and as meeting the requirement of rule 7, subdivision 2, Fusion Welding Rules of the Board of Standards and Appeals.

(Sgd.) BERNARD A. SAVAGE,
Commissioner.

LESLIE V. HUBER,
Engineer.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as the Page Hi-Tensile C reverse polarity electrodes and the Page Hi-Tensile G straight polarity electrodes for use in structural welding under Rule 7, subdivision 2 of the Welding Rules of the Board and when conforming to above report and when bundles are marked—approved by the Board of Standards and Appeals for use in New York City under Cal. 248-38-SM.

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*Correction—Letter "C" changed to "G" in line 4 of *Resolved.*

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, March 15, 1938, as they appeared in Bulletin No. 12, Vol. XXIII, are hereby corrected to read as follows:

THE RESOLUTION—

(161-38-A)

WHEREAS, Oscar Lowinson, for Gotham Ink and Color Co. and Abraham Sheftman, lessees, and Hannah Luedemann, owner, filed on March 11, 1938, an appeal from orders and decision of the Fire Commissioner, affecting Premises 40-42 Renwick street, east side, 75 ft. south of Spring street (Block No. 594, Lot No. 72), Borough of Manhattan; and

WHEREAS, the decision of the Fire Commissioner, dated March 1, 1938, reads as follows:

"In response to your favor of February 25, 1938, in reference to 40-42 Renwick street, Manhattan, be advised that either one of the two tenants at this location must remove his combustible storage before a permit can be issued to the other.

We have on file a communication from the owner, Mrs. Hannah Luedemann, that she was about to dispossess the Gotham Ink and Color Company for nonpayment of rent.

As long as both tenants remain in the buildings, the orders issued against the individual tenants will have to be complied with. No permit can be issued to either while both remain."

and

WHEREAS, Order of Fire Commissioner No. 11002-LC, dated January 31, 1938, reads as follows:

"With reference to your application dated September 4. 1937, for a permit to maintain a technical establishment at the above location, I regret to inform you that this department is without power to grant such a permit for the reason building in part is used for the storage of rags.

YOU ARE THEREFORE, HEREBY ORDERED TO

1. Discontinue the maintenance of a technical establishment on these premises and remove all volatile inflammable oils, varnish, etc. from same.

NOTE: Under the law, your occupancy affects that of Abraham Sheftman who will be similarly notified. One occupancy or the other must cease under permit requirement. Ch. 19, Title C, Part 1, Articles 23 and 26, Administrative Code."

and

WHEREAS, the Order of the fire commissioner No. 11003-LC, dated January 31, 1938, reads as follows:

"A recent inspection of your premises indicates that the following must be done, otherwise Permit 121169, which is dated to expire July 15th, 1938, will be revoked:

1. Either cause the discontinuance of the occupancy of Gotham Ink and Color Co., which is engaged in the manufacture of printing ink which involves the storage and use of naphtha, oils, benzol, varnish, etc.

OR

Reduce Stock of combustible fibre to one ton. Ch. 19, Title C, Part 1, Art. 26, Administrative Code.

NOTE. As to permit requirement, one occupancy or the other must cease. Both cannot receive permits under the law."

and

WHEREAS, the building is 8 stories (90 ft.) in height, 50 ft. by 59 ft. in area, of fireproof construction, equipped with standpipe; erected in 1892 and located in an unrestricted "A" area 2 times Height District; occupied as follows since 1937: Cellar—Heating plant and storage, 5 persons; 1st floor—storage and manufacturing, 10 persons; 2nd to 8th floor—storage, 5 persons per floor; and

WHEREAS, the applicant contends that the 1st story is divided into two parts—the southerly portion, 23 ft. by 53 ft., is occupied by the Gotham Ink and Color Co. for the manufacturing of ink goods, which requires the storage of the following materials: One drum (50 gallons each) of naphtha, alcohol, ethyl acetate, turpentine, resin varnish, linseed varnish (also some 5-gallon cans of linseed varnish of different consistencies); two 30-gallon drums of pyroxylin solution in ethyl acetate, 5 gallons cellsolve, one gallon methyl cellsolve, one gallon benzol, one gallon carbitol, 5 gallons butyl acetate, 5 gallons di-butyl phthalage, 5 gallons toluol, 5 gallons zylol (all in metal cans), 1,000 pounds odd dry colors in powder form, 50 gallon drum of raw linseed oil, two 50-gallon drums of mineral oil, one 50-gallon drum of fish oil; that the balance of the building is occupied for the storage of woolen rags, a maximum of 15 tons in the entire building; that the printing ink manufacturer has gone to great expense in fitting up the place for its use and the removal of such use would work a serious hardship on the tenant and for that reason respectfully requests a variation so as to permit the continuance of both occupancies in the buildings.

Resolved, that the Order of the Fire Commissioner, No. 11002-LC be and it hereby is *modified*, and the appeal be and it hereby is *granted on condition* that the occupancy for ink manufacture shall be restricted to the southerly portion of the first floor; that the partition dividing such portion from the balance of the first floor, shall be fire-retarded on the southerly face in accordance with the rules of the Board of Standards and Appeals; that the standpipe and sprinkler systems shall be maintained to the satisfaction of the Fire Commissioner; that no open flame shall be permitted in this portion of the first floor of the building; that such portable fire-fighting appliances shall be installed as the Commissioner shall direct; and that the Order of the Fire Commissioner No. 11003-LC may be *dismissed* provided the requirements of this resolution are complied with.

* Correction—The words "and fire alarm" omitted in line 98 of resolution.

NOTICE

FORMS FOR NOTICES TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

Copies of the Official Directory of the City of New York for the year 1938 (The Little Green Book), containing the latest authentic information in relation to City, State and Federal Departments, Bureaus, Offices and Courts, are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50 cents; by mail, three cents per copy must be added for postage.

RULES

RULES FOR LIQUEFIERS USED TO CONVERT SOLID CARBON DIOXIDE TO A LIQUID AND /OR A GAS, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 214, ARTICLE 17 OF CHAPTER 10 OF THE CODE OF ORDINANCES

ADOPTED BY THE BOARD OF STANDARDS AND APPEALS JUNE 26, 1936.

EFFECTIVE, JULY 27, 1936.

(262-35-SR)

Authority:

Pursuant to the authority vested in the Board of Standards and Appeals by Section 718-A, sub-division 3 of Chapter XIV-A of the Charter of the City of New York for the carrying into effect the provisions of Section 214, Article 17, Chapter 10 of the Code of Ordinances.

Rule 1. Certificate of Approval.

A Certificate of Approval shall be obtained by the manufacturer from the Fire Chief and Commissioner for each type of liquefier or converter to be used for the conversion of solid carbon dioxide to liquid carbon dioxide as in full compliance with these Rules. A Certificate of Approval shall also be obtained from the Fire Chief and Commissioner for each system used to convert solid carbon dioxide to liquid carbon dioxide for filling portable cylinders or other containers as in full compliance with these Rules.

Rule 2. Certificate of Fitness.

A Certificate of Fitness shall be obtained from the Fire Chief and Commissioner for each operator of a liquefier system used to convert solid carbon dioxide to liquid carbon dioxide for filling portable cylinders or other containers.

Rule 3. Inspection Test Report.

A disinterested inspection service, approved by the Fire Chief and Commissioner, shall inspect all material and workmanship of all liquefiers at the place of manufacture and shall verify compliance with these Rules, witness all tests and shall furnish the Fire Chief and Commissioner with a test report as follows:

A. Test reports for liquefiers, other than redesigned portable cylinders, shall show all information called for in paragraph 23, I. C. C. Specification 3A, except as follows:
   1. "Marks stamped into shoulder of cylinder." This shall be as per Rule "11 Marking" hereinafter specified. Actual markings shall be shown on test report.
   2. "Record of hydrostatic tests." This shall be as per Rule "9 Testing" hereinafter specified.
   3. Statement shall be furnished that liquefier covered in said test report comply with these Rules, and Certificate of Approval Number for the type of liquefier covered in said test report.

B. Test report for converted portable cylinders for liquefier use shall show for each converted cylinder the following:
   1. Liquefier Serial Number.
   2. Original number of cylinder used for conversion.
   3. Original ownership initials of cylinders used for conversion.
   4. Original I. C. C. marking of cylinder used for conversion.
   5. Original manufacturing test date of cylinder used for conversion, and name of original manufacturer.
   6. Test pressure applied to cylinder before conversion.
   7. Total expansion obtained on cylinder before conversion.
   8. Permanent expansion obtained on cylinder before conversion.
   9. Per cent expansion obtained on cylinder before conversion.
   10. Elastic expansion obtained on cylinder before conversion.
   11. Outside diameter and length of cylinder before conversion.
   12. A statement that the above cylinders before conversion into liquefiers were tested in a water jacket in accordance with these Rules and I. C. C. Regulations and the results appear above.
   13. A statement that the top thickness, opening for cover plate and distance across the corner where the side wall meets the bottom and at 45° to the side wall, was measured and the dimensions were found to conform with Rule 6, F. G. H and I.
   14. A statement that after assembly each liquefier was given an open hydrostatic test to 3,000 lbs. and this pressure was held for at least two minutes without showing a pressure recession of more than 75 lbs.
   15. The liquefier was marked as follows: (See Rule "11 Marking" for requirements.)
   16. A statement that these liquefiers conform to these Rules, and that the type of liquefier has been approved under New York City Fire Department Certificate of Approval Number .....

Rule 4. Construction Other Than Screw Thread Type.

New liquefiers designed for the purpose of converting solid CO^2 to liquid CO^2 shall be constructed of seamless drawn steel in accordance with Specifications of I. C. C. governing cylinders for CO^2. Closure devices other than screw thread type shall conform with the following:

A. The minimum wall thickness for a test pressure of 3,000 lbs. per sq. in. shall be in accordance with the following formula:

$$t = \frac{OD \times P \times .43}{S}$$

Where OD = Outside diameter of container
t = Wall thickness.
P = 3,000 lbs. PSI.
S = Minimum yield point of hard steel (not to be figured in excess of 50,000 lbs.).

B. The "Top" is defined as that portion of the liquefier in which the closure device is installed and where the ice is introduced.

C. The minimum thickness of the top before machining shall be at least 3½ times the wall thickness.

D. The minimum thickness of the top after machining shall be at least 3 times the wall thickness.

E. The minimum distance from edge of the hole cut or shaped for the closure device to the outside of wall shall be 4½ times the wall thickness.

F. The maximum width of the machined seat shall not be more than 1½ times the wall thickness.

G. The outside radius connecting the top of the liquefier to its side wall shall not be more than 1½ times the wall thickness.

H. The inside radius connecting the side wall to the top before machining, shall not be less than 2½ times the wall thickness.

In lieu of the requirements as set forth in C to H inclusive above:

The top portion of the liquefier including closure plate

shall be designed with a factor of safety of not less than two at a test pressure of 3000 lbs. per sq. inch. The design shall be proven by a test to destruction for each type of liquefier before a certificate of approval shall have been issued.

I. A large fillet shall be provided in the corner of the machined seat where it meets the inside radius.

Rule 5. Construction Screw Thread Type.

New liquefiers designed for the purpose of converting solid CO^2 to liquid CO^2 shall be constructed of seamless drawn steel in accordance with specifications of I. C. C. governing cylinders for CO^2. Closure device of the screw thread type shall conform with the following:

A. The minimum wall thickness for a test pressure of 3,000 lbs. per sq. in. shall be in accordance with the following formula:

$$t = \frac{OD \times P \times .43}{S}$$

Where OD = Outside diameter of container.
t = Wall thickness.
P = 3,000 lbs. PSI.
S = Minimum yield point of hard steel (not to be figured in excess of 50,000 lbs.)

B. The thread of the device shall be designed with a factor of safety of not less than 4 at a test pressure of 3,000 lbs. per sq. in. and the wall thickness after cutting thread shall not be less than that specified in Rule 5-A above.

Rule 6. Conversion of Portable Cylinders for Liquefier Use.

Seamless portable cylinders made to I. C. C. Specification 3 or 3A for oxygen or carbon dioxide and originally designed and used for the transportation of compressed or liquefied gases shall be acceptable for alteration or conversion into carbon dioxide liquefiers only under the following conditions;

A. Cylinders which have been in a fire shall not be used for conversion into liquefiers until they have been properly heat treated and retested as specified in paragraph 423, of the I. C. C. Regulations.

B. Cylinders which show surface dents, or which fail to give a clear ring on being struck with a hammer, shall not be used for conversion into liquefiers.

C. Before conversion into liquefiers, each cylinder shall be submitted to a hydrostatic test of 3,000 lbs. pressure in a water jacket under the conditions specified in paragraph 424 of the I. C. C. Regulations and the total and permanent expansion shall be recorded. A cylinder shall be condemned when it leaks or when the permanent expansion exceeds 10 per cent of the total expansion.

D. If in the hydrostatic test in the water jacket the net elastic expansion (total expansion less permanent expansion) at 3,000 lbs. exceeds the allowable limit given in the following table for the type of cylinder involved, such cylinder shall not be used for conversion into a liquefier. If the cubic capacity of a cylinder to be tested varies from the standard capacity given in the table for that type, then the allowable limit of elastic expansion will be varied in the same proportion.

TABLE I.

Type	*Cubic Capacity*	*Elastic Expansion Allowable Limit*
220 ft. oxygen	2,660 cu. in.	170 c.c.
200 ft. oxygen	2,660 cu. in.	170 c.c.
50 lbs. CO^2	2,360 cu. in.	150 c.c.

E. No cylinders designed and used for a portable container shall have the thickness of the side wall reduced by any cutting of threads in the process of conversion into a liquefier, except as specified in Rule "5-B Construction Screw Thread Type."

F. If the closure is formed by using a portion of the former bottom as a seat, this shall only be permissible if the dimensions of the liquefier conform to those shown in the Tables II. III and IV.

TABLE II.

Type	*Minimum Bottom Thickness*
220 ft. oxygen	.66 in.
200 ft. oxygen	.66 in.
50 lbs. CO^2	.66 in.

TABLE III.

Type	*Maximum Opening Permitted*
220 ft. oxygen	6⅛ in. x 7⅛ in.
200 ft. oxygen	6⅛ in. x 7⅛ in.
50 lbs. $CO.^2$	5¾ in. x 6¾ in.

TABLE IV.

Type	*Minimum Thickness across corner at Point where the outside of the side wall meets the inside radius of bottom and at 45° to side wall.*
220 ft. oxygen	⅝ in.
200 ft. oxygen	⅝ in.
50 lbs. CO^2	⅝ in.

G. The maximum width of the machined seat for the gasket of liquefier shall be 5/16 in., and the inside radius connecting this seat to the side wall of the cylinder shall not be less than ⅛ in.

H. The minimum thickness of closure plate shall be 5 times the wall thickness of the cylinder. The closure plate shall be of a good grade of billet steel. Castings not permitted.

I. Before conversion into a liquefier, the cylinder shall meet a new hydrostatic test at the pressure at which such cylinder was originally tested, provided however, that no cylinder shall be converted unless for its original use it was tested to 3,000 lbs. pressure. Such new test shall be in a water jacket before conversion into a liquefier.

Rule 7. Spuds.

Spuds for chain connections or for reinforcing valve or pipe connections of not over ¾ in. pipe size shall be welded before heat treatment at place of manufacture of the liquefier.

Rule 8. Safety Devices.

Each liquefier shall be provided with two safety devices of frangible disc type attached to the liquefier at a point not lower than 6 inches from the top. The cross section area of the discharge channel, or channels (of the safety device, or devices) shall be at least .006 sq. in. for each 25 lbs. of liquefier water capacity and .00024 sq. in. additional for each additional pound of water capacity. Safety devices having two or more outlets shall be so constructed that these outlets will have a combined total area of not less than one and one-half times that prescribed for the safety discharge channel. The frangible disc of the safety devices shall be designed to release at a pressure of not more than 2,000 lbs. per sq. in.

Rule 9. Testing.

Each liquefier after assembly shall be tested hydrostatically by an approved independent testing agency for not less than two minutes to a pressure of 3,000 lbs. per sq. in. without showing a pressure recession of more than 75 lbs.

per sq. in. The inspection service shall file a satisfactory record on test report stating that the liquefier passed the above required test.

Rule 10. Quinquennial Test.

Liquefiers used for any purpose shall be retested at least every five years to a pressure of 3,000 lbs. per sq. in. in the same manner and under the same requirements as at the time and place of manufacture and the date of retest shall be stamped thereon.

Rule 11. Marking.

Each liquefier shall bear marking as follows:

A. Name of owner.
B. Serial number.
C. Name or trade mark of manufacturer.
D. Date of manufacture.
E. Test pressure.
F. Inspection service mark.
G. Maximum filling charge based on filling to not more than 68 per cent of the water content by weight.

Rule 12. Filling.

Each liquefier shall be placed and used in a vertical position with filling effected while liquefier is properly secured.

Rule 13. Maximum Charge.

Liquefiers shall not be filled with solid carbon dioxide in excess of 150 lbs. nor in excess of 68 per cent by weight of the water capacity of the liquefier.

Rule 14. Use of CO^2 Systems and Liquefiers.

A. Carbon dioxide liquefier converting systems for filling portable cylinders shall not be used in any building occupied in whole or in part as a residence or as a multiple dwelling, or as place of public assembly, or in a building not used exclusively for manufacturing purposes.
B. Except in buildings used exclusively for the manufacture of carbon dioxide or other compressed gases, not more than 8 liquefiers of a maximum combined capacity of 1,200 lbs. of carbon dioxide shall be headed in a battery and not more than one such battery shall be permitted in a building.
C. Liquefiers may be manifolded only by the use of extra heavy steel or wrought iron pipe, or extra heavy seamless copper or brass tubing, of not larger than ¾ in. I. P. S. Fittings shall be high pressure forged steel or extra heavy bronze hydraulic type.
D. Each manifold shall be protected by a frangible disc safety device of the same size and type as those prescribed for the liquefier, and designed to release at a pressure of not more than 2,000 lbs. per sq. in. In addition, the liquid manifold shall be protected by a spring safety valve so set as to relieve the pressure at not more than 1,600 lbs. per sq. in.
E. When carbon dioxide gas is conducted through pressure reducing valve between liquefier and point of use, the use of a heater will be permitted, but said heater shall be so arranged that heat may be applied indirectly. This heater shall consist of a coil immersed in water. The source of heat shall then be applied to the water but not directly to the coil.

Rule 15. Test of Piping.

Each liquefier or battery of liquefiers to be used for the filling of portable cylinders or other containers with liquid carbon dioxide and all the piping connected thereto, shall be hydrostatically tested in the presence of the representatives of the Fire Chief and Commissioner before the solid carbon dioxide is first put into the system. A hydrostatic pressure of 2400 lbs. per sq. in. shall be maintained for fifteen minutes, released for five minutes, and again applied for a period of fifteen minutes without any visible leak or reduction of pressure. This test shall be repeated at least every five years.

Rule 16. Approval Systems for Filling Portable Cylinders.

Each liquefier or battery of liquefiers used for filling portable cylinders or other containers, shall be permanently labeled or marked showing the Fire Department Certificate of Approval Number together with date of last test.

Rule 17. Acceleration.

Defrosting, or acceleration of liquefaction, shall be by use of water only, the water shall be of a temperature not above 85° Fahrenheit.

Rule 18. CO^2 Portable Cylinders.

A. Portable cylinders or other containers to be filled with liquid carbon dioxide shall be constructed and marked in accordance with the Specifications of the Interstate Commerce Commission for carbon dioxide cylinders and shall have been tested within intervals of not more than five years as evidenced by official marking. Cylinders not so constructed and marked shall not be filled with carbon dioxide.
B. The maximum filling of liquid carbon dioxide, with one pound allowable variation in each cylinder, shall not be over 20 lbs. for standard cylinders 5½ in. in diameter by 51 in. long, nor over 50 lbs. for standard cylinders 8½ in. in diameter by 51 in. long and larger. No cylinder shall be filled with carbon dioxide to more than 68 per cent of the water capacity, by weight, of the cylinder.
C. The amount of liquid carbon dioxide charged into portable cylinders or other containers shall be determined by weight by use of a dial scale having a movable indicator, and this weight shall also be checked after disconnecting from the charging line.

Rule 19. Existing Installations.

Liquefiers or converters to which these rules and regulations cannot be applied, may be maintained and operated, if approved by the Board of Standards and Appeals, under such conditions as are deemed necessary in the interest of public safety.

NOTICE

MULTIPLE DWELLING LAW ON SALE

Copies of the Multiple Dwelling Law are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50c; by mail 54c.

Copies of the Supplemental Rules and Regulations of the Tenement House Department on Fire Retarding, Fire Escapes, Fire Stairs and Fire Towers are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 10c; by mail 12c.

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BULLETIN
OF THE
BOARD OF STANDARDS AND APPEALS
CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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DIRECTORY

BOARD OF STANDARDS AND APPEALS
HARRIS H. MURDOCK, Chairman
BERNARD A. SAVAGE
CHARLES M. BLUM
CHIEF JOHN J. MCELLIGOTT
EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.
TELEPHONE—WORTH 2-0184.
OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.
All communications should be addressed to the chairman of the board

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Minutes of Regular Meeting June 1, 1938, at 2 P. M., Affecting Calendar Numbers 480-37-BZ, 308-37-BZ, 54-38-BZ, 128-38-BZ, 6-27-BZ, 384-37-BZ, 436-37-BZ, 54-36-BZ, 27-38-A, 193-38-A, 371-38-A, 276-38-A, 389-38-A, 346-38-A, 401-38-A, 414-38-A, 498-37-A, 37-28-S, 50-38-SA, 293-38-SA and 379-38-SM.

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PUBLIC HEARINGS

Tuesdays, at 10 a. m. and 2 p. m.

Special meetings as published in this Bulletin.

All hearings are held in Room 1013, Municipal Building Borough of Manhattan.

HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman*

CALENDAR

DOCKET

New Cases Filed up to May 31, 1938

Cal. No. *Department* *Premises Affected*

401-38-A.....H.B.Q.....South side of 57th road, 125 ft. west of 58th street (Block 2671, Lot 1), Maspeth, Borough of Queens, Alt. 3699-38.

402-38-A.....H.B.Q.....138-12 Northern boulevard, south side, 76.65 ft. east of Union street (Block 830, Lot 24), Flushing, Borough of Queens, Decision re: Corr. 1070-38.

403-38-A.....H.B.B.....321-333 Johnson avenue, north side, 394 ft. 1 in. west of Bogart street (Block 3056, Lot 224), Borough of Brooklyn, Applic. 5775-38.

404-38-BZ.....H.B.B.....214-228 Schermerhorn street, south side, 242 ft. 11 in. east of Hoyt street (Block 171, Lot 7), Borough of Brooklyn, Applic. 433-38.

405-38-BZ.....H.B.B.....240-250 Schermerhorn street and 54-60 Bond street, southwest corner (Block 171, Lot 7), Borough of Brooklyn, Applic. 434-38.

406-48-BZ.....H.B.B.....134-192 Schermerhorn street, south side from Smith street to Hoyt street, 57-73 Smith street, east side from Schermerhorn street to State street and 257-271 State street (Block 170, Lot 1), Borough of Brooklyn, Applic. 431-38.

407-38-BZ.....H.B.B.....37-55 Smith street, east side from Livingston street to Schermerhorn street, 156-164 Livingston street and 137-145 Schermerhorn street (Block 164, Lot 1), Borough of Brooklyn Applic. 432-38.

408-38-BZ.....H.B.Q.....72-01 Astoria boulevard North (Grand Central Parkway Extension), northeast corner of 72nd street (Block 1004, Lot 52), Astoria, Borough of Queens, N.B. 1926-38.

409-38-BZ.....H.B.Q.....86-70 76th street, west side, 146 ft. south of Jamaica avenue (Block 8904, part of Lot 7), Woodhaven, Borough of Queens, Order Nos. 556, 622 and Decision, re Corr. 1651-37.

410-38-A.....H.B.Bx.....880 Zerega avenue, east side, 236.15 ft. south of Quimby avenue (Block 3704, Lot 1), Borough of The Bronx, N.B. 157-38.

411-38-SM.....H.B.....Fir-Tex Insulating Board, manufactured by Fir-Tex Insulating Board Company, Material.

412-38-A.....F.D.....96-85 219th street, east side, 100 ft. north of 97th avenue (Block 1696, Lot 6), Queens Village, Borough of Queens, 74797-L.C.

413-38-A.....F.D.....486-488 Alabama avenue and 542-552 Livonia avenue, southwest corner (Block 819, Lot 28), Borough of Brooklyn, 71327-L.C. and Decision.

414-38-A.....H.B.B.....2483-2491 Flatbush avenue and 5102-5112 Avenue U, southeast corner (Block 8470, Lot 63), Borough of Brooklyn, Alt. 6262-38.

415-38-SM.....H.B.....Flintkote 2 and 3 Ply Asphalt Felt, Slag or Gravel Surface Reroofing and Flintkote 3, 4 and 5 Ply Asphalt Felt, Slag or Gravel Roofing, manufactured by The Flintkote Company, Material.

416-38-BZ.....H.B.Q.....162-42 to 162-44 Piedgeon Meadow road (Fresh Meadow road), west side, 235 ft. north of Laburnum avenue (Block 5461, Lots 44, 46, 47 and 49), Flushing, Borough of Queens, Alt. 2897-38.

417-38-A.....H.B.M.....14-26 South William street, north side, 154 ft. ¾ in. west of Broad street (Block 29, part of Lots 73, 86, 88, 89, 90 and 91), Borough of Manhattan, N.B. 37-38.

418-38-A.....F.D.....210-216 Taaffe place, west side, 20 ft. 6 in. south of Willoughby avenue (2nd floor left) (Block 1924, Lot 28), Borough of Brooklyn, 74673-L.C. and Decision.

419-38-A.....F.D.....317-325 Madison avenue and 33-49 East 42nd street, northeast corner and 44-46 East 43rd street (3rd floor), (Block 1277, Lot 20), Borough of Manhattan, 12828-L.C.

420-38-A.....H.B.B.....545-567 President street, north side, 180 ft. west of Fourth avenue (Block 441. Lot 42), Borough of Brooklyn, Applic. 6942-38.

421-38-A.....H.B.Bx.....1699 Nelson avenue, west side, 175 ft. north of Brandt place (Block 2876, Lot 142), Borough of The Bronx, Alt. 277-38.

CALENDAR

422-38-SA.....H.B.....Newera Drinking Fountain Bubbler, manufactured by Crane Company, Appliance.

423-38-SA.....H.B.....Purflo Drinking Fountain Bubbler, manufactured by Crane Company, Appliance.

424-38-BZ.....H.B.Bx.....1763 Southern boulevard, west side, 225 ft. south of Crotona Park East and 1753 Boston road (Block 2940, Lot 47), Borough of The Bronx, Alt. 249-38.

425-38-BZ.....H.B.M.....100 East 107th street and 1455 Park avenue, southeast corner (Block 1634, Lot 71), Borough of Manhattan, N.B. 97-38.

426-38-SA.....F.D.....Arcoflame Oil Burner, Appliance.

427-38-SA.....H.B.....Josam Oil Interceptor, manufactured by Josam Manufacturing Company, Appliance.

428-38-BZ-WF..H.B.Q.....127-32 to 127-48 Northern boulevard, south side, 40 ft. east of 127th place (Block 1829, Lot 21), Corona, Borough of Queens, Alt. 9753-37.

429-38-A.....F.D.....1091-1095 Metropolitan avenue, northeast corner of Vandervoort avenue (Block 2927, Lot 1), Borough of Brooklyn, 75419-L.C.

Restored to Calendar

308-37-BZ.....H.B.Bx.....538 Trinity avenue and 696 East 149th street, southeast corner (Block 2557, Lot 96), Borough of The Bronx, B.N. 465-38.

193-38-A.....H.B.M.....17 East 54th street, north side, 110 ft. west of Madison avenue (Block 1290, Lot 13), Borough fo Manhattan, 35443-F.

DESIGNATIONS: H.B.—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

COURT DECISION

In re Scott & Tighe Garage (Board of Standards and Appeals)—On February 1, 1938, the board granted appeal for stores and garage for parking and storage, and portion at rear for parking and storage, premises 821-825 7th avenue, northeast corner West 53rd street and 158 West 54th street, Borough of Manhattan, under Cal. No. 483-37-BZ. Mr. Justice Shientag dismissed certiorari (N.Y.L.J., June 2, 1938).

RULES

	Last Publication in Bulletin
Carbon Dioxide Liquefier Rules	May 31, 1938—Vol. 23, No. 22
Certificate of Occupancy, approved forms	Aug. 2, 1932—Vol. 17, No. 31
Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
Concrete Rules (Hydrated Lime)	Aug. 3, 1937—Vol. 22, No. 31
Elevator Rules	Mar. 3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors)	June 15, 1937—Vol. 22, No. 24
Factory Exit Rules	May 24, 1938—Vol. 23, No. 21
Fire Alarm Rules (Interior)	Apr. 5, 1938—Vol. 23, No. 14
Fire Drill Rules	April 26, 1938—Vol. 23, No. 17
Fire Retarding Rules for Garages, etc.	May 17, 1938—Vol. 23, No. 20
Fireproof Wood, Testing of	Apr. 13, 1937—Vol. 22, No. 15
Frame Garages, Ruling for	Jan. 21, 1919—Vol. 4, No. 3
Fusion Welding and Gas Cutting Rules	May 3, 1938—Vol. 23, No. 18
Gas Shut-Off Rules	Apr. 7, 1925—Vol. 10, No. 14
Hatchway Protection	June 5, 1928—Vol. 13, No. 23
Oil Burner Rules	June 7, 1938—Vol. 23, No. 23
Paint, Varnish and Lacquer Spraying Rules	April 26, 1938—Vol. 23, No. 17
Platform Trucks, Specifications for	Nov. 24, 1936—Vol. 21, No. 47
Plumbing Rules	Aug. 3, 1937—Vol. 22, No. 31
Procedure, Rules of	Sept. 7, 1937—Vol. 22, No. 36
Refrigerating Systems, Extract C.O.	May 10, 1938—Vol. 23, No. 19
Smoking in Factories, Rules for	May 24, 1938—Vol. 23, No. 21
Sprinkler Rules	June 29, 1937—Vol. 22, No. 26
Standpipe Fireline Rules	June 8, 1937—Vol. 22, No. 23
Structural Alterations, Reporting	June 7, 1932—Vol. 17, No. 23
Tank Trucks, Fuel Oil, etc	Nov. 24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc	Nov. 24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr. 10, 1923—Vol. 8, No. 15

LIST OF APPROVED APPLIANCES

Anti-Siphon Valves	Mar. 5, 1935—Vol. 20, No. 10
Fireline Hose Valves	June 7, 1938—Vol. 23, No. 23
Fuel Oil Burners for Domestic and Commercial Use	Apr. 19, 1938—Vol. 23, No. 16
Fuel Oil Fill Pipe Terminals	May 3, 1938—Vol. 23, No. 18
Fuel Oil Burners for Industrial Use	June 7, 1938—Vol. 23, No. 23
Fuel Oil Pumps	June 7, 1938—Vol. 23, No. 23
Paint, Varnish and Lacquer Spraying Equipment	April 26, 1938—Vol. 23, No. 17
Range Oil Burners and Space Heaters	June 7, 1938—Vol. 23, No. 23

JUNE 7, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, June 7, 1938*, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 568-37-BZ—Application, December 2, 1937, under sections 7g and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Theresa Van Houten, owner, to permit in a business use district the erection and maintenance of a garage for more than five (5) motor vehicles and, also, a gasoline service station; premises 8917-8923 Flatlands avenue, southwest corner of Remsen avenue (Block No. 8010, Lot No. 1), Borough of Brooklyn.

CAL. NO. 564-23-BZ—Application of Lama and Proskauer, applicants, on behalf of Scotto Holding Corporation, owner, reopened April 12, 1938, under sections 7c and 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the extension of an existing motion picture theatre building; premises 395 Court street, east side, 100 ft. south of First place (Block No. 459, Lot Nos. 2 and 6), Borough of Brooklyn.

CAL. NO. 51-38-BZ—Application, January 27, 1938, under sec-

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tion 7h of the building zone resolution, of Bernhardt T. Berman, applicant, on behalf of Dimbashe Holding Corporation and Estate of Adam Schepp, owners, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 44-54 Suffolk street, east side, 100 ft. north of Grand street (Block No. 346, Lot Nos. 3, 7 and 8), Borough of Manhattan.

CAL. NO. 215-38-BZ—Application, March 31, 1938, under sections 7b and 7c of the building zone resolution, of I. L. Crausman, applicant, on behalf of Jerome Building Corporation, owner, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a multiple dwelling having stores in part of the cellar story; premises 190 Mosholu Parkway south and 265 East 204th street, northwest corner (Block No. 3311, Lot Nos 138-142 inclusive), Borough of The Bronx.

CAL. NO. 224-38-BZ—Application, April 4, 1938, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Hanover Service Station, Inc., owner, to permit partly in a residence use district and partly in a business use district the erection and maintenance of a gasoline service station; premises 32-11 to 32-19 Cross Island boulevard and 198-05 to 198-09 33rd avenue, northeast corner (Block No. 6025, Lot No. 36), Bayside, Borough of Queens.

CAL. NO. 55-38-BZ—Application, January 28, 1938, under section 21 of the building zone resolution, of Lewis Braverman, applicant, on behalf of New York Majestic Corporation, owner, to permit in a residence use district the alteration and change of occupancy of part of the first story of an existing multiple dwelling to business use (Broker's Office); premises 115-119 Central Park west, west side, from West 71st street to West 72nd street, 1-15 West 71st street and 2-10 West 72nd street (Block No. 1124, Lot No. 27), Borough of Manhattan.

CAL. NO. 200-38-BZ—Application, March 25, 1938, under section 21 of the building zone resolution, of MacMurray Holding Corporation, applicant and lessee, on behalf of Frank S. Staley, attorney-in-fact for John D. Rockefeller, Jr., owner, to permit in a residence use district the parking and storage of more than five (5) motor vehicles; premises 2-24 West 53rd street, south side, 100 ft. west of Fifth avenue (Block No. 1268, Lot Nos. 42 to 52, inclusive), Borough of Manhattan.

CAL. NO. 347-38-BZ—Application, May 9, 1938, under section 21 of the building zone resolution, of I. L. Crausman, applicant, on behalf of Gelson Realty Corporation, owner, to permit in a residence use and "D" area district the erection and maintenance of a multiple dwelling not conforming with the area requirements of the building zone resolution; premises 182 St. Georges Crescent and 185 East 206th street, northeast corner (Block No. 3313, Lot Nos. 1 to 9, inclusive), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman*

JUNE 7, 1938, 2 P. M.

Appeals from Administrative Orders

284-38-A—44-48 East 14th street, south side, 49 ft. 9 in. west of Broadway and 45-51 East 13th street (Block No. 565, Lot Nos. 11, 13 and 14), Borough of Manhattan.

339-38-A—157-161 Ocean avenue, east side, 468 ft. 11 in. south of Lincoln road (Block No. 5026, Lot No. 20), Borough of Brooklyn.

356-38-A—333 West 83rd street and 110-112 Riverside drive, southeast corner (Block No. 1245, Lot Nos. 47, 49, 54 and part of Lot No. 56), Borough of Manhattan.

303-38-A—439-441 11th street, north side, 239 ft. 3 in. east of Sixth avenue (Block No. 1018, Lot No. 71,) Borough of Brooklyn.

318-38-A—Northeast corner of 44th avenue and 111th street (Block No. 2015, Lot No. 78), Corona, Borough of Queens.

330-38-A—26 Second avenue (rear), east side, 81 ft. 6 in. north of First street (Block No. 443, Lot No. 4), Borough of Manhattan.

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

371-38-A—539 Timpson place, west side, 83.24 ft. south of East 149th street (Block No. 2600, Lot No. 162), Borough of The Bronx.

384-38-A-WF—39-15 Prince street, east side, 75 ft. north of Roosevelt avenue (Block No. 4976, Lot No. 27), Flushing, Borough of Queens.

385-38-A-WF—135-18 Northern boulevard, south side, 144 ft. 10⅛ in. west of Main street (Block No. 4971, Lot Nos. 30 and 31), Flushing, Borough of Queens.

386-38-A-WF—135-16 Northern boulevard, south side, 98.80 ft. east of Prince street (Block No. 4971, Lot Nos. 29 and 30), Flushing, Borough fo Queens.

383-38-A—41-79 Gleane street, east side, 188 ft. south of Elmhurst avenue (Block No. 1555, Lot No. 46), Elmhurst, Borough of Queens.

391-38-A—1354 (1358 official number) Jefferson avenue, east side, 100 ft. south of Knickerbocker avenue (Block No. 3391, Lot No. 26), Borough of Brooklyn.

394-38-A—210-13 Northern boulevard, north side, 50 ft. east of 210th street (Block No. 6281, Lot No. 1), Bayside, Borough of Queens.

397-38-A—782-784 Saratoga avenue, southwest corner of Livonia avenue (Block No. 3582, Lot No. 32), Borough of Brooklyn.

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402-38-A—138-12 Northern boulevard, south side, 76.65 ft. east of Union street (Block No. 830, Lot No. 24), Flushing, Borough of Queens.

403-38-A—321-333 Johnson avenue, north side, 394 ft. 1 in. west of Bogart street (Block No. 3056, Lot No. 224), Borough of Brooklyn.

410-38-A—880 Zerega avenue, east side, 236.15 ft. south of Quimby avenue (Block No. 3704, Lot No. 1), Borough of The Bronx.

413-38-A—486-488 Alabama avenue and 542-552 Livonia avenue, southwest corner (Block No. 819, Lot No. 28), Borough of Brooklyn.

418-38-A—210-216 Taaffe place, west side, 20 ft. 6 in. south of Willoughby avenue (2nd floor left), (Block No. 1924, Lot No. 28), Borough of Brooklyn.

419-38-A—33-49 East 42nd street and 317-325 Madison avenue, northeast corner and 44-46 East 43rd street (3rd floor), (Block No. 1277, Lot No. 20), Borough of Manhattan.

420-38-A—545-567 President street, north side, 180 ft. west of 4th avenue (Block No. 441, Lot No. 42), Borough of Brooklyn.

421-38-A—1699 Nelson avenue, west side, 175 ft. north of Brandt place (Block No. 2876, Lot No. 142), Borough of The Bronx.

429-38-A—1091-1095 Metropolitan avenue, northeast corner of Vandevoort avenue (Block No. 2927, Lot No. 1), Borough of Brooklyn.

417-38-A—14-26 South William street, north side, 154 ft. ¾ in. west of Broad street (Block No. 29, Lot Nos. 86, 88, 89, 90 and 91 and part of Lot No. 73), Borough of Manhattan.

445-38-A—199-38 28th avenue, southwest corner of 200th street (Block No. 5971, part of Lot No. 1), Bayside, Borough of Queens.

446-38-A—199-34 28th avenue, south side, 120 ft. east of Jordan street (Block No. 5971, part of Lot No. 1), Bayside, Borough of Queens.

447-38-A—26-17 Utopia parkway, east side, 41 ft. north of 27th avenue (Block No. 5967, part of Lot No. 1), Bayside, Borough of Queens.

448-38-A—26-23 Utopia parkway, northeast corner of 27th avenue (Block No. 5967, part of Lot No. 1), Bayside, Borough of Queens.

449-38-A—198-15 27th avenue, north side, 107 ft. east of Utopia parkway (Block No. 5967, part of Lot No. 1), Bayside, Borough of Queens.

450-38-A—198-19 27th avenue, north side, 140 ft. west of 200th street (Block No. 5967, part of Lot No. 1), Bayside, Borough of Queens.

451-38-A—198-21 27th avenue, north side, 105 ft. west of 200th street (Block No. 5967, part of Lot No. 1), Bayside, Borough of Queens.

452-38-A—198-25 27th avenue, north side, 70 ft. west of 200th street (Block No. 5967, part of Lot No. 1), Bayside, Borough of Queens.

453-38-A—198-29 27th avenue, north side, 35 ft. west of 200th street (Block No. 5967, part of Lot No. 1), Bayside, Borough of Queens.

454-38-A—198-33 27th avenue, northwest corner of 200th street (Block No. 5967, part of Lot No. 1), Bayside, Borough of Queens.

455-38-A—199-30 28th avenue, south side, 80 ft. east of Jordan street (Block No. 5971, part of Lot No. 1), Bayside, Borough of Queens.

456-38-A—199-26 28th avenue, south side, 40 ft. east of Jordan street (Block No. 5971, part of Lot No. 1), Bayside, Borough of Queens.

457-38-A—199-22 28th avenue, southeast corner of Jordan street (Block No. 5971, part of Lot No. 1), Bayside, Borough of Queens.

Variations of Labor Law

225-38-S—538-540 Fifth avenue, west side, 50 ft. south of West 45th street (Block No. 1260, Lot No. 38), Borough of Manhattan.

395-38-S—15 Doyers street, west side, 89.5 ft. south of Pell street (Block No. 162, Lot No. 26), Borough of Manhattan.

Building Zone Application

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, June 7, 1938*, at 2 o'clock, in Room 1013, Municipal Building, on the following matter, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent, applicants, on behalf of Maude B. Mowry, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

JUNE 14, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, June 14, 1938*, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 100-38-BZ—Application, February 17, 1938, under section 7h of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Three Eighty-Three Realty Corporation, owner, to permit in a retail use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 11-17 West 35th street, north side, 200 ft. west of Fifth avenue and 12-14 West 36th street, south side, 219 ft. west of Fifth avenue (Block No. 837, Lot Nos. 31, 32, 33, 34, 54 and 55), Borough of Manhattan.

CAL. NO. 1481-22-BZ—Application of A. S. G. Construction Corporation, applicant and owner, reopened May 17, 1938, under section 21 of the building zone resolution, to permit in a residence use district the alteration and conversion of occupancy of a bank to stores located on part of the first story of an existing building

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(the bank use having been previously granted by the Board); premises 8502-8518 Fourth avenue, southwest corner of 85th street (Block No. 6034, Lot No. 41), Borough of Brooklyn.

CAL. NO. 199-38-BZ—Application, March 24, 1938, under sections 7f and 21 of the building zone resolution, of William Barker, applicant, on behalf of Jamaterm Realty Co., Inc., owner, to permit, for a temporary period of not more than two (2) years, in a residence use district, the parking and storage of more than five (5) motor vehicles; southeast corner of Van Wyck boulevard (137th street) and 85th avenue (Block No. 9647, Lot Nos. 1, 8, 16, 30 and 32), Jamaica, Borough of Queens.

CAL. NO. 530-37-BZ—Application, November 3, 1937, under section 21 of the building zone resolution, of Otto F. Semsch, applicant, on behalf of Ernest Flagg, owner, to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use; premises 7202-7224 Ridge boulevard, west side, from 72nd street to 73rd street, 158-190 72nd street and 181-191 73rd street (Block No. 5906, Lot No. 1), Borough of Brooklyn.

CAL. NO. 278-38-BZ—Application, April 18, 1938, under section 21 of the building zone resolution, of Clayton G. Shirkey, applicant, on behalf of Ethel Scully, owner, to permit in a business use and "A" area district the alteration and conversion of occupancy of part of an existing building from business use to a dwelling use; the alteration and conversion of occupancy not conforming with the area requirements of the zone resolution; premises 110-20 to 110-22 Rockaway Beach boulevard, north side, 1242 ft. east of Beach 116th street (Block No. 598, Lot No. 61), Rockaway Beach, Borough of Queens.

CAL. NO. 546-37-BZ—Application, November 17, 1937, under section 21 of the building zone resolution, of Michael & Company, applicant, on behalf of Anna Donnelly, owner, to permit in a residence use district the maintenance of three (3) two-car garages; premises 36-34 to 36-38 Old Ridge road, west side, 195 ft., 221 ft. and 246 ft. north of 37th avenue (Block No. 342, Lot Nos. 37, 38 and 39), Long Island City, Borough of Queens.

CAL. NO. 315-38-BZ—Application, April 29, 1938, under section 21 of the building zone resolution, of Joel D. Marder, applicant, on behalf of Presbyterian Hospital in The City of New York, owner, to permit partly in a residence use district and partly in a business use district the parking and storage of more than five (5) motor vehicles; premises 601 West 165th street, northwest corner of Broadway (Block No. 2138, part of Lot No. 40), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

JUNE 14, 1938, 2 P. M.

Appeals from Administrative Orders

280-38-A—162-10 Jamaica avenue, south side, 70 ft. east of 162nd street, 92-15 Union Hall street and 92-14 New York boulevard (Block No. 1052, Lot Nos. 4, 6, 13 and 79), Jamaica, Borough of Queens.

600-37-A—841-843 Broadway and 53-63 East 13th street, northwest corner (Block No. 565, Lot No. 17), Borough of Manhattan.

307-38-A—220-230 East 64th street, south side, 255 ft. east of Third avenue (Block No. 1418, Lot No. 11), Borough of Manhattan.

133-38-A—7202-7224 Ridge boulevard, west side, from 72nd street to 73rd street, 158-190 72nd street and 181-191 73rd street (Block No. 5906, Lot No. 1), Borough of Brooklyn.

193-38-A—17 East 54th street, north side, 110 ft. west of Madison avenue (Block No. 1290, Lot No. 13), Borough of Manhattan.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, June* 14, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

CAL. NO. 480-37-BZ—Application, October 11, 1937, under sections 7h and 7c of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Wendel Foundation and Phelps Estate, Inc., owners, to permit partly in a business use district and partly in an unrestricted use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises 21-25 Union Square west, west side, 52 ft north of East 15th street (Block No 843, Lot Nos. 22 and 25), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

JUNE 21, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Stand-

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ards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning June* 21, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 146-38-BZ—Application, March 8, 1938, under sections 7c and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Eva Garber, owner, to permit in a business use district the extension of an existing gasoline service station; premises 5366-5368 Kings highway, west side, 234 ft. 1⅛ in. north of Farragut road (Block No. 7948, Lot Nos. 11 and 12), Borough of Brooklyn.

CAL. NO. 331-38-BZ—Application, May 2, 1938, under section 21 of the building zone resolution, of George F. DeZeller, applicant, on behalf of Francis X. O'Connor, owner, to permit in a retail use district the erection and maintenance of a garage for more than five (5) motor vehicles; premises 253-255 West 47th street, north side, 225 ft. east of 8th avenue (Block No. 1019, Lot Nos. 10 and 11), Borough of Manhattan.

CAL. NO. 352-38-BZ—Application, May 11, 1938, under section 21 of the building zone resolution, of Marno Realty Co., applicant, on behalf of Red Top Realty Corporation, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 80-82 East 121st street and 1728-1734 Park avenue, southwest corner (Block No. 1747, Lot Nos. 18 and 19), Borough of Manhattan.

CAL. NO. 482-37-BZ—Application, October 13, 1937, under section 21 of the building zone resolution, of Anthony Waldeier, applicant, on behalf of Apex Garage & Rental Co., owner, to permit in a business use district the extension of an existing garage for more than five (5) motor vehicles; premises 87-38 Lefferts boulevard, west side, 330 ft. south of Jamaica avenue (Block No. 9328, Lot No. 22), Richmond Hill, Borough of Queens.

CAL. NO. 593-37-BZ—Application, December 15, 1937, under section 7h of the building zone resolution, of Jno. B. Snook Sons-Victor C. Farrar, applicants, on behalf of Harlem Savings Bank, owner, to permit, for a temporary period of not more than two (2) years, in a retail use district, the parking and storage of more than five (5) motor vehicles; premises 404-406 West 41st street, south side, 100 ft. west of 9th avenue (Block No. 1050, Lot No. 37), Borough of Manhattan.

CAL. NO. 615-37-BZ—Application, December 23, 1937, under section 7h of the building zone resolution, of Jno. B. Snook Sons-Victor C. Farrar, applicants, on behalf of Beers Trusts, owner; Lucius H. Beers, trustee, to permit, for a temporary period of not more than two (2) years, in a retail use district, the parking and storage of more than five (5) motor vehicles; premises 456-460 West 41st street, south side, 100 ft. east of 10th avenue (Block No. 1050, Lot Nos. 59, 60 and 60½), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

WEDNESDAY MORNING, JUNE 1, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the regular meeting of the board held on Tuesday morning, May 24, 1938 and the minutes of the regular meeting of the board held on Tuesday afternoon, May 24, 1938, were approved as printed in Bulletin No. 22, Vol. XXIII.

BUILDING ZONE CASES

168-28-BZ.

APPLICANT—William H. Garbade, for Adelaide Garbade, owner.

SUBJECT—Application reopened November 23, 1937 (re decision of the commissioner of buildings) under section 7f of the building zone resolution to permit, for a temporary period of not more than two (2) years, in a business use district, the erection and maintenance of a gasoline service station (previously denied).

PREMISES AFFECTED—54-82 to 54-90 Kissena boulevard, northwest corner of North Hempstead turnpike (Block No. 5179, (1056), Lot No. 1), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: William H. Garbade and Wm. H. Garbade, Jr.

For Opposition: None.

For Administration: Arthur S. Hodgkiss, Department of Parks.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Commissioner Savage and Blum and Assistant Chief Walsh	3
Negative: Chairman Murdock	1
Absent	0

THE RESOLUTION—

(168-28-BZ)

WHEREAS, John Kochendorfer for Adelaide F. Garbade, owner, filed February 25, 1928, an application under the building zone resolution to permit in a business use district, the erection and maintenance of a gasoline service station; premises: 54-82 to 54-90 Kissena boulevard, northwest corner of North Hempstead turnpike (Block No. 5179 (1056) Lot No. 1), Flushing, Borough of Queens; and

WHEREAS, this application was dismissed for lack of prosecution July 24, 1928, reopened June 12, 1934, denied October 23, 1934; and

WHEREAS, William H. Garbade, for the owner, requested a reopening of the case, to permit the erection and maintenance of a gasoline service station for a temporary period of two years; and

WHEREAS, this application was reopened November 23, 1937, by vote of the board on the basis of new facts; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that North Hempstead turnpike is in a business and residence use district, and Kissena boulevard is in a business and residence use district; and

WHEREAS, the decision of the commissioner of buildings, dated December 14, 1937, re Application No. 903-34, reads:

"The erection of a gasoline selling station in a business district is contrary to article 2, section 4 of the Zone Resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 113.2 ft. on North Hempstead turnpike and 100 ft. on Kissena boulevard. It is proposed to erect upon the plot a one story building, 40 ft. by 26 ft. in area to be used as auto washing, lubritorium and office and, also, to install the necessary tanks and pumps for a gasoline service station. It is proposed under section 7F to use the plot for a temporary period of two years; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that the provisions of section 7, subdivision f of the building zone resolution, under which this application was made, empowered the board to exercise its discretion and to grant this application.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 7f for a period of two years from the date of this action, *on condition* that the plot under appeal shall be leveled substantially to the grade of North Hempstead Turnpike and Kissena boulevard; that the arrangement of the plot shall be substantially in accordance with the plans filed with this application and in accordance with the conditions stated in the application; that no gasoline pumps shall be erected nearer than 15 ft. to the street line of either street; that complete working drawings shall be submitted for the imposition of such additional conditions as the board may deem necessary, prior to plans being filed with the superintendent of buildings; that such plans shall be filed within six months from the date of this resolution; that as a condition of this variance, in the event Kissena Park is developed substantially in accordance with plans filed with this application by the park commissioner, within two years (except for the construction of a swimming pool), no further extension of this gasoline station beyond the two year permit herein permitted, shall be requested.

318-30-BZ.

APPLICANT—Samuel Rosenblum, for Edward F. McNally, owner.

SUBJECT—Application reopened March 8, 1938 (re decision of the acting borough superintendent of buildings) under sections 7c and 21 of the building zone resolution, to permit partly in a business use district and partly in an unrestricted use district the erection and maintenanee of a garage for more than five (5) motor vehicles and, also, a gasoline serviee station.

PREMISES AFFECTED—441-451 89th street and 8814-8824 Fifth avenue, northwest corner (Block No. 6065, Lot Nos. 32 and 35), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel Rosenblum.

For Opposition: Theo. Schroeder, Jr.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affimative 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Absent 0

THE RESOLUTION—

(318-30-BZ)

WHEREAS, this application, to permit partly in a business use district and partly in an unrestricted use district, the erection and maintenance of a garage for the storage of more than 5 motor vehicles affecting premises 441-451 89th street and 8814-8824 Fifth avenue (Block No. 6065, Lot Nos. 32 and 35), Borough of Brooklyn, was granted by the board November 5, 1930, on certain conditions and the owner, through his agent, Samuel Rosenblum, requested a reopening of the case and an amendment of the resolution, to reduce height of building to one story and to include a gasoline service station; and

WHEREAS, the application was reopened by vote of the board March 8, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Fifth avenue is in a business use district, 88th street and 89th street, are in business and unrestricted use districts; and

WHEREAS, the decision of the borough superintendent dated March 24, 1938, re. applic. No. 3405-1938, reads:

"Proposed public garage for more than five motor vehicles and gasoline service station, to be located partly in a business use district and partly in an unrestricted use district are contrary to Art. II, Sec. 4(a), subd. 15 and 46 of the zone resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 100 ft. on Fifth avenue and 107 ft. 8 in. on 89th street; the westerly portion of the plot extends into an unrestricted use district for a distance of 7 ft. 8 in.—the remainder of the plot is in a business use district. It is proposed to erect upon the westerly portion of the plot, a one-story building having a frontage of 82 ft. 3 in. and a depth of 100 ft., to be used as a garage for more than five motor vehicles and, also, lubritorium and office; and to use the remainder of the plot as a gasoline service station; and

WHEREAS, the board deemed that under sections 7c and 21, the resolution previously adopted providing for a two-story garage with conforming business use along the Fifth avenue frontage, should not be amended so as to permt a gasoline station alcove and a one story garage.

Resolved, that the decision of the superintendent of buildings in acting on Application No. 3405-38, be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

619-37-BZ.

APPLICANT—John J. Dunnigan, for Joseph Havender, owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under section 7h of the building zone resolution, to permit, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—3664-3696 Jerome avenue and 3653-3663 Bainbridge avenue, west side, 74 ft. south of Jerome avenue (Block No. 3329, Lot No. 100), Borough of The Bronx.

APPEARANCES—

For Applicant: Joseph F. Dusenbury and Joseph Havender.

For Opposition: Frank Steinberg, and Jacob Floren.

For Administration: Arthur S. Hodgkiss, Department of Parks.

MINUTES

ACTION OF BOARD—Application granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(619-37-BZ)

WHEREAS, John J. Dunnigan, for Joseph Havender, owner, filed December 28, 1937, an application under the building zone resolution to permit for a temporary period of not more than two (2) years, in a business use district the parking and storage of more than five (5) motor vehicles; premises: 3664-3696 Jerome avenue and 3653-3663 Bainbridge avenue, west side, 74 ft. south of Jerome avenue (Block No. 3329, Lot No. 100), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Jerome avenue is in a business and residence use district; Bainbridge avenue is in a business and residence use district and East 213th street is in a business use district; and

WHEREAS, the decision of the borough superintendent of buildings, dated March 24, 1938, reads:

"Your application for use of the above premises for the storage or parking of more than five (5) motor vehicles at above mentioned location is hereby denied as the location is within a business district as established by the amended building zone resolution where such occupancy would be unlawful."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 142 ft. on Bainbridge avenue and 168 ft. on Jerome avenue. Upon the Jerome avenue front of the plot there are located several stores, a stone monument works and a green house. It is proposed to remove part of the east portion of the green house and to use the vacant portion of the plot for a temporary period of not more than two years, for the parking and storage of more than five motor vehicles; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that this was a proper case to exercise its discretion under section 7, subdivision h of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under 7h, to permit that portion of the plot 142.33 ft. not now built upon, to be occupied for transient parking of more than five motor vehicles, *on condition* that no portion of the plot nearer to Jerome avenue than 50 ft. shall be used for parking or as an entrance; that no curb cuts for Bainbridge avenue shall be constructed other than those now existing; that there shall be erected on the street line of Bainbridge avenue, a substantial woven wire fence or wall, except for the openings opposite existing curb cuts; that no building shall be erected on this portion of the property during the term of this variance; that no signs shall be erected, other than a neat sign, advertising the parking use at the entrance from Bainbridge avenue; that all permits shall be obtained and all work completed within six months from the date of this action.

250-38-BZ.

APPLICANT—Harry Hurwit, for Trustees of Columbia University, owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a residence use district the erection and maintenance of a gasoline service station and, also, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—9-10 East street, west side, from Grand street to Cherry street, 615-625 Grand street and 506-530 Cherry street (Block No. 264, Lot No. 20), Borough of Manhattan.

APPEARANCES—
For Applicant: Harry Hurwit and Victor Grober.
For Opposition: Joseph Platzker, Thos. F. Dwyer, M. P. Miller, S. Washton and Michael Salvini.
For Administration: Arthur S. Hodgkiss, Department of Parks.

ACTION OF BOARD—Application denied.
THE VOTE TO GRANT—
Affimative 0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Absent 0

THE RESOLUTION—

(250-38-BZ)

WHEREAS, Harry Hurwit, for Trustees of Columbia University, owner, filed April 11, 1938, an application under the building zone resolution to permit in a residence use district the erection and maintenance of a gasoline service station and also the parking and storage of more than five (5) motor vehicles; premises: 9-10 East street, west side, from Cherry street to Grand street, 615-625 Grand street and 506-530 Cherry street (Block No. 264, Lot No. 20), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Cherry street is in a residence use district; Grand street is in a residence use district and East street is in a residence use district; and

WHEREAS, the decision of the borough superintendent of buildings, dated March 16, 1938, re N. B. Application No. 43-1938, reads:

"1. Contrary to building zone resolution, section 3, to construct a building or use premises for a gasoline service station and automobile parking in a residence district."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 272 ft. on Cherry street, 137 ft. on Grand street and 82 ft. on East street. It is proposed to occupy the Grand street and East street frontage of the plot as a gasoline service station and to use the remainder of the plot for the parking and storage of more than five motor vehicles; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that the applicant failed to substantiate a basis of appeal under section 21 of the building zone resolution and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the borough superintendent of buildings in acting on N.B. 43-38, be and it hereby is *affirmed*, and that the application be and it hereby is *denied*.

289-38-BZ.

APPLICANT—Shreve, Lamb and Harmon and Harrison and Fouilhoux, for Board of Higher Education, City of New York, owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit partly in a residence use district and partly in a business use district, "B" area and one and one-half (1½) times

height district, the erection of the street walls of a building (Hunter College) not conforming with the height requirements of the building zone resolution.

PREMISES AFFECTED—657-699 Park avenue, 924-942 Lexington avenue, 57 East 68th street and 54 East 69th street (entire block); (Block No. 1403, Lot No. 1), Borough of Manhattan.

APPEARANCES—

For Applicant: R. H. Shreve, Dr. Colligan and Mrs. Walter S. Mack.

For Opposition: Francis K. Stevens, Thomas Grace, Edward L. Richards, and C. T. McDermott.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(289-38-BZ)

WHEREAS, Shreve, Lamb and Harmon and Harrison and Fouilhoux, for Board of Higher Education of the City of New York, owner, filed April 20, 1938, an application under the building zone resolution to permit partly in a residence use district and partly in a business use district "B" area and one and one-half times height district, the erection of the street walls of a building (Hunter College) not conforming with the height requirements of the building zone resolution; premises, 657-699 Park avenue, 924-942 Lexington avenue, 57 East 68th street and 54 East 69th street (Block No. 1403, Lot No. 1), Borough of Manhattan; and,

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the district maps accompanying the building zone resolution show that Park avenue is in a residence use, "B" area and 1½ times height district; Lexington avenue is in a business use, "B" area and 1½ times height district; East 68th street is in a residence and business use, "B" area and 1½ times height district and East 69th street is in a residence and business use, "B" area and 1½ times height district; and

WHEREAS, the decision of the borough superintendent of buildings dated April 12, 1938—N. B. Applic. 211-1937, reads:

"1. Comply with building zone resolution for height regulations section 8 as indicated on sketches Refers to 68th street and 69th street fronts."

and

WHEREAS, the proposed building is to be of fireproof construction 16 stories in height, with a frontage of 200 ft. 10 in. on Park avenue, 305 ft. on East 68th street; irregular in area, to be occupied by Hunter College; and

WHEREAS, the proposed school building (Hunter College) does not conform with the height requirements of the building zone resolution in re the height of the street walls of the building on East 68th street and on East 69th street. On both these streets, the building sets back 3½ ft. from the building line. East 68th street and East 69th street are respectively 60 ft. wide and Park avenue is 140 ft. wide. The excess in height on East 68th street is that portion of the East Wing (having a frontage of 58 ft. 4 in.) above the permissable dormer allowance; the base of this dormer is (legally) 90 ft. 10½ in. above mean curb. The excess area is triangular in shape (in a vertical plane) having a height of 9 ft. 9½ in. and a base of 19 ft. 11 in. at the east and west sides of the east wing. The excess in height on East 69th street is that portion of the east wing (having a frontage of 58 ft. 4 in.) above the permissable dormer allowance; the base of this dormer is (legally) 90 ft. 10½ in. above mean curb. The excess area is triangular in shape (in a vertical plane) having a height of 9 ft. 9½ in. and a base of 19 ft. 11 in. at the east and west sides of the east wing. The excess area on this street also includes that portion of the street wall which sets back 22 ft. from the building line, above the permissable dormer allowance; the base of this dormer is (legally) 156 ft. 0 in. above the mean curb. The excess (in a vertical plane) is an irregular shaped area having a length of 68 ft. 9 in. and a height of approximately 17 ft. The excess in this street also includes that portion of the street wall (which sets back 22 ft. from the building line) which is within 150 feet of the Park avenue building line and which is within the influence of Park avenue (which is considered a 100 ft. wide street); this excess area is wedge shaped—having a vertical height of approximately 11 ft. and a base of 3 ft. 11 in.; and

WHEREAS, the board deemed that the applicant was entitled to relief under section 21 of the building zone resolution on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the height district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21 thereof, *on condition* that the requirements of the zoning law as to height and bulk shall not be exceeded beyond the points indicated on plans filed with this application and that in all other respects the requirements of the zoning resolution shall be complied with; that all permits required shall be obtained and all work involved completed within two years from the date of this action.

29-38-BZ.

APPLICANT—Theodore R. Feinberg, for Hotels Statler Company, Inc., owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under section 7h of the building zone resolution, to permit in a retail use district the parking and storage of more than five (5) motor vehicles for a temporary period of two (2) years.

PREMISES AFFECTED—251-253 West 33rd street, north side, 225 ft. east of Eighth avenue and 250 West 34th street (Block No. 783, Lot Nos. 12, 13 and 72), Borough of Manhattan.

APPEARANCES—

For Applicant: Theodore R. Feinberg.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(29-38-BZ)

WHEREAS, Theodore R. Feinberg for Hotels Statler Company, Inc., owner, filed January 18, 1938, an application under the building zone resolution to permit in a retail use district the parking and storage of more than five (5) motor vehicles for a temporary period of two (2) years; premises: 251-253 West 33rd street, north side, 225 ft. east of Eighth avenue, and 250 West 34th street (Block No. 783, Lot Nos. 12, 13 and 72), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that West 33rd street is in a retail use district; West 34th street is in a retail use district and Eighth avenue is in a retail use district; and

WHEREAS, the decision of the borough superintendent of buildings, rendered March 30, 1938, reads:

"In answer to your letter of March 28, 1938, relative to the above premises, you are advised your request for the use of same for storage and parking of more than five cars has been denied for the reason that the premises is located in a retail district and this occupancy is prohibited by article 11, section 4a, subdivision 15 of the zone resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 49.0½ ft. on West 33rd street, 20.1 ft. on West 34th street and a depth of 197.6 ft., which it is proposed to use for the parking and storage of more than five motor vehicles; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that this was a proper case in which to exercise its discretion under section 7, subdivision H of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-H, to permit the premises under appeal to be used for the transient parking of more than five motor vehicles for a period of two years from the date of this action, *on condition* that the plot shall be leveled substantially to the grade of West 33rd street; that there shall be erected on the interior lot line to the east, a substantial wall or fence; that no entrance to this lot shall be from West 34th street; that a similar fence or wall shall be erected on the street building line of West 34th street, to preclude exit or entrance from that portion of the plot; that during the term of this variance, no building shall be erected on the premises other than a shelter for the attendant, not over one story in height and not over 150 square feet in area; that the parking permitted on this plot may be in conjunction with the parking permitted on the adjoining lot, No. 11, granted by this board under Cal. No. 448-37-BZ; that no signs shall be erected on the premises other than a sign at the West 33rd street entrance, advertising the transient parking use herein permitted; that no additional curb cuts shall be constructed on West 33rd street other than those now legally existing; that all permits required shall be obtained and all work involved completed within three months from the date of this action.

448-37-BZ.

APPLICANT—Max Fuchs, for 460 Eighth Avenue Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit for a temporary period of two (2) years, in a retail use district, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—255 West 33rd street, north side, 200 ft. east of Eighth avenue (Block No. 783, Lot No. 11), Borough of Manhattan.

APPEARANCES—

For Applicant: Theodore R. Feinberg.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(448-37-BZ)

WHEREAS, Max Fuchs, for 460 Eighth Avenue Corporation, owner, filed September 16, 1937, an application under the building zone resolution to permit for a temporary period of two years, in a retail use district the parking and storage of more than five (5) motor vehicles; premises: 255 West 33rd street, north side, 200 ft. east of Eighth avenue (Block No. 783, Lot No. 11), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that West 33rd street is in a retail use district; West 34th street is in a retail use district and Eighth avenue is in a retail use district; and

WHEREAS, the decision of the commissioner of buildings, rendered April 1, 1938, reads:

"Your application for a certificate of occupancy for the use of the above premises for the parking and storage of more than five motor vehicles has been denied for the reason that the premises is located in a retail district and this occupancy is prohibited by article 11, section 4a, subdivision 15 of the zone resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 25 ft. on West 33rd street and a depth of 98 ft. 9 in., which it is proposed to use for the parking and storage of more than five motor vehicles, in conjunction with the plot which is the subject of an application for a variance under Cal. No. 29-38-BZ; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that this was a proper case in which to exercise its discretion under section 7, subdivision H of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-H thereof for a temporary period of two years from the date of this action, to permit the plot under appeal to be used for the transient parking of more than five motor vehicles, in conjunction with the adjoining plots Nos. 12, 13 and 72, to the east, for which such use has been granted by resolution of the board under Cal. No. 29-38-BZ and subject to the same conditions as set forth therein.

1146-17-BZ.

APPLICANT—William Sparago, for Vincenza Montana, owner.

SUBJECT—Application reopened June 22, 1937 (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the change of occupancy of an existing garage for more than five (5) motor vehicles to a garage for more than five (5) motor vehicles and a motor vehicle repair shop (the existing garage granted by the board).

PREMISES AFFECTED—4509-4511 18th avenue, east side, 395 ft. 6 in. south of McDonald avenue (Block No. 5439, Lot No. 27), Borough of Brooklyn.

APPEARANCES—

For Applicant: William Sparago.

For Opposition: None.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(1146-17-BZ)

WHEREAS, this application, affecting premises 4509-4511 18th avenue, east side 395 ft. 6 in. south of McDonald avenue (Block No. 5439, Lot No. 27), Borough of Brooklyn,

was granted by the board September 18, 1917, permitting the extension of a garage on certain conditions, and the present owner requested an amendment of the resolution, to permit the inclusion of motor vehicle repairing; and

WHEREAS, the application was reopened by vote of the board, June 22, 1937; and

WHEREAS, the decision of the commissioner of buildings, dated October 5, 1937, re application 7510-37, reads:

"Proposed change in occupancy to include automobile repair shop contrary to Art. II, Sect. 4(a) of building zone resolution and is therefore denied."

and

WHEREAS, a pub'ic hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution of September 18, 1917, so that as amended it shall read:

"Resolved,, that the Board of Standards and Appeals does hereby make a varition in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted, on condition* that there shall be no openings in the side or rear walls."

"Resolved further, that this variance permitting the building to be occupied as a garage for more than five cars shall include permission to continue the conduct of a motor vehicle repair shop, on condition that no anvil or forge shall be used on the premises and that the repairing shall be done only by means of hand tools and machine tools not requiring motor power greater than ¼ h.p. each; that any acetylene torch installed, shall be subject to a legal permit issued by the fire commissioner and any painting or spraying carried on, shall be subject to legal permit and in accordance with the rules applicable thereto; that that portion of the garage at the rear proposed to be excluded, as indicated on plans filed with this application, shall be separated from the balance of the garage by a masonry wall with no openings therein and extending from grade to the underneath side of the roof boards; that any use herein permitted shall not be deemed to extend to such portion of the garage building as is so cut off; that the total area of the garage and repair shop covered by this application, shall not exceed an area of 40 feet front by 105 ft. ½ in. in depth or a total overall lot dimension of 115 ft. ½ inch; that all permits required shall be obtained and all work involved shall be completed within six months from the date of this amended resolution."

Adjourned, 12:50 P. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

WEDNESDAY AFTERNOON, JUNE 1, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

480-37-BZ.

APPLICANT—Samuels and Samuels, for Wendel Foundation and Phelps Estate, Inc., owners.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7h and 7c of the building zone resolution, to permit partly in a business use district and partly in an unrestricted use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles.

PREMISES AFFECTED—21-25 Union Square west, west side; 52 ft. north of East 15th street (Block No. 843, Lot Nos. 22 and 25), Borough of Manhattan.

APPEARANCES—

For Applicant: Archie H. Samuels and Max Siegel.

For Opposition: A. J. Simon, Charles Mayer, Joseph E. Kean, J. B. Vandever, Seymour Wadsworth, Louis A. Jackson, F. A. Burdett and Arthur S. Hodgkiss, Department of Parks.

ACTION OF BOARD—Laid over to June 14, 1938 at 2 P. M. for applicant and objector to submit additional information. No further argument.

308-37-BZ.

APPLICANT—George H. Cohn, for Cities Service Oil Company, owner.

SUBJECT—Application for consideration—reopening and restoration to calendar (re decision of the borough superintendent of buildings) under sections 7h and 21 of the building zone resolution, to permit in a business use district the extension of a gasoline service station and the parking and storage of more than five (5) motor vehicles (previously withdrawn re parking and storage propositon).

PREMISES AFFECTED—538 Trinity avenue and 696 East 149th street, southeast corner (Block No. 2557, Lot No. 96), Borough of The Bronx.

APPEARANCES—

For Applicant: George H. Cohn.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

54-38-BZ.

APPLICANT—Olga Gazarian (lessee), for Hub Holding Corporation, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a residence use district a building now occupied as a private dancing school to be rented to organizations conducting dances for their members and guests.

PREMISES AFFECTED—90-92 Bennett avenue, west side, 105 ft. south of West 186th street (Block No. 2180, Lot No. 172), Borough of Manhattan.

APPEARANCES—

For Applicant: Olga Gazarian.

For Opposition: Cyrus Gordon and Paul Shondal.

ACTION OF BOARD—Application withdrawn after hearing, upon request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

MINUTES

128-38-BZ.

APPLICANT—Julius S. Rapson, for Beaudel Brothers, owners.

SUBJECT—Application (re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a business use district, the erection and maintenance of a gasoline service station, and, also a motor vehicle repair shop.

PREMISES AFFECTED—240-18 South Conduit avenue, southeast corner of Memphis avenue and southwest corner of Memphis avenue and 241st street (Block No. 4840, part of Lot No. 245), Rosedale, Borough of Queens.

APPEARANCES—

For Applicant: W. H. Beaudel Arthur Beaudel, Julius Rapson and E. Finegan.

For Opposition: F. J. Rieder, Frank H. Ives, L. Patterson and Sidney S. Lesser.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affimative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(128-38-BZ)

WHEREAS, Julius S. Rapson, for Beaudel Brothers, owners, filed March 1, 1938, an application under the building zone resolution to permit in a business use district, the erection and maintenance of a gasoline service station and, also, a motor vehicle repair shop; premises: 240-18 South Conduit avenue, southeast corner of Memphis avenue and southwest corner of Memphis avenue and 241st street (Block No. 4840, part of Lot No. 245), Rosedale, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that South Conduit avenue is in a business use district; that Memphis avenue is in a residence and business use district and that 241st street is in a residence and business use district; and

WHEREAS, the decision of the borough superintendent of buildings, dated February 7, 1938, re Applic. No. 885-38, reads:

"1. The erection of a gasoline selling station in a business district is contrary to article 2, section 4, subdivision 46 of the zone resolution.

2. The erection of a repair shop for motor vehicles is contrary to article 2, section 4, subdivision 29 of the zone resolution."

and

WHEREAS, the premises (part of a larger parcel of ground) consists of an irregular shaped plot of ground having a frontage of 162.2 ft. on Memphis avenue, 187.8 ft. along South Conduit avenue and a distance of 95.6 ft. along the southeast lot line. It is proposed to erect upon the plot an irregular shaped one-story building, 90 ft. by 108 ft. in area, to be used as office, lubritorium and brake testing and, also, a motor vehicle repair shop; proposes to erect upon the remainder of the plot the necessary tanks and pumps for a gasoline service station; and

WHEREAS, the site under appeal was inspected by a committee of the board, report of which inspection was read at this hearing and which report follows:

REPORT OF COMMITTEE

May 27, 1938.

Cal. No. 128-38-BZ

Premises: 240-18 South Conduit avenue, southeast corner of Memphis avenue, and southwest corner of Memphis avenue and 241st street (Block No. 4840, Lot No. 245), Rosedale, Borough of Queens.

The applicants have apparently taken an option to purchase the triangular block of which the plot under appeal is a part, in order to reestablish their gasoline and motor vehicle repair business, which they have been carrying on on Brookville boulevard nearby on property which has been condemned for park purposes. Their present location is in an unrestricted district; the proposed location is in a business zone on Sunrise highway and Memphis avenue. On the balance of the block, it is proposed to erect a residential building to be occupied by the applicants.

The present owner of the block has consented as owner also of other property in the area and there are numerous objectors, particularly owners of recently erected houses who have built or purchased in reliance on the zoning conditions and who would be adversely affected by the proposed non-conforming use.

The development of Brookville boulevard, Brookville Park, Laurelton parkway leading into the Southern State parkway at this point, and Sunrise highway have made monumental improvements in this area which should be permitted to develop in keeping without a nonconforming use to depreciate this important parking intersection.

The Committee, after inspection and careful consideration, have concluded, much as they sympathize with the applicants' justified desire to continue business in the general area, that there is no adequate basis to permit a favorable decision under section 21, and denial of the application is recommended.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
PATRICK WALSH,
Committee.

and

WHEREAS, the board deemed that the applicant failed to substantiate a basis of appeal under section 21 of the building zone resolution and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the borough superintendent of buildings, in acting on Application No. 885-38, be and it hereby is *affirmed*, and that the application be and it hereby is *denied*.

6-27-BZ.

APPLICANT—Frank S. Parker, for Ortcar Realty Corporation, owner.

SUBJECT—Application reopened May 10, 1938 (re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a business use district the inclusion of a motor vehicle repair shop in an existing garage for more than five (5) motor vehicles (previously granted by the board).

PREMISES AFFECTED—211-225 West 61st street, north side, 400 ft. east of West End avenue (Block No. 1153, Lot Nos. 17 to 24 inclusive), Borough of Manhattan.

APPEARANCES—

For Applicant: Frank S. Parker.

For Opposition: None.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(6-27-BZ)

WHEREAS, this application affecting premises 211-225 West 61st street, north side, 400 ft. east of West End avenue (Block No. 1153, Lot Nos. 17 to 24 inclusive), Bor-

ough of Manhattan, was granted by the board, March 8, 1927, on certain conditions, resolution amended June 28, 1927 and owner requests a further amendment; and

WHEREAS, this application was reopened by vote of the board May 10, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the resolution adopted by the board on June 28, 1927 be and it hereby is *amended*, so that as amended it shall read:

"*Resolved*, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulation of the building zone resolution and that the application be and it hereby is *granted, on condition* that the building shall not exceed a height of six (6) stories above sidewalk grade; that the building shall be constructed fireproof throughout; that it shall be equipped with a sprinkler and standpipe system throughout; that the requirements of the zoning regulations as to area, rear yards, etc., shall be complied with in all other respects; that the facade shall be finished subsantially in accordance with the photostats filed in this case; *that in the event portion of the building is occupied by a concern dealing in taxicabs, that one floor may be devoted to repairing and conditioning such motor vehicles, on condition that the work shall be done mainly with hand tools and provided that any acetylene burning or welder or paint spraying are in accordance with all laws and rules applicable thereto and subject to legal permits; that in the event one of the upper floors is occupied by a concern conducting a coat, apron and linen service, as well as storage of motor vehicles used in conjunction with such service, such use may be permitted, provided there is constructed a wall of fireproof materials separating the space occupied by the motor vehicles from the balance of the floor, with any openings in such partition protected by fireproof self-closing doors; that if it is desired to use the roof for the storage of motor vehicles, such storage may be permitted, provided all motor vehicles so stored are emptied of gasoline.*"

384-37-BZ.

APPLICANT—Samuels and Samuels, for New York Life Insurance Company, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7c, 7h and 21 of the building zone resolution, to permit partly in a business use district and partly in an unrestricted use district the parking of more than five (5) motor vehicles (for a temporary period of not more than two (2) years) and, also, a driveway to an existing gasoline service station located in the unrestricted use district.

PREMISES AFFECTED—29 Union Square west and 28-36 East 16th street, southwest corner (Block No. 843, Lot No. 29). Borough of Manhattan.

APPEARANCES—

For Applicant: Archie H Samuels and Max Siegel.

For Opposition: A. J. Simon, Charles Mayer, Joseph E. Kean, J. B. Vandever, Seymour Wadsworth, Louis A. Jackson, F. A. Burdett and Arthur S. Hodgkiss, Department of Parks.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affimative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(384-37-BZ)

WHEREAS, Samuels and Samuels, for New York Life Insurance Company, owner, filed July 30, 1937, an application under the building zone resolution to permit partly in a business use district and partly in an unrestricted use district the parking of more than five (5) motor vehicles (for a temporary period of not more than two (2) years); and, also, a driveway to an existing gasoline station located in the unrestricted use district; premises: 29 Union Square West and 28-36 East 16th street, southwest corner (Block No. 843, Lot No. 29), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Union Square West is in a business and residence use district; that East 16th street is in an unrestricted and business use district and that East 15th street is in an unrestricted and business use district; and

WHEREAS, the decision of the commissioner of buildings, dated July 30, 1937, reads:

"Application for a certificate of occupancy for a parking lot for more than five cars and gasoline service station driveway to adjoining premises extension of gasoline service station is hereby denied as these uses are prohibited in a business use district, as per section 4, building zone resolution.

Drop Curb Appl. No. 101-1936 has been disapproved for same uses."

and

WHEREAS, the premises proposed to be used in conjuction with a larger plot of ground, consist of a plot having a frontage of 32 ft. 6 in. on Union Square West and 141 ft. 10 in. on East 16th street. The east portion of the plot extends into an unrestricted district for a distance of 41 ft. 10 in.; the remainder of the plot is in a business use district. It is proposed to occupy the plot as a driveway to an existing gasoline station abutting the site to the east and also for the parking of more than five (5) motor vehicles for a periorary period of not more than two years; and

WHEREAS, the site under appeal was inspected by a committee of the board, prior to the hearing; and

WHEREAS, the board deemed that it should not exercise its discretion to grant under the provisions of section 7, subdivisions c and h of the building zone resolution and that to permit a variance would not be in harmony with the general purpose and intent of the building zone resolution, and further, that applicant failed to substantiate a basis of appeal under section 21 of the building zone resolution and was therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the commissioner of buildings, dated July 30, 1937, be and it hereby is *affirmed*, and that the application be and it hereby is *denied*.

436-37-BZ.

APPLICANT—Herman Kron for Chanler Estates, Inc., owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under sections 7h and 21 of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED — 239-255 East Third street, north side 90 ft. west of Avenue C (Block No. 386, Lot Nos. 45 to 51). Borough of Manhattan.

APPEARANCES—

For Applicant: Herman Kron, William Knight, Herman B. Levy, Mr. Farrington and Mr. Johnson.

For Opposition: M. Miller and I. Langfelder.

ACTION OF BOARD—Application granted on condition.

THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(436-37-BZ)

WHEREAS, Herman Kron, for Chanler Estate, Inc., owner, filed September 7, 1937, an application under the building zone resolution to permit in a business use district for a temporary period of not more than two years, the parking and storage of more than five (5) motor vehicles; Premises: 239-255 East Third street, north side, 90 ft. west of Avenue C (Block No. 386, Lot Nos. 45 to 51), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building resolution show that East Third street is in a business use district; that East Fourth street is in a business use dstrict and that Avenue C is in a business use district; and

WHEREAS, the decision of the borough superintendent of buildings, dated February 7, 1938, reads:

"Relative to your application for a certificate of occupancy for use of the above premises for the parking and storage of more than five motor vehicles, we wish to advise you same has been denied for the reason that the premises are located in a business district and this occupancy is prohibited by Article II, Section 4a, subdivision 15 of the zone resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 172.11 ft. and a depth of 96 ft. It is proposed to use the plot for a temporary period of not more than two (2) years for the parking and storage of more than five (5) motor vehicles; and

WHEREAS, a committee of the board has inspected the premises and the area and has recommended that the application be granted for a temporary period of two years under section 7h of the building zone resolution under certain conditions and excluding the portion of the plot that extends through East Fourth street; and

WHEREAS, the board deemed that this is a proper case for exercise of discretion to grant under section 7, subdivision h.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7h thereof for a period of two years from the date of this action, to permit that portion of the plot on East Third street with a frontage of 172 feet 11 inches and a depth of 96 feet 0½ inches to be occupied for the parking and storage of more than five motor vehicles, *on condition* that only motor vehicles of the pleasure car type shall be so stored and parked; that the plot shall be leveled substantially to the grade of East Third street, and shall be surfaced with steam cinders or other suitable material, properly rolled and bound to prevent dusting and graded so as to provide surface drainage; that there shall be erected on the interior lot lines where walls of adjacent buildings do not occur, a substantial woven wire fence not less than six feet in height; that a similar fence shall be erected along the street line of East Third street, except at openings; that there shall be not over two openings, each not exceeding 15 feet in width with curb cuts of similar width; that during the term of this variance, the premises shall be used for no other purpose and no building shall be erected thereon other than a building not over one story in height and not over 150 square feet in area as an office and shelter for the attendant; that proper aisles shall be maintained at all times for easy egress and entrance; that such portable fire-fighting appliances shall be installed as the commissioner shall direct; that no signs shall be erected other than a sign attached to the fence at an entrance to the plot, advertising the parking and storage use; this sign shall not exceed five square feet in area; that no other sign shall be erected; that any lights for general illumination shall be on post standards, equipped with metal reflectors so arranged as to reflect downwardly toward the center of the plot and away from adjoining occupancies; that Lots 33, 34 and 35, facing on East Fourth street, are specifically excluded from this variance and shall be fenced off at the rear lot lines and not be used in connection with the use herein permitted; that all permits required shall be obtained and all work involved completed within three months from the date of this action.

54-36-BZ.

APPLICANT—Scacchetti and Siegel, for B. & S. Gasoline Stations, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the commissioner of buildings) under sections 7a and 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the maintenance of a gasoline service station.

PREMISES AFFECTED—2240-2250 Ocean parkway and 515-531 Gravesend Neck road, northwest corner (Block No. 7157, Lot No. 16), Borough of Brooklyn.

APPEARANCES—
For Applicant: Max Siegel.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(54-36-BZ)

WHEREAS, this application affecting premises 2240-2250 Ocean parkway and 515-531 Gravesend Neck road, northwest corner (Block No. 7157, Lot No. 16), Borough of Brooklyn, was granted by the board December 1, 1936, resolution amended May 4, 1937 and November 3, 1937, time extended April 12, 1938 and applicant requests a further amendment.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on Decembre 1, 1936, as amended May 4, 1937, November 3, 1937 and April 12, 1938, so that as amended the resolution shall read:

"*Resolved*, that the Board of Standards and Appeals does hereby make a variation under section 7-a in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted on condition* that the plot shall be levelled substantially to the grade of Gravesend Neck road; that the accessory building shall be reconstructed and the gasoline station arranged generally as indicated on working plans marked 'Received April 29, 1937'; that accessory building shall not exceed one story in height and shall be constructed of fireproof materials except the roof beams and roof boarding may be of wood provided the weather surfacing is of non-flammable material and that the ceiling is fire-retarded in accordance with the Rules of the Board of Standards and Appeals; that if doors are constructed

to the greasing pit section, ventilation shall be provided to exhaust to outer air, as indicated on plans; if, however, pneumatic greasing lifts are installed, such ventilation may be omitted; that the portion of the plot facing for a distance of 30 ft. in depth along Ocean parkway shall be landscaped and maintained at all times to the satisfaction of the park commissioner and not used in any way as a portion of the gasoline selling area; that this area and planting area along the side line fence to the north shall be protected by a 6-in. concrete curb; that there shall be erected on interior lot lines, where walls of accessory buildings are not erected, a substantial metal or wooden fence, which shall be kept at all times in good repair; that additional planting shall be maintained as indicated toward the westerly portion of the lot; and where not covered by accessory buildings and planting, the entire plot shall be cement-paved or covered with bound impregnated bluestone or Colprovia; that no pumps shall be erected nearer than 18 ft. to the building line of Gravesend Neck road; that entrances shall not exceed 30 ft. in width and that the space between entrances shall be protected and surrounded by 6-in. concrete curbing; that this space shall be kept planted; that curb cuts may be omitted until such time as curbs are installed and at that time curbs opposite entrances not exceeding 35 ft. in width each may be installed; that advertising shall be limited to the illuminated globes of the pumps and to flat signs permanently attached to accessory buildings, excluding all temporary signs and roof signs but permitting the erection within the building line of two (2) post standards for supporting signs which may extend beyond building line for a distance of not more than 4 ft. and advertising only the brand of gasoline on sale; that no such standard shall be erected nearer than 30 ft. to the Ocean parkway building line and no other sign shall be so placed as to face upon Ocean parkway; that no automobile repairing shall be permitted on the premises and no parking of cars other than those being serviced; that all new piping and new tank equipment for gasoline supply shall be of new materials; that the gasoline pumps and the bases of lighting and sign uprights shall be constructed of masonry, as indicated on plans, which are hereby approved as conforming to general arrangement and design required under this resolution; that all permits shall be obtained and all work shall be completed within six months from the date of this action."

"Resolved further, that in the event the owner desires to enlarge the accessory building by adding a section for auto laundry, as indicated on revised plans marked 'Received May 23, 1938,' such modification in the plans as hereinbefore approved may be made; that an additional toilet within the office space may also be added; that in the event the greasing equipment is of the hydraulic lift type, such equipment may be substituted for greasing pits, as permitted in the amended resolution."

APPEALS FROM ADMINISTRATIVE ORDERS

27-38-A.

APPLICANT—Croker Fire Prevention Corporation, for Maryland Baking Co., Inc., owner.

SUBJECT—Appeal from orders and a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

For Administration: Samuel Cohen, Department of Housing and Buildings and Peter Maher, Fire Department.

ACTION OF BOARD—Laid over to June 7, 1938, at 2 P. M. for report from fire department inspector.

193-38-A.

APPLICANT—Arthur H. Haaren, for Seventh Avenue Realty Company, owner.

SUBJECT—Appeal from an order of the commissioner of buildings and decisions of the acting borough superintendent of buildings.

PREMISES AFFECTED—17 East 54th street, north side, 110 ft. west of Madison avenue (Block No. 1290, Lot No. 13), Borough of Manhattan.

APPEARANCES—

For Applicant: John G. Coleman.

For Administration: Inspector Maher, Fire Dept.

ACTION OF BOARD—Appeal dismissed, reopened, restored to calendar and set for hearing June 14, 1938 at 2 P. M.

THE VOTE TO DISMISS—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO RECIND PREVIOUS VOTE AND RESTORE TO CALENDAR—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

371-38-A.

APPLICANT—Koenig, Siskind and Drabkin, for Kate Davis, owner and Well-Built Table Co., Inc., lessee.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—539 Timpson place, west side, 83.24 ft. south of East 149th street (Block No. 2600, Lot No. 162), Borough of The Bronx.

APPEARANCES—

For Applicant: Ida Nemsowitz.

ACTION OF BOARD—Laid over to June 7, 1938 at 2 P. M. upon request of applicant's representative. Final disposition.

276-38-A.

APPLICANT—Oscar Lowinson, for Alfred Hotel Corporation, lessee.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—145-155 West 47th street, north side, 240 ft. east of Seventh avenue and 148-154 West 48th street (Block No. 1000, Lot No. 11), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal withdrawn upon written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

389-38-A.

APPLICANT—One East 62nd Street Corporation, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—1 East 62nd street, north side, 108 ft. east of Fifth avenue (Block No. 1377, Lot No. 5), Borough of Manhattan.

MINUTES

APPEARANCES—
For Applicant: Ralph S. Wood.
ACTION OF BOARD—Appeal withdrawn, to comply.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

346-38-A.
APPLICANT—Oscar Goldschlag, for M. & H. Realties, Inc., lessee.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—2473-2475 Broadway and 254 West 92nd street, southwest corner (Block No. 1239, Lot No. 55), Borough of Manhattan.
APPEARANCES—
For Applicant: Oscar Goldschlag.
For Administration: Fred Dahlem, Department of Housing and Buildings.
ACTION OF BOARD—Appeal denied.
THE VOTE TO GRANT—
Affimative 0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Absent 0

THE RESOLUTION—

(346-38-A)

WHEREAS, Oscar Goldschlag, for M. & H. Realties, Inc., lessee, filed on May 9, 1938, an appeal from a decision of the Borough Superintendent, Department of Housing and Buildings, affecting premises 2473-2475 Broadway and 254 West 92d street, southwest corner (Block No. 1239, Lot No. 55), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent on Alt. App. 831-38, dated May 6, 1938, reads as follows:

"27—Means of egress may not be reduced. Note elimination of existing 6 ft. wide stairway. Same is unlawful unless exits conform to 6.1.2 Building Code, Section 6.1.6 Building Code."

and

WHEREAS, the building is two stories, 35 feet, in height, 50 ft. by 100 ft. in area, of nonfireproof construction; located in a business use district; erected in 1930 and occupied since April, 1933, as follows: Cellar—boiler room and storage—no persons; 1st floor—stores and restaurant, 75 persons; mezzanine—restaurant, 70 persons; 2nd floor—restaurant and dancing, 250 persons. It is proposed to change this occupancy to—Cellar—same; 1st floor, 260 persons; mezzanine, same; 2nd story, 75 persons; and

WHEREAS, certificate of occupancy No. 18916 permits the occupancy of the building as follows: Cellar—storage, 10 persons; 1st floor—store, 75 persons; 2nd floor—restaurant with dancing, 250 persons; mezzanine-restaurant, 70 persons; and

WHEREAS, it is proposed to install a regulation balcony counterbalanced stairway on the West 92d street front as a second means of egress from the second story and to remove the present interior stairs at the Broadway front of the building as shown on plans filed with this appeal; and

WHEREAS, the applicant contends that the building is equipped with a 6-ft. wide completely enclosed fireproof stairway leading from the roof direct to street; that since the building is assessed for $300,000, it is impossible for the owner to make it profitable and it is necessary to remove the stairway on the Broadway front as it occupies half of the southerly store front; that present certificate of occupancy permits 250 persons above the entrance story that the reduction of the rentable floor store area for stairway would render the building untenantable and entail a great loss and hardship to the owner.

Resolved, that the decision of the borough superintendent in acting on alteration No. 831-38, be and it hereby is *affirmed* and that the appeal be and it hereby is *denied*.

401-38-A.
APPLICANT—Saint Saviour's Church, for Trustees of the Estate Belonging to the Diocese of Long Island, owner.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—57-40 57th road, south side, 125 ft. west of 58th street (Block No. 2671, Lot No. 1), Maspeth, Borough of Queens.
APPEARANCES—
For Applicant: Rev. Walter S. Kings.
For Administration: David Stone, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(401-38-A)

WHEREAS, Saint Saviour's Church, applicant, for trustees of the estate belonging to the Diocese of Long Island, owner, filed on May 25, 1938, an appeal from a decision of the borough superintendent, Dept. of Housing and Buildings, affecting premises 57-40 57th road, south side, 125 ft. west of 58th street (Block No. 2671, Lot No. 1), Maspeth, Borough of Queens; and

WHEREAS, the decision of the borough superintendent on Alt. App. 3699-38, dated May 20, 1938, reads as follows:

"1. Proposed extension of frame building within fire limits contrary to section 4.1.2 of the building code."

and

WHEREAS, the premises consists of a plot 304 ft. by 225 ft. in area, upon which there is located a rectory, church and Sunday school. It is proposed to erect an extension to the existing Sunday school building 25 ft. by 43 ft. 6 in. in area, 1½ stories, 27 ft. 6 in. in height, of frame construction. The existing church was erected about 1848 and the Sunday school 1898. The plot is located in an unrestricted use district. The proposed extension is to be occupied as a Sunday school for thirty persons; and

WHEREAS, the applicant contends that the congregation is small and of limited means; that larger and more adequate facilities can be obtained by frame construction; that to place a brick or stucco structure between these two units would result in a ridiculous appearance architecturally. Owing to the rapidly changing conditions in the neighborhood, it is possible that the location of the church will have to be changed within the next few years, as many factories have been erected in the vicinity; that as the church buildings are the only ones on the square block, no adjacent property will be endangered by the erection of the proposed frame extension; and

WHEREAS, the board deemed, that in view of the existing frame buildings to which the proposed building is an extension and in view of the church controlling the entire plot surrounded by four streets, thus separating the frame buildings from other structures, that it would be an unnecessary hardship to require strict compliance with the law.

Resolved, that the decision of the borough superintendent on Alt. App. 3699-38 be and it hereby is *modified* and that the appeal be and it hereby is *granted*, permitting the proposed frame extension as shown on plan filed on such alteration application, *on condition* that the building shall not exceed in height and area that shown on said plan; and that a door may be introduced in the wall separating this proposed Sunday school from the church.

MINUTES

414-38-A.

APPLICANT—Bernard Austin, for R. A. B. Corporation, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—2483-2491 Flatbush avenue and 5102-5112 Avenue U, southeast corner (Block No. 8470, Lot No. 63), Borough of Brooklyn.

APPEARANCES—

For Applicant: Bernard Austin.

For Administration: S. Cohen, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(414-38-A)

WHEREAS, Bernard Austin for R. A. B. Corporation, filed on May 27, 1938, an appeal from a decision of the acting borough superintendent of buildings, affecting premises 2483-2491 Flatbush avenue and 5102-5112 Avenue U, southeast corner (Block No. 8470, Lot No. 63), Borough of Brooklyn; and

WHEREAS, the decision of the acting borough superintendent on Alteration Application No. 6262-1938, dated May 25, 1938, reads:

"Application to delete 'C.O.' contingent upon swimming pool remaining unused for that purpose" from certificate of occupancy No. 83177, is contrary to C.19-64.0 of the administrative code, since gasoline service station is within 20 ft. 0 in. of swimming pool which is a place of public assembly and is therefore denied."

and

WHEREAS, the premises consist of a plot 100 by 100 feet in area located in an unrestricted use district, on which there has been erected a one-story brick building, 14 feet in height, 25 by 50 feet in area and the necessary tanks and pumps for the conduct of the gasoline service station; and

WHEREAS, the applicant contends that the swimming pool on the adjacent premises has not been in use for upwards of 8 years; that the nearest gasoline pump is about 80 feet from the swimming pool in question; that the fire department has granted a gasoline station permit without any restrictions; that the actual filling of cars from the gasoline pump is 30 feet away from the lot line of the abandoned swimming pool; that section C 19-64.0 is applicable only to premises occupied as place of public assembly, that the stipulation on the certificate of occupancy is unnecessary; and

WHEREAS, the requirements of the Administrative Code, C 19-64.0-A and C 19-65.0, apply to a storage garage and to an oil selling station because of the requirements of C 19-73.0; and

WHEREAS, the board deemed that the requirements of the Administrative Code could safely be modified in as much as it is informed that the adjoining premises have not been used as a swimming pool for several years and that such use has been permanently discontinued.

Resolved, that the decision of the acting superintendent of buildings on Alt. App. 6262-38 be and it hereby is *reversed* and that the appeal be and it hereby is *granted* and that a new certificate of occupancy be issued in substitution of No. 83177 by omitting the qualifying provision "that the certificate of occupancy is contingent upon the swimming pool in the adjoining premises remaining unused."

498-37-A.

APPLICANT—Publicker Commercial Alcohol Co., owner.

SUBJECT—Application for consideration—reopening and amendment—re appeal from decision of the fire commissioner re sale of anti-freeze in cans not of approved type in New York City—Trade names of "Super Thermo and Thermo Royal."

APPEARANCES—

For Applicant: Henry W. Adams.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(498-37-A)

WHEREAS, Henry W. Adams, for Publicker Commercial Alcohol Co., owner, filed on October 20, 1937, an appeal from a decision of the fire commissioner affecting the storage and sale of "SUPER THERMO" AND "THERMO ROYAL" Anti-Freeze in sealed cans of a type not in compliance with section 131, subdivision 3, of the Code of Ordinances; and

WHEREAS, the decision of the fire commissioner, dated October 13, 1937, reads as follows:

"Please be advised that this department disapproves all cans used for packing and shipping anti-freeze (inflammable mixtures) other than the type as specified and provided for in section 131, subdivision 3, chapter 10, Code of Ordinances of the City of New York, for the reason that

'Inflammable mixtures shall be packed and shipped in cans of a capacity not exceeding five gallons each; cans to be fitted with a tight-fitting replaceable top, cap or other device, so made that the can shall be air-tight when closed; or in steel barrels or drums of a capacity not exceeding fifty-five (55) gallons each.'"

and

WHEREAS, it is proposed to market the Anti-Freeze mixtures in question in one-quart and one-gallon cans of the sealed type without the removable cap, as required by section 131, subdivision 3, of the Code of Ordinances; and

WHEREAS, the "SUPER THERMO" Anti-Freeze is comprised of 188 proof Ethanol and inhibitors to retard the natural corrosion of a motor; and "THERMO ROYAL" Anti-Freeze consists of 200 proof Anhydrous Ethanol and an inhibitor to prevent corrosion; and

WHEREAS, the applicant contends that this material is sold exclusively through jobbers to garages, service stations, repair shops and automotive accessory stores; that typical samples of their principal brands are also submitted; their Anti-Freezes are made up of completely denatured ethyl alcohol with the addition of a small quantity of rust inhibitor and a color; that the addition of the rust inhibitor and the color make this product totally unfit for household uses as they can be used for neither cleaning, burning in an alcohol stove or thinning shellac; that it is suitable for only one purpose, namely, to place in the radiator of an automobile to protect from freezing; that if this appeal is given favorable consideration, applicant proposes to place on the top of each of the cans a sticker bearing the words in white letters on a red background "Upon Opening Remove Entire Contents At Once," with the understanding that this sticker will be used only until applicant can have the new labels prepared, incorporating this notice in a prominent place on the lithographed label and that this will be done as promptly as possible; and

WHEREAS, the applicant proposes to market the anti-

freeze mixtures consisting of Ethanol (denatured ethyl alcohol), with coloring matter and non-rust compound; and

WHEREAS, the appeal was granted by the board at its meeting November 9, 1937, on certain conditions, resolution amended December 7, 1937, and applicant requested a reopening of the case to include additional brands of anti-freeze of similar composition, completely denatured alcohol Formula No. 11, 188 proof and Formula No. 13, 200 proof.

Resolved, that the resolution adopted by the board on November 9, 1937, be and it hereby is *amended*, so that as amended the resolution will read:

Resolved, that the decision of the fire commissioner, dated October 13, 1937, be and it hereby is *modified*, and that the appeal be and it hereby is *granted*, permitting the transportation, sale, storage and manufacture of anti-freeze (inflammable mixture) as described in this appeal in one gallon cans and in one quart cans without tight-fitting replaceable top, *on condition* that there shall appear on each can a prominent notice reading "UPON OPENING REMOVE ENTIRE CONTENTS AT ONCE"; that such notice shall have white letters on fire department red background or fire department red letters on white or aluminum background; that for the balance of the year 1937, such cans as are manufactured without this notice shall bear a similar notice pasted upon each can reading as herein required; that after January 1, 1938, such notice shall be part of the lithographed label on the side or top surface of the can; that this label shall also contain the additional words "THIS CONTAINER FOR ANTI-FREEZE APPROVED BY BOARD OF STANDARDS AND APPEALS UNDER CAL. NO. 498-37-A"; that the application to the fire commissioner shall state the name of the manufacturer of such anti-freeze; that these products may be marketed in cans as herein permitted bearing the names of the manufacturer or agent with the respective brands or trade names as follows:

SUPER THERMO
THERMO ROYAL
PUBLICKER RUSTLESS 188
SNOW MAN
WIZARD SUPER ANTI-FREEZE
CROSS COUNTRY
SUPER DURATEX
PENN JERSEY NON RUSTING CDA
PARA FREEZE.

VARIATION OF LABOR LAW

37-28-S.

APPLICANT—Ansonia Fire Prevention Engineering Co., Inc., for the New York Savings Bank, owner.

SUBJECT—Application for consideration—reopening and amendment—re variation of the labor law as cited in order of the fire commissioner.

PREMISES AFFECTED—125 East 23rd street, north side, 100 ft. west of Lexington avenue (Block No. 879, Lot No. 14), Borough of Manhattan.

APPEARANCES—

For Applicant: George E. Green.

For Administration: Inspector Maher, Fire Dept.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(37-28-S)

WHEREAS, Croker National Fire Prevention Engineering Co., for F. C. Beach Realty Corp., owner, filed January 16, 1928, a petition for a variation from the requirements of the labor law, as cited in an order of the fire commissioner, affecting premises 125 East 23rd street, north side, 100 ft. west of Lexington avenue (Block No. 879, Lot No. 14), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, dated December 9, 1927, reads:

"Order No. 29626-LD:

"1. Arrange the fire escape at rear of building serving as a required means of egress so that same will conform to Sec. 274 of the Labor Law and the rules of the Board of Standards and Appeals, adopted February 23, 1927.

"Defects noted as follows:

"1. Stairways and balconies not screened to a height of 4 ft. 6 in.

"2. No safe egress from termination of fire escape to street.";

and

WHEREAS, the building is non-fireproof, six stories in height, 28 ft. 6 in. by 93 ft. 9 in. in area at first story and 28 ft. 6 in. by 88 ft. 9 in. in area above; OCCUPIED: cellar, boiler room, 2 persons; 1st story, stores, 2 persons; 2nd story, offices, 6 persons, 3rd story, machine shop, 5 persons; 4th story, manufacture of thermometers, 9 persons; 5th story, offices, 2 persons; 6th story, manufacture of flowers, 16 persons; EQUIPPED with a fire alarm signal system; EXITS: an interior wooden stairway, extending from the first story to top story, enclosed in metal lath on studs, covered both sides with cement mortar partitions with fireproof doors at openings; a fire escape on the rear thereof, extending from the roof to yard level, with no legal means of egress to street; ROOFS of adjoining buildings: two stories lower at east and west; and

WHEREAS, the petitioner claims that the building was erected forty years ago; as to Defect No. 1, that the balconies of rear fire escape are screened to a height of 5 ft. and the stair rails to a height of 3 ft.; as to Defect No. 2, that egress may be had from foot of rear fire escapes to open yard adjoining at east and to a second yard towards the east through door in fence, where egress may be had through plain glass doors into the adjoining buildings and to the street; furthermore, the petitioner contends that a similar fire department order (No. 62785-LD) was issued in 1917, and on November 14, 1917, the bureau of buildings received a letter from the bureau of fire prevention accepting the present means of egress from rear fire escapes to adjoining yard; and

WHEREAS, under ruling then in force, the fire department in November, 1927, accepted this condition on which approval the bureau of buildings accepted and recognized this existing fire escape; and

WHEREAS, this petition was granted by the board at its meeting, June 12, 1928, on certain conditions, resolution amended December 26, 1928, and petitioner requested a further modification of these conditions as to occupancy.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the labor law, and that the application be and it hereby is *granted* only so far as it affects the railings of the stairs and the well of the fire escape and the getaway, *on condition* that the rear fire escape at the second story level shall be equipped with an extended platform railing to the wall of the adjoining building at No. 123 East 23rd street to permit access to the roof of that building and to the adjoining one-story building further west; and, *on condition* that all windows on the course of the fire escape, including the extension balcony, shall be made fireproof, self-closing; that the building shall not be increased in height or area; and, *granted* only so long as the occupancy shall be restricted to not more than twenty persons per floor.

MINUTES

APPLIANCES SUBMITTED FOR APPROVAL

50-38-SA.

APPLICANT—Preferred Utilities Co., Inc. for Ray Oil Burner Company, owner.

SUBJECT—Ray Gun Type Oil Burner, Model XP, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appliance approved in accordance with report of the engineer of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(50-38-SA)

WHEREAS, the Preferred Utilities Co., Inc., for Ray Oil Burner Company, owner, filed January 27, 1938, an application with the Board of Standards and Appeals for approval of their device known as the Ray Gun Type Oil Burner, Model XP; and

WHEREAS, this device was submitted to the engineer of the board for test and report; and

WHEREAS, the report of the engineer of the board, supplemented by that of the Division of Combustibles of the fire department was substantially as follows:

This oil burner was installed in a conventional type steam heating plant, used for domestic purposes. This burner is of the pressure atomizing gun type, and consists of the following assembly:

Webster 1/6 H.P. motor; Sirocco type fan; Webster fuel unit consisting of pump, regulating valve and strainer; Monarch nozzle with capacity from 1.65 to 3 gal. per hour.

Ignition—Electric; Gardner transformer being used.

Controls—Mercoid steam switch and Mercoid Pyratherm.

With the oil supply shut off and a cold combustion chamber, the burner was put into operation, and on two successive tests, the controls functioned and shut down the burner in 70 and 72 seconds respectively.

The burner was then put into normal operation and during this period of test, the controls functioned as designed. There were no flare backs due to faulty ignition, and the flame was clean and free of smoke and soot. Examination of the combustion chamber showed no undue carbon deposits.

As a result of this inspection and test, it is recommended that the Ray Gun Type Oil Burner, Model XP be approved for domestic and commercial installations, with fuel oil not heavier than No. 3 U. S. Department of Commerce standards and when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Ray Gun Type Oil Burner, Model XP, for domestic and commercial installations, when installed in accordance with the above report and Oil Burner Rules of the Board of Standards and Appeals, for use with fuel oil not heavier than No. 3, U. S. Department of Commerce Standards, *on condition* that there shall be permanently attached to each burner installed a label reading:

NOTICE
Approved by the
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. No. 50-38-SA.

293-38-SA.

APPLICANT—Major Oil Burners, Inc., owner.

SUBJECT—Major Oil Burner, Models M and J, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appliance approved, in accordance with report of the engineer of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(293-38-SA)

WHEREAS, Major Oil Burners, Inc., owner, filed April 21, 1938, an application with the Board of Standards and Appeals for approval of their device known as the Major Oil Burner, Models M and J; and

WHEREAS, the device was referred to the engineer of the board for test and report; and

WHEREAS, the report of the committee of the board of which the engineer was a member was substantially as follows:

This oil burner was installed in a conventional type steam heating plant.

Models M and J are of the pressure atomizing gun type and consist of the following assembly:

Marathon 1/6 HP motor with overhead switch sirocco type fan, Tuthill pump and regulating valve and strainer, Eddington nozzle with capacity from 1.65 to 6 gallons per hour. Ignition, elcctric—General Electric transformer being used.

Controls are either standard Minneapolis or Mercoid.

Minneapolis controls are relay R 117 Pressuretrol L 404, Aquastat L 165.

With the oil supply shut off and a cold combustion chamber, the burner was put into operation and the controls functioned and shut down the burner in 65 seconds.

The burner was then placed in normal operation and during this period of test, the controls functioned as designed. There were no flare backs due to faulty ignition and the flame was clean and free from smoke and soot. Examination of the combustion chamber showed no undue carbon deposits.

It is recommended that the Major Oil Burner, Models M and J be approved for domestic and commercial use when installed with fuel oil not heavier than No. 3 U. S. Dept. of Commerce standards and when installed in accordance with the above report and in conformity with the Oil Burner Rules of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby approve the device known as Major Oil Burner, Models M and J, for use in domestic and commercial installations with fuel oil not heavier than No. 3 U. S. Dept. of Commerce standards, *on condition* that the installation shall conform to the Oil Burner Rules of the Board of Standards and Appeals and that the device shall bear a label permanently affixed thereto reading:

APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. NO. 293-38-SA.

MATERIAL SUBMITTED FOR APPROVAL

379-38-SM.

APPLICANT—New Jersey Hollow Tile Corporation, owner.

SUBJECT—Approval of Kwiklay Backer Block (Hollow Tile), manufactured by New Jersey Hollow Tile Corporation.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Material approved in accordance with report of a committee.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(379-38-SM)

WHEREAS, The New Jersey Hollow Tile Corporation, owner, filed May 18, 1938, an application with the Board of Standards and Appeals for approval of the material known as the Kwiklay Backer Block (Hollow Tile); and

WHEREAS, a committee of the board consisting of Commissioners Savage and Blum and Chief Engineer Huber investigated this material and reported—"the tile is designed in the form of an H with one side shorter than the other and having 4 hollow spaces. The shell is 1 in. in thickness and the webs (which constitute the bar of the H) are 5/8 in. The design is intended, when the blocks are laid on their sides, to prevent moisture entering through the wall. The thickness of the shell where exposed, is 1 in. The blocks have been tested at the Haller Testing Laboratories and the results comply with the requirements of the A.S.T.M. A copy of this test is filed with the application.

The blocks are manufactured from a surface clay mined at South River, New Jersey, having an approximate composition of silica 56.1%, alumnia 27.42, ferric oxide 2.68, magnesia .18, potash and soda 2.71, titanium oxide 1.00, water and moisture 8.90%.

The blocks are made by the stiff and soft mud processes and are burned at a temperature of 2100°F. and are light gray in color after burning and substantially comply with the standard specifications of the A.S.T.M. D.C. 34-34T. It is recommended that the Kwiklay Backer Block (Hollow Clay Tile) be approved as conforming to the requirements of C.26-308.0, administrative code (7.1.1.3 B.C.) and for uses as permitted therein for back up tile and substantially complying with the standard specifications of A.S.T.M.D.C. 34-34T. When used in the city of New York these blocks should be tagged or marked, Approved, B. S. & A., Cal. No. 379-38-SM."

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as Kwiklay Backer Block (Hollow Tile) when manufactured and used in accordance with the above report.

Adjourned, 4:45 P. M.

EDWARD V. BARTON, Chief Clerk.

SMOKING IN FACTORIES

Adopted by the Board of Standards and Appeals, August 12, 1918.

RULE 1. PERMIT.

(a) **Prohibition.** No person shall smoke, or carry a lighted cigar or cigarette in any factory as defined in Article 1, Section 2, of the State Labor Law, nor in any portion of a factory, within the City of New York, except in such protected portions or special classes of occupancies as are specified in Rule 2 of these rules, and then only after the issuance of a permit by the administrative official.

It shall be the joint and several duty of the owner and of the lessee or lessees of the building containing such factory or factories to cause to be posted in each and every entrance hall, stair hall or room throughout the building, as well as in every elevator-car, in English, and also in such other language or languages as the administrative official shall direct, a notice of such prohibition, and the penalty for its violation.

(b) **Application.** Application for such permit shall be made only by the owner of the building on suitable blank forms to be furnished by the administrative official.

(c) **Time Limit.** Such permit shall be for a definite period, not exceeding one year, and shall not be renewed upon expiration until a reinspection of the premises for which it is issued has been made for the purpose of determining whether existing conditions warrant a renewal.

(d) **Conditions.** The permit shall state the conditions under which, the hours between which, and the place or places in such factory where smoking may be permitted, and this permit shall be framed and kept posted in a conspicuous place in the factory.

(e) **Revocation.** Violation of any of the conditions specified in the permit, in addition to incurring such penalties as are prescribed by law, shall be full and sufficient cause for the revocation of such permit by the administrative official, and he shall not again issue a permit for the same premises until at least one year has elapsed.

RULE 2. PERMISSIBLE CASES.

Smoking may be permitted in:—

(a) Factories engaged in the manufacture of cigars, cigarettes, or smoking tobacco, when necessary for the efficient conduct of the business, provided that:

(1) No smoking other than that for sampling, testing and experimental purposes is carried on.

(2) Such smoking is conducted in a room provided especially for that purpose, separated from the rest of the building by fireproof or fire-resisting partitions, with all openings therein protected by self-closing fire doors, and, further, unless the building is of fireproof construction or equipped with an approved automatic sprinkler system, the floor and ceiling of such room shall be covered with fire-retarding material.

(3) Such chemical fire extinguishers as the administrative official may direct are installed.

(4) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

(b) Factories devoted entirely to one of the following occupancies:

Blacksmithing or horseshoeing;
Boiler making;
Brick, terra cotta or artificial stone works;
Forge shops;
Foundries;
Iron, steel, brass or copper works;
Machine shops;
Smelting;
Stone or monumental works;

provided that in any case:

(1) The building is not of wooden construction;

(2) Such chemical fire extinguishers as the administrative official may direct are installed;

(3) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

OIL BURNER RULES

[217-21-SR]

NOTICE—In this publication of these Rules, a new decimal numbering system has been employed, but for convenience, the former designations are also shown in brackets.

RULES COVERING THE INSTALLATION AND USE OF OIL BURNING EQUIPMENT AND THE STORAGE OF OILS USED IN CONNECTION THEREWITH

Adopted by the Board of Standards and Appeals June 15, 1934, Amended July 12, 1935, January 28, 1936, and December 4, 1936.

(Superseding Fuel Oil Rules adopted by the Board of Standards and Appeals, November 6, 1919; amended January 6, 1922; January 18, 1924; October 19, 1926; September 11, 1928; January 11, 1929; March 20, 1931; May 12, 1931; November 24, 1931; May 10, 1932; June 24, 1932, and November 4, 1932).

Authority: Section 718 A of the Charter of the City of New York to carry into effect the provisions of Chapter X, Code of Ordinances.

Rule 1. Scope.

[a] 1.1 No person shall install oil-burning, or oil-storage equipment for use within the City of New York except as provided in these rules.

[b] 1.2 These rules shall not apply to gas companies storing or using oil in the manufacture of illuminating gas for public use.

Rule 2. Definitions.

2.1 For the purpose of these rules the following terms shall be interpreted in accordance with these definitions:

2.2 APPROVED: Shall mean devices hereafter approved by the Board of Standards and Appeals and also, when required by the Board of Standards and Appeals, approved, listed as standard, and/or labeled by any nationally recognized standard testing laboratory not operated for commercial profit, provided all such devices are installed in accordance with these rules. Such approval is subject to suspension or revocation for non-compliance with these rules. All devices approved by the Board of Standards and Appeals prior to the adoption of these rules shall be accepted.

2.3 AUTOMATIC PUMP: Shall mean an automatic transfer pump operating independent of the burner to provide a continuous supply of oil.

2.4 BURNER: A device designed for the purpose of burning oil.

2.5 COMMERCIAL INSTALLATIONS—Oil burner installations in buildings, other than dwellings when used for heating and generation of power for use on premises.

2.6 CONTROLS—Such electrical or mechanical devices as are installed for the purpose of providing safe and continuous operation.

2.7 DISCHARGE LINE: That portion of the line between the discharge outlet of the pump and the burner oil inlet connection.

2.8 DOMESTIC INSTALLATIONS—Oil burner installations installed in dwellings as defined in these rules.

2.9 DWELLINGS: Buildings used exclusively for dwelling purposes and occupied by one or two families, including convents, rectories and monasteries.

2.10 ELECTRICALLY GROUNDED: For protection against lightning shall mean storage tanks set directly in or on the ground and/or with underground piping connections. Where storage tanks without underground piping connections are built on bases above the surface of the earth, such storage tanks shall be grounded at two (2) points, 180° (degrees) apart as follows:

2.10.1 The conductor from tank to ground connection shall be of copper not smaller than No. 6 (.162″) A.W.G. wire, or pipe not less than one-half inch (½″) in diameter.

2.10.2 One end of conductor shall be permanently and electrically bonded to tank. The other end shall be bonded to a ground connection consisting of a water pipe or a rod, pipe or plate having a surface area of not less than one hundred and ninety (190) square inches, buried in moist earth not less than two feet (2′) below the surface of the earth.

2.11 FILL PIPE: That portion of the line between the fill pipe terminal and the fill pipe connection in the storage tank.

2.12 FIRE RETARDING MATERIALS:

2.12.1 One-half (½) inch plaster boards, or asbestos boards, or three-eighths (⅜) inch gypsum wall boards weighing not less than 16 pounds per square yard with pointed joints covered with No. 26 U. S. gauge sheet metal with one (1) inch lapped seams nailed to the wood beams when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are spaced more than sixteen (16) inches on centers, or

2.12.2 Two thicknesses of one-quarter (¼) inch asbestos boards laid with tight staggered joints and nailed to the beams, when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are more than sixteen (16) inches on centers, or

2.12.3 Metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) inch thick.

2.12.4 Note—All fire retarding material to be applied as required in rules for fire retarding material of the Board of Standards and Appeals.

2.13 GROUND: An electrical conductor having capacity to absorb current.

2.14 INDUSTRIAL INSTALLATIONS: Oil burner installations for industrial purposes.

2.15 OIL: Any liquid mixture, substance or compound derived from petroleum, including kerosene and fuel oil as defined in the Code of Ordinances, Chapter X, Article 1, Section 1.

2.16 OIL BURNING EQUIPMENT: Any device including burners, oil burning heaters, internal combustion engines used for heating, power or other purposes designed for and/or using oil as defined in these rules.

2.17 OIL LEVEL INDICATING DEVICE: A means by which the level of the oil in a storage tank may be indicated.

2.18 OVERFLOW PIPE: A pipe which conveys, by gravity, the oil from the maximum level of an auxiliary tank to the storage tank or from the pump to the storage tank.

2.19 PERMANENT DEFORMATION: Wherever phrase, "without permanent deformation," is used in these rules it shall mean that the tanks or containers shall, after release of test pressure, resume their original size and shape.

2.20 PERMIT: Shall mean permit for storage of oil.

2.21 PORTLAND CEMENT CONCRETE: Shall mean a mixture of one (1) part cement and not more than two and one-half (2½) parts sand and five (5) parts of coarse aggregate and complying in all other respects with the requirements of the Code of Ordinances, Chapter V, Article 2, Section 28.

2.22 PREHEATER: A device designed for heating oil for the purpose of decreasing the viscosity.

2.23 RELIEF VALVE: A valve held shut by a spring or other means of automatically relieving pressure in excess of its setting.

2.24 RELIEF LINE: That portion of the line between the bypass connection of the relief valve and the supply line or storage tank.

2.25 REMOTE CONTROL: A hand, electric, or mechanically-operated device to shut off the oil supply. A thermostat is not acceptable as a remote control.

2.26 SCAVENGING LINE: A line installed to permit the removal of water or foreign matter from a storage tank.

2.27 SHOP FABRICATED: Shall mean completely built in the shop of the tank manufacturer.

2.28 SHUT-OFF VALVE: A device that can be actuated to prevent the flow of liquid in a line of pipe.

2.29 STORAGE CONTAINER: Any container for oil connected to a burner or oil-burning heater and having a capacity of ten (10) gallons or less.

2.30 STORAGE TANK: Any container for oil having a capacity of two hundred and seventy-five (275) gallons or more, having a fill line and vent line connected thereto.

2.31 STORAGE TANK, AUXILIARY: Any container for oil having a capacity of not over 60 gallons and used as an intermediary tank for gravity feed and equipped with an automatic or manually operated pump.

2.32 SUPPLY LINE: That portion of the line between the storage tank and the pump oil inlet connection. Where a pump is not used, it shall be that portion of the line between storage tank and burner and burner oil inlet connection.

2.33 TEST WELL: An opening in the top of the storage tank or a straight pipe connected to such opening through which a gauge stick may be inserted into the storage tank.

2.34 TRANSFER PUMP: An oil pump that is not an integral part of the burner and which is installed between storage tank and burner.

2.35 VENT PIPE: That portion of the line between vent pipe terminal and vent pipe connection in the storage tank.

Rule 3. Oil Permitted.

[a] 3.1 Oil permitted under these rules shall be any liquid mixture, substance, or compound derived from petroleum, shale oil, coal tar, and the liquid products thereof, and shall have a flash point not lower than 100 degrees Fahrenheit when tested in a Pensky-Martens closed cup tester (American Society for Testing Materials Method D93-22) and marketed under the following commercial grades:

Range Oil	SP.	Gr.	(A. P. I.)	40–44°
No. 1 Fuel Oil	"	"	"	36–40°
No. 2 " "	"	"	"	32–36°
No. 3 " "	"	"	"	28–32°
No. 4 " "	"	"	"	24°+
No. 5 " "	"	"	"	18°+
No. 6 " "	"	"	"	10°+

[b] 3.2 The use of crankcase refuse oil as fuel oil is strictly prohibited.

Rule 4. Burners.

[a] 4.1 Burners, including oil-burning heaters, shall be as approved, provided with suitable safeguards to prevent abnormal discharge of oil.

[b] 4.2 Approval of burners or oil-burning heaters designed for installation with storage of not more than six (6) gallons shall include approval of storage containers and limitations of installation. If more than six (6) gallons' storage is desired for such burners or oil-burning heaters, a storage tank shall be installed as provided for in these rules. Portable containers of not more than six (6) gallons' capacity may be filled from such storage tanks by means of an approved hand pump located above the top of the tank.

[c] 4.3 The requirements of these rules shall not apply to the use and installation of portable burners not requiring a connection to a flue where such burners are of the type commonly used for household purposes including oil stoves, oil heaters and oil lamps equipped with a woven wick, nor do the requirements of these rules apply to such portable apparatus such as blow torches soldering pots, tar heaters, snow melters, etc.

Rule 5. Material and Construction of Tanks.

5.1 Cylindrical Tanks (except vertical tanks located outside of buildings above ground).

[a] 5.1.1 All tanks for the storage of fuel oil shall be built of steel plates made by the open hearth process and known to the trade as "tank steel." Such plates shall be free from physical imperfections, such as laminations, cracks, mill scale, etc. All steel must be new in good condition and free from rust. The thickness of steel required and the size and spacing of rivets shall be as stated in the table given below.

[b] 5.1.2 All tanks must be welded or riveted and caulked, or riveted and welded. Flanges or other pipe connections may be welded. All caulking shall be done with round nose tools and without injury to the plates. Filler of any kind between plates is prohibited.

[c] 5.1.3 Thickness of cylindrical tanks, except tanks of 275 gallons capacity or less:

Tanks 36 in. in diameter and less—¼ in. shell, ¼ in. heads.

Tanks 37 to 72 in. in diameter—¼ in. shell, 5/16 in. heads.

Tanks 73 to 120 in. in diameter—5/16 in. shell, ⅜ in. heads.

Tanks over 120 in. in diameter to be of ⅜ in. steel and to be stiffened by angle rings or equivalent members so as to retain their cylindrical form.

[d] 5.1.4 All cylindrical, oval or abround storage tanks shall have dished heads with a curvature the radius of which is not greater than the diameter of the tank. Dished heads shall be formed with an adequate cylindrical extension rim to provide welding or riveting surface. Should flat heads be used they must be braced in the same manner as described for the bracing of flat sides of rectangular tanks.

[e] 5.1.5 Diameter and spacing of rivets:

Riveting in single lap seams shall not exceed a pitch as follows:

In shell ¼ in. thick, ⅝ in. in diameter rivets 2¼ in. pitch.

In shell 5/16 in. thick, ⅝ in. in diameter rivets 2⅜ in. pitch.

In shell ⅜ in. thick, ¾ in. in diameter rivets 2½ in. pitch.

5.2 Rectangular Tanks.

[a] 5.2.1 All rectangular tanks shall be built of steel plates of the quality required for cylindrical tanks, and of a thickness of not less than 5/16 of an inch.

[b] 5.2.2 Corners may be made up by bending the plates or by use of angles.

[c] 5.2.3 Rivets in seams shall be ⅝ of an inch in diameter and spaced not more than 2¼ inches center to center.

[d] 5.2.4 All flat surfaces of rectangular tanks are to be braced. Bracing shall be done either by using structural steel members which will act as girders and which will safely carry the load with a factor of safety of five (5), or by using bars from side to side, end to end and top to bottom of the tanks as the case may be.

[e] 5.2.5 When structural steel members are used such as angle, channels or beams, etc., the distance from center to center of the rivet lines on these members must not be in excess of twenty-four inches, and the rivet spacing must be such that it will develop the full strength of the members. In no case shall the rivets be in excess of six (6) inches center to center on these members.

[f] 5.2.6 When structural steel reinforcing members are tied together with braces in order to reduce the effective length, the braces shall not be stressed higher than nine thousand (9,000) pounds per square inch taken in the minimum net section.

[g] 5.2.7 If structural steel members are omitted and the sides of the tank are braced by means of rods or bars, these members should not be spaced farther apart than twenty-four (24) inches center to center in all directions. The unit stress permitted in these members shall not be in excess of nine thousand (9,000) pounds per square inch on the minimum net section.

[h] 5.2.8 The connection between these members and the sides of the tank must in all cases be such that it will develop the full net sections of the bars so that the bar will break before the connection will let go.

5.3 All Tanks Except Vertical Above-Ground Storage Tanks.

[a] 5.3.1 All storage tanks for oil of two hundred and seventy-five (275) gallons' capacity or less shall have a minimum thickness of shell and head plates of U. S. Standard 10 gauge (.134″). Auxiliary storage tanks of 60 gallons or less shall be similarly constructed but need not be of a gauge thicker than U. S. Standard No. 14.

[b] 5.3.2 At time of installation all storage tanks shall bear a permanently fixed plate, spot-welded or equivalent, bearing the name of tank manufacturer, the gauge of material and capacity of tank. All shop fabricated storage tanks shall be installed without structural alteration.

[c] 5.3.3 All openings shall be through the top of the storage tank except that 275-gallon storage tanks may be provided with a three-quarter inch (¼″) opening for gravity discharge and a one-inch (1″) opening in the bottom for cleaning and protection against corrosion.

[d] 5.3.4 All buried storage tanks shall have a thorough coating on the outside of hot tar, asphaltum, or other equivalent rust-resisting material. All such tanks shall be electrically grounded.

[e] 5.3.5 Manholes; where used for oils having a viscosity less than 500 sec. Saybolt Universal at 100° F. shall have manhole covers bolted and air tight; where used for oils having a viscosity greater than 500 sec. Saybolt Universal at 100° F. (No. 5 or No. 6 Commercial Standard grades) shall have manhole covers bolted or otherwise secured to the tanks and kept hydrostatically tight at all times.

5.4 Vertical Storage Tanks Over 1,000 Gallons Capacity Located Outside of Building Above Ground.

[a] 5.4.1 Vertical tanks located outside of building above ground shall be built of steel plates of the quality required for cylindrical tanks.

[b] 5.4.2 The minimum thickness of shell or bottom plates shall be ¼ inch and the minimum thickness of roof plates ⅛ inch.

The thickness of shell plates shall be figured in accordance with the following formula:

$$t \text{ equals} \frac{P \times r \times F}{T \times E}$$

P equals head pressure at bottom of ring under consideration.

R equals radius of shell in inches.

F equals factor of safety (taken as 5).

T equals tensile strength of plate in pounds per square inch (55,000 pounds per square inch).

E equals efficiency of vertical joint in ring under consideration (calculations to be based on formulas as given in Bulletin No. 14 of the New York State Industrial Commission).

[c] 5.4.3 Roof plates shall have single riveted watertight seams and the roof shall be built to shed water. Bottom plates shall have single lap riveted seams. Shell plate seams shall be designed with proper efficiency to meet requirements of above formular for shell plates.

[d] 5.4.4 In all cases, steel tanks for the storage of fuel oil must be built metal to metal. No filler of any kind will be permitted.

5.5 Storage Containers.

[a] 5.5.1 Storage containers for oil of six (6) gallons capacity or less used in connection with burners or oil-burning heaters shall be designed to withstand a hydrostatic pressure test of five (5) pounds per square inch without permanent deformation, rupture or leakage and shall be approved as provided in Rule 4.2. Glass storage containers shall not exceed three gallons capacity, protected with a metal jacket provided with hand grips and designed to be rigidly fastened to stand or wall and shall be approved as provided in Rule 4.2.

Rule 6. Location of Tanks.

6.1 Inside of Buildings.

[a] 6.1.1 Storage tanks having a capacity of two hundred and seventy-five (275) gallons and auxiliary tanks may be installed above ground in or on the lowest story of a building, provided such tanks shall be mounted on substantial incombustible supports, with tank permanently attached thereto, and located not less than seven feet (7′), measured horizontally from any furnace or source of exposed flame unless tank is protected as provided for in Rule 6.1.2. Such storage tanks inside buildings shall be not less than two hundred and seventy-five (275) gallons' capacity and not more than one such tank shall be connected to one burner. Not more than two (2) two-hundred-and-seventy-five (275) gallons storage tanks shall be installed in a building above ground without protection as provided for in Rule 6.1.2.

[b] 6.1.2 Storage tanks having a capacity of more than two hundred and seventy-five (275) gallons, when installed inside of buildings, shall be located in or on the lowest floor level and all portions of such tanks above the floor shall be protected by a continuous jacket of not less than four inches (4″) of Portland cement concrete reinforced with not less than No. 20 steel wire gauge wire cloth 2″ x 2″ mesh, and extending at least four inches (4″) beyond the horizontal outline of tank in all directions, with weep holes along the bottom one inch in diameter not more than 3 ft. apart.
Each storage tank may be placed in an enclosure having masonry walls not less than eight inches (8″) in thickness and of dimension not less than fifteen inches (15″) greater on all sides than the outside dimensions of the storage tank. The walls of the enclosure shall be carried up to a height not less than two feet (2′) above the top of the tank. Fireproof access door or doors shall be installed in the enclosure for every twenty-five feet (25′) along the longest interior wall of such enclosure, and an additional access door shall be installed in every additional ten feet (10′) along such wall above the point where the enclosure has a capacity equal to the tank. The ceiling above the tank enclosure shall be either fireproof or fire-retarded.

[c] 6.1.3 The capacity of individual storage tanks located inside of buildings shall not exceed twenty thousand (20,000) gallons.

[d] 6.1.4 All storage containers used in connection with burners or oil-burning heaters shall be installed in a substantial and workmanlike manner with rigid metal fasteners to wall or floor and protected against mechanical injury.

6.2 Outside of Buildings, Below Ground.

[a] 6.2.1 Storage tanks located outside of buildings, below ground, shall be buried with the top of the tank not less than two feet (2′) below the surface of the ground. Tanks shall be placed on firm soil and shall be surrounded by clean sand or well tamped earth, free from ashes or other corrosive substance, and free from stones larger than will pass through a one-inch (1″) mesh When necessary to prevent floating, tanks shall be securely anchored.

[b] 6.2.2 Along the line of subways no tank shall be placed within twenty (20′) feet of any wall, separating a building from the subway, and, if practicable, tanks shall be placed in a lower position than the roadbed of the subway, except as may be modified in specific instances by the Board of Standards and Appeals.

[c] 6.2.3 No tank shall be buried so as to be nearer than 3 feet to any foundation wall.

[d] 6.2.4 All buried storage tanks larger than two hundred and seventy-five gallons, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two (2) coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust resisting material. All tanks shall be electrically grounded.

6.3 Outside of Buildings, Above Ground.

[a] 6.3.1 Storage tanks located outside of buildings above ground shall be not less than one and one-quarter (1¼) tank diameters and in no case less than ten feet (10′) from the line of adjoining property, the nearest building or adjacent tank. Such tanks shall be electrically grounded. The maximum capacity of individual tanks located outside of buildings above ground shall be fixed by the following schedule:

If distant 25 feet from line of adjoining property which may be built upon	16,000 gallons
If distant 30 feet.....	24,000 "
If distant 40 feet.....	36,000 "
If distant 50 feet.....	48,000 "
If distant 60 feet.....	60,000 "
If distant 75 feet.....	96,000 "
If distant 85 feet, or more	100,000 "

[b] 6.3.2 Each such storage tank shall be protected by an embankment or a dyke. Such protection shall have a capacity of not less than one and one-half (1½) times the capacity of the tank so surrounded and shall be at least four feet (4′) high but in no case higher than one-fourth (¼) the height of the tank when the height of the tank exceeds sixteen feet (16′). Embankments or dykes shall be made of earthwork with clay core; or of masonry, or of impervious reinforced concrete. Earthwork embankments shall be firmly and compactly built of good earth, free from stones, vegetable matter, etc., and shall have a flat section at the top of not less than three feet (3′) and a slope of at

least one and one-half (1½) to two (2) on all sides. Concrete or masonry dykes shall be so designed as to safely carry the entire volume of the oil in the tank so surrounded. Embankments or dykes shall be continuous and unpierced. See Chapter 10, Section 111, Code of Ordinances, for required fire extinguishing system.

[c] 6.3.3 All above ground storage tanks larger than two hundred and seventy-five (275) gallons, prior to or at the time of installation, shall be thoroughly cleaned and coated on the outside with two (2) coats of red lead and coated at the site with hot tar, asphalt or other equivalent rust resisting material. All tanks shall be electrically grounded.

Rule 7. Piping.

7.1 Installation of Piping.

[a] 7.1.1 Piping shall be run in a substantial and workmanlike manner. Exposed piping shall be protected against mechanical injury and shall be securely supported with rigid metal fasteners or hangers. All pipes connected to buried tanks except test well piping shall be provided with double swing joints at tank.

[b] 7.1.2 Only new standard full-weight iron, steel or brass pipe, or new extra-heavy copper brass or aluminum alloy tubing, properly marked and duly approved, may be used. Drawn metal tubing when used for conveying oil, shall be adequately protected. Such tubing shall be used only in the same room in which the burner is installed. Drawn tubing when used in domestic installations shall be not less than three-eighths inch (⅜") inside diameter. Soldered connections are prohibited. Tubing shall be submitted for approval.

[c] 7.1.3 Overflow pipes where installed shall not be smaller in size than the supply pipe.

7.2 Relief Valves.

[a] 7.2.1 Where a shut-off valve is installed in the discharge line from an oil pump a relief valve shall be installed in the discharge line between the pump and the first shut-off valve.

[b] 7.2.2 Oil preheaters shall be provided with a relief valve to prevent excessive oil pressure.

[c] 7.2.3 Relief valves shall be set to discharge at not more than one and one-half (1½) times the maximum working pressure of the system. The discharge from relief valves shall be returned to storage tank or to the supply line. There shall be no shut-off valve in the line of relief.

7.3 Vent Pipe.

[a] 7.3.1 An open vent of iron or steel, without trap, and draining to the tank, shall be provided for each storage tank. The lower end of the vent pipe shall not extend through the top of the storage tank more than one inch (1"). Cross connection between vent pipe and fill pipe is prohibited.

[b] 7.3.2 Where a battery of storage tanks, designed to hold the same grade of oil, is installed, vent pipes may be run into a main header.

[c] 7.3.3 Vents shall be not less than one and one-quarter inches (1¼") in diameter for storage tanks up to 1,100 gallons' capacity and not less than two inches (2") in diameter for storage tanks of 1,100 gallons and more. Vents for auxiliary storage tanks shall not be less than ½ inch in diameter and may be run into the storage tank vent.

[d] 7.3.4 Vent pipes shall be provided with weatherproof hoods and shall terminate outside the building not less than two feet (2') from any building opening and not less than five feet (5') nor more than twelve feet (12') above the fill pipe terminal. If the vent pipe terminal is not visible from the fill pipe terminal location, a one-inch (1") line shall be connected to tank and shall parallel the fill pipe and terminate at the fill pipe terminal with unthreaded end. Such line shall be provided with a check valve set to prevent flow of surface water to storage tank.

7.4 Fill Pipes.

[a] 7.4.1 Fill pipe shall terminate outside the buildings with the fill pipe terminal located at or above grade at least five feet (5') from any building opening or subway grating at or below the level of the fill pipe terminal. No fill pipe shall be less than 2 inches in diameter.

[b] 7.4.2 Each storage tank shall be provided with a separate fill pipe except where a battery of tanks is installed, containing the same grade of oil, a common fill and header pipe may be installed provided the area of each branch fill pipe and the header pipe is equal to the area of the fill pipe. Each branch fill pipe shall be provided with a shut-off valve.

[c] 7.4.3 Where the top of the storage tanks is above the fill pipe terminal the fill pipe shall be connected to the top of the tank and be provided with a shut-off valve and a swing check valve which shall be located at the fill pipe terminal.

[d] 7.4.4 All fill pipe terminals shall be of approved type constructed of a suitable material, provided with lugs for imbedding in concrete or in lieu thereof a set screw to fasten terminal to fill pipe. The outer flange of the fill pipe terminal shall be provided with letters reading "Fuel Oil" and the calendar number under which the fill pipe terminal has been approved. The fill pipe terminal shall be separately threaded to receive the seal cap and the fill pipe. The seal cap shall be suitably threaded and slotted for a special opening wrench. An oilproof gasket inserted in a groove in the fill pipe terminal shall be provided so as to render the fill pipe terminal leakproof. A strainer is not required but if used must be of not less than ⅛ inch mesh. Where there is a storage system of volatile inflammable oil and a storage system for fuel oil to be used in the same premises, the terminal of fuel oil fill pipe shall be provided with a left-handed thread, and the fill pipe fitting shall be of a different size than that required for the fill pipes to gasoline tanks.

7.5 Heating Coils in Storage Tanks.

7.5.1 All heating to reduce viscosity of oils in storage tanks shall be only by means of hot water or low pressure (ten (10) pounds per square inch maximum) steam coils.

7.6 Scavenging Line.

7.6.1 When a scavenging line is installed it shall terminate outside of the building and shall be capped oil tight when not in use.

Rule 8. Valves and Control of Oil Flow.

[a] 8.1 Each supply line from storage tanks of two hundred and seventy-five (275) gallons' capacity and from auxiliary storage tanks shall be provided with a shut-off valve at the tank and at the burner and when connected to burners designed for gravity feed, shall be provided with an approved constant level device.

[b] 8.2 Each supply line for storage tanks of more than two hundred and seventy-five (275) gallons' capacity, shall be provided with a shut-off valve at the burner and where the top of the tank is above the oil inlet connection to the burner and/or transfer pump, shall be provided with an approved anti-syphon device located at the highest point in supply line, except that where heavy oil (No. 6 Commercial Standard Grade) having a viscosity of one hundred (100) seconds or more Saybolt Furol at one hundred and twenty-two degrees Fahrenheit (122° F.) is used, the anti-syphon device shall not be required.

[c] 8.3 Except as may be modified in specific instances by the Board of Standards and Appeals, oil from storage tanks of two hundred and seventy-five (275) gallons' capacity or more may be delivered to burners installed above the lowest floor of a business building only under the following provisions:

8.3.1 Plans for such installations shall be submitted for approval to the administrative official having jurisdiction before such installation is made.

8.3.2 Such burners shall not be installed in any story of any building the floor of which is more than fifty feet (50′) above the street level. Only one oil delivery line shall be installed for each floor.

8.3.3 Oil delivery lines to burners located above the lowest floor of a building shall not be larger than two inches (2″) iron pipe size.

8.3.4 The pressure in oil lines to burners located above the lowest floor of a building shall not be more than is necessary to deliver oil to the burners and such pressure shall not in any case exceed thirty (30) pounds per square inch. With each automatic burner there shall be installed and maintained in good working order a set of suitable safety controls of the electric or mechanical type. The proper control for each burner is to be listed in the resolution under which the burner is approved. The controls are to provide the following functions:

Temperature control	
Ignition	"
Stack or Combustion	"
Pressure	"
Gravity	"

[d] 8.4 A remote control shall be provided whereby the flow of oil to any burner can be stopped, and such remote control shall be located outside the entrance to the room in which the burner is located and as close to such entrance as practical, except when outside location is impractical such control may be located immediately inside the room in which the burner is located if such location is accessible at all times. All such controls shall be legibly labeled "Remote Control for Oil Burner." On auxiliary storage tanks used with manually operated burners such remote control may be installed on feed lines between tank and burner.

[e] 8.5 Except as provided by Rule 4.2 of these rules for approved combination burner and storage container devices, pressure in storage tank or container for the purpose of discharging oil is prohibited.

[f] 8.6 In systems where either steam or air is used for atomizing the oil, the oil and the atomizing supply shall be interlocked, so that in case of the interruption of the atomizing supply, the supply of oil will immediately be cut off. Except that this requirement shall not apply to air and oil supply units directly connected to a common driver.

Rule 9. Oil Level Indicating Devices and Test Wells.

[a] 9.1 All tanks located inside of buildings shall be provided with an oil level in indicating device. Test wells shall not be permitted in tanks located inside of buildings. Unused tank openings shall be permanently sealed to prevent removal of plugs or cover.

[b] 9.2 Oil level indicating devices shall be constructed of substantial materials so designed that there can be no leakage of oil or oil vapor.

[c] 9.3 Test well shall be capped oil tight and kept closed when not in use.

Rule 10. Permits, Plans, Inspections and Tests of Storage Tanks and Piping.

10.1 Permits.

[a] 10.1.1 No oil installation of more than ten (10) gallons' capacity shall be operated until after a permit has been issued by the Fire Chief and Commissioner.

[b] 10.1.2 Applications for permit shall be made by the installer on forms furnished by the Fire Chief and Commissioner and shall provide for the location of the building in which the installation is to be made, name and address of owner and/or occupant, name and address of installer, make and approval number of burners, pumps and other devices, capacity number and location of storage tanks, together with approval of such proposed installation by the Commissioner of Buildings when required under Rule 10.2.

[c] 10.1.3 No permit shall be issued by the Fire Chief and Commissioner until the installation has been inspected by his representative.

10.2 Plans to be Filed Where Structural Considerations Are Involved.

10.2.1 Except for installations in dwellings as defined in these rules, the installer shall file with the Commissioner of Buildings plans showing the size and location of all storage tanks having a capacity greater than 275 gallons where such tanks are to be installed either inside of buildings in or below the lowest floor level or out-

side of buildings below ground. Plans, however, shall be filed where 275 gallon tanks are to be buried and for all multiple dwellings and for all places of public assembly. All plans, as in this section required, shall be certified to by the Commissioner of Buildings when approved by him as in compliance with all structural requirements, to the Fire Chief and Commissioner before any work is started and before the permit provided for in Rule 10.1 is issued.

10.3 Inspection and Tests of Installations of Storage Tanks and Piping.

[a] 10.3.1 Storage tanks not exceeding two hundred and seventy-five (275) gallons' capacity and all piping for oil connected thereto shall show no leakage when tank and all piping for oil is completely filled with oil when subjected to a test of 10 pounds per square inch for a period of ten (10) minutes.

[b] 10.3.2 Storage tanks of more than two hundred and seventy-five (275) gallons' capacity and all piping for oil connected thereto shall show no change in shape, rupture or leakage when subjected to a hydrostatic test with water or oil as follows:

10.3.2.1 Oval, obround, rectangular and specially shaped storage tanks and and piping connected thereto, twenty-five (25) pounds per square inch.

10.3.2.2 Cylindrical storage tanks and piping connected thereto, fifty (50) pounds per square inch.

Pressure shall be applied for a period of thirty minutes. When oil is used there shall be no fire or flame in the room or rooms in which the test is being conducted. All tests shall be conducted in the presence of a representative of the Fire Chief and Commissioner. The contractor shall furnish all necessary equipment for conducting tests, except gauges which shall be furnished by the administrative official. Such test may be made with oil in freezing weather for tanks located outside of building.

[c] 10.3.3 Defective tanks, if repaired by welding, shall have all oil removed and shall be purged of all explosive gases or vapors.

[d] 10.3.4 The anti-syphon devices, where used as provided for in these rules, shall be approved devices.

10.4 Fee for Permit and Test of Storage Tanks and Piping.

10.4.1 When application for permit is made, as provided for in Rule 10.1, a fee covering the permit, inspection and test of storage tank and piping shall be paid in accordance with the schedule given in the Code of Ordinances.

Rule 11. Inspection of Installations With Not More Than Six (6) Gallons' Storage Capacity.

11.1 All installations of burners with not more than six (6) gallons' storage capacity except where such installations are made in dwellings shall be reported by installer to the Fire Chief and Commissioner giving location of building in which installation is made, name and address of owner and/or occupant, name and address of installer and the make and approval number of burner. Such reported installations shall be inspected as required by Code of Ordinances.

Rule 12. Ventilation.

[a] 12.1 No burner shall be installed in any boiler, heater, range or stove unless such boiler, heater, range or stove be connected with a legal chimney, complying with Section 392, Article 19, Chapter V, of the Code of Ordinances.

[b] 12.2 Adequate ventilation, at least equivalent to area of the smoke pipe at the point where it enters the flue, shall be provided in all rooms in which burners are installed.

[c] 12.3 Dampers shall be so constructed that they cannot completely cut off the passage of flue gases at any time.

Rule 13. Automatic Pumps.

13.1 Automatic pumps, when not an integral part of the burner shall be of approved type, provided with automatic means for preventing continuous discharge of oil in case of pipe breakage.

Rule 14. Fire Protection.

[a] 14.1 The clear distance between smoke pipe connections, of any boilers, furnaces or other heating apparatus to flues, and combustible material shall not be less than eighteen (18) inches, except that this clearance may be reduced to nine (9) inches where a baffle consisting of not less than No. 29 gauge sheet metal backed by ¼ inch thick asbestos is placed two (2) inches above and extending along the entire length of the smoke pipe connections and twice the width thereof and such baffle is securely fastened from the ceiling with substantial hangers. In lieu of such baffle the combustible material may be covered with fire-retarding material as defined in these rules.

[b] 14.2 The clear distance between any non-insulated heat-producing parts of boilers, furnaces or other heating apparatus and combustible material shall not be less than twenty-four (24″) inches. Where such parts are insulated by two (2″) inches of asbestos, or equivalent, the clear distance shall be not less than twelve (12″) inches, or, in lieu of such insulation the combustible material shall be covered with fire-retarding material as defined in these rules extending 8 ft. in front and 4 ft. side and rear of the apparatus.

[c] 14.3 No combustible material shall be stored or maintained within five feet (5′) of heating apparatus, except where same is protected by fire retarding material.

[d] 14.4 Burners and all accessories, including tanks and piping, shall be maintained oil tight and kept clean at all times.

[e] 14.5 The floor beneath boiler or furnace and within five (5) feet in all directions shall be of fireproof construction.

[f] 14.6 Oil burning devices designed for installation with storage of not more than six (6) gallons shall be firmly anchored to the floor, set level, and the floor beneath the stoves or any such heating devices protected by a shield of ½″ asbestos or equiva-

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lent extending at least twelve (12") inches beyond the outline dimension of such device where required within the specific approval of each burner.

[g] 14.7 Near each boiler or furnace of a fuel oil-burning unit there shall be kept ready for use fire extinguishing equipment of not less than two quart capacity approved as suitable for oil fires or not less than two pails of sand, the pails to have rounded bottom.

Rule 15. Instruction Cards and Certificate of Fitness.

[a] 15.1 Cards, giving complete instructions for the care and operation of the system shall be permanently fixed near the apparatus in readable condition. Where burners or oil-burning heaters designed for use with storage of not more than six (6) gallons' capacity are installed, there shall also be posted a copy of the specifications under which it was approved by the Board of Standards and Appeals in addition to the instruction card herein provided for.

[b] 15.2 All heating systems in which the oil is preheated or systems not fully automatic shall, when operating, be under the direct supervision of a person holding a certificate of fitness issued by the Fire Chief and Commissioner, except, that a person holding a certificate of fitness as a licensed engineer or as a licensed fireman under the provisions of Section 409 of the Charter of the City of New York, shall not be required to obtain such certificate.

Rule 16. Modification.

16.1 When, for any reason, it may be impracticable to comply strictly with the foregoing rules, the administrative official having jurisdiction shall have power to accept substitute methods provided the spirit and substance of these rules shall be complied with.

Rule 17. Existing Installations.

17.1 Oil burner systems heretofore installed and duly approved as complying with all laws and rules then applicable thereto shall be deemed acceptable, provided there have been no subsequent alterations to the apparatus, except as to Rule 15.2.

APPROVED APPLIANCES

APPROVED FUEL OIL PUMPS

Name of Pump	*Calendar No.*
American Marsh Duplex	638-25-SA
American Marsh Simplex	639-25-SA
Autopulse Electric Fuel Oil Pump	215-31-SA
Autopulse Electric Oil Pump Outfit, Model No. 1000	9-32-SA
Ballard Duplex Electric Driven Pump Set	1413-22-SA
Beach Russ Co. Rotary	1134-22-SA
Blackmer Rotary	935-24-SA
Blake & Knowles Horizontal Simplex Piston Pattern Pump	372-21-SA
Century Rotary	908-21-SA
Cook Electric Oil Pump	603-25-SA
Davidson	590-21-SA
Dean Bros. Durable Duplex	840-22-SA
DeLaval IMO Oil Pump	628-32-SA
Deming Double Oscillating Force Pump	458-27-SA
Deming Fuel Oil Pump	298-31-SA
Enterprise Oil Pump	11-28-SA
Exeter Rotary	507-22-SA
General Electric Oil Pump	475-32-SA
Goulds Hand Rotary	1133-25-SA
Goulds Rotary Oil Pump	437-31-SA
Goulds Triplex Plunger	257-22-SA
Hardinge Fuel Oil Pump	813-25-SA
Kinney Rotating Plunger Pump	503-24-SA
Koerting Gear Pump	1264-25-SA
Kraissl Fuel Oil Pump	60-28-SA
Leiman Rotary	95-24-SA
Marsh Fuel Oil Pump	1050-23-SA
McGowan Horizontal Duplex Fuel Oil Pump	936-23-SA
M. D. Rotary	52-27-SA
Milwaukee Piston Rotating Port Pump	763-25-SA
Monroe Oil Pump	658-26-SA
National Transit Rotary Pump for Gasoline and Fuel Oil	175-35-SA
Northern Rotary	1396-24-SA
Pascoe Pump Set	1029-26-SA
Petro-Nokol Industrial Oil Pump	570-32-SA
Quiet May Gerotor Pump	267-32-SA
Quimby Screw Pump	1193-21-SA
Range-O-Matic Oil Pump, Model 50 and Suction Model	102-35-SA
Ray Rotary	588-25-SA
Rotary Pressure Pump	1060-25-SA
Rotary Vacuum Pump	513-25-SA
Samson Magnetic Fuel Oil Pump	163-34-SA
S. B. U. Pumps, Models A, B, C and D	410-32-SA
Sundstrand Fuel Unit (Pump), Models 7-OB and 77-OB	199-36-SA
Tate-Jones	492-21-SA
Teesdale Automatic Booster Fuel Oil Pump	1279-25-SA
Tuthill Model B Fuel Oil Pump	60-28-SA
Tuthill Fuel Oil Pump, Models L, LD and 30-LE Fuelstat	568-30-SA
Union Steam Pump for Fuel Oil	705-30-SA
Viking	438-21-SA
Warren Oil Pump	1169-23-SA
Wayne Oil Pump & Fan Set	1155-25-SA
Webster Fuel Oil Pump, Types A, Q and T	23-34-SA
Worthington Duplex Double-Acting Steam Pump	184-22-SA
Worthington Show Model Duplex	194-22-SA

APPROVED APPLIANCES

Burners for Industrial Use

Name of Burner	*Calendar No.*
Ace Rotary Oil Burner	47-35-SA
Air-Blast Oil Burner	579-32-SA
Airnoil Burner	175-37-SA
Airtemp Oil Burner, Models D, F and G	88-34-SA
Alpine Oil Burner, Models A and H	110-36-SA
Anthony Nebulyte Oil Burner	1026-22-SA
Aristocrat Oil Burner	222-35-SA
Associated Oil Burner	178-35-SA
Auto Heat Oil Burner	284-33-SA
Automatic Airless Oil Burner, Model No. 1	53-34-SA
Babcock & Wilcox Mechanical Oil Burner	45-21-SA
Ballard Automatic Oil Burner	1363-23-SA
Ballard Oil Burner, Models B-A 1, 2, 3 and 4	447-32-SA
Ballard Low Pressure Mechanical Oil Burner	1493-22-SA
Ballard Jr. Oil Burner	1176-27-SA
Ballard Staples & Pfeiffer Steam Atomizing High Pressure Burner	1414-22-SA
Bauer Oil Burner	129-37-SA
Berggren Oil Burner	764-26-SA
Best Calorex Burner	1464-21-SA
Bethlehem Steam Atomizing Fuel Oil Burner	485-32-SA
Bettendorf Automatic Oil Burner, Models D, F and G	88-34-SA
Bock Oil Burner, Models A, B, C and D	123-31-SA
Bock Oil Burner, Models WH-3, WH-5, WH-6 and WH-8	102-34-SA
Borden Oil Burner, Model B	29-37-SA
Brighton Oil Burner	372-33-SA
Bullet Automatic Oil Burners, Models A and B	195-33-SA
Burnwell Mechanical Burner	957-22-SA
Caloroil Burner, Type AA	1361-24-SA
Caloroil Horizontal Rotary Oil Burner, Models 1, 2, 3, 4, 5 and 6	327-31-SA
Carter Oil Burner, Models 4X, 5X, 6X and 10X	117-34-SA
Central Oil Burner, Models 4X, 5X, 6X and 10X	117-34-SA
Century pressing Machine Oil Burner, Models U1 and U2	25-37-SA
Chalmers-Ace (Rotary) Oil Burner	47-35-SA
Chalmers Automatic Oil Burner, Models D1 and D2	608-32-SA
Clark Horizontal Rotary Oil Burner	618-37-SA
Coen Mechanical Oil Burner	942-21-SA
Concord Burner	108-35-SA
Cornell No. 1 Type A Oil Burner	397-23-SA
Craftsman Oil Burner	222-35-SA
Crater Automatic Oil Burner	34-34-SA
Dahl Mechanical Fuel Oil Burner	13-21-SA
D'Elia Oil Burner	155-31-SA
DeWalt Oil Burner	541-31-SA
Doe Oil Burner	317-31-SA
Draft-Rite Oil Burner	178-35-SA
Empire Oil Burner	222-35-SA
Enco Type 400 Steam Atomizing Oil Burner	1414-23-SA
Enco Mechanical Oil Burner	509-30-SA
Enterprise Rotary Fuel Oil Burner	1149-27-SA
Enterprise Steam Atomizing Burner	15-33-SA
Fess Turbine Burner, Airoil Fan and Pump Set	26-22-SA
Fine-Glo Oil Burner	178-35-SA
Forsdraft Oil Burner	41-34-SA
Frankfort Type P Oil Burner	1046-23-SA
Gem Fuel Oil Burner	111-26-SA
General Electric Fuel Oil Burner, Model D-1	434-32-SA
General Electric Oil Burner, Type DA-2	228-33-SA
Ghapco Steam Generator	348-31-SA
Gilbarco-Ballard Heavy Oil Burner, Models BM, DM, FM, HM, BS, DS, FS, HS, BA, DA, FA, HA, BPM, DPM, FPM, HPM, BPS, DPS, FPS, HPS, BPA, DPA, FPA, HPA, BPW, DPW, FPW, HPW, BPH, DPH, FPH and HPH	1493-22-SA
Gilbarco Industrial Burner	350-32-SA
Gilbert & Barker Fuel Oil Burner	1636-21-SA
Gold Star Oil Burner, Models F and S	166-33-SA
Goodspeed Oil Burner, Nozzle Type 2	346-33-SA
Gould Automatic Oil Burner	178-35-SA
Grant Oil Burner, Model "C"	232-32-SA
GRD Fuel Oil Atomizer	128-27-SA
Greenawalt Down Draft Combustion Oil Burning Furnace	85-35-SA
Hammond Oil Burner	72-31-SA
Harris Fuel Oil Burner	690-30-SA
Hart Oil Burner, Model "H"	221-33-SA
Hauck Venturi Low Pressure Oil Burner	88-27-SA
Hayward Oil Burner (Vertical Rotary), Models AG, BG, CG, DG, AP, BP, CP and DP	696-30-SA
Hayward Oil Burner, Model 2000	118-35-SA
Heat-O-Matic Oil Burner	178-35-SA
Herco Oil Burner, Models R15 and R35	21-36-SA
Hobeco Oil Burner	1278-21-SA
Holby Oil Burner	328-27-SA
Holby Type B Fuel Oil Burner	689-29-SA
Holland Gun Type Oil Burner	225-37-SA
Home Utility Oil Burner, Models A and H	110-36-SA
Hupp Oil Burner, Models H, U, P and PP	10-34-SA
Induslo Fuel Oil Burner 1-27	5-24-SA
Kelvinator Oil Burner, Model K	105-34-SA
Kingsway Century Oil Burner, Models F and G	369-33-SA
Kingsway Silent Automatic Oil Burner, Model A-1	216-36-SA
Korth Oil Burner, Models G and S	136-34-SA
Kreager Oil Burner	367-30-SA
Kres-Kno Pressing Machine Burner, Model MD, sizes KRF and KRF-1	354-34-SA
Laco Oil Burner, Models F, JF, BF and D	226-33-SA
Leader Bake Oven Oil Burner	384-36-SA
Leiman Brothers Fuel Oil Burner	314-30-SA
Liberty Automatic Heater	129-28-SA
Liberty Pressure Oil Burner	75-34-SA
Leintz Oil Burner	155-20-SA
Lonergan Automatic Oil Burner	208-33-SA
Lynn Power Oil Burner, Models 1, 2 and 3	166-34-SA
Magna Fuel Oil Burner	197-32-SA
Mahrvel Low Pressure Burner	859-26-SA
Major Oil Burner, Models H, U, P and PP	10-34-SA
Master Fuel Oil Burner	350-32-SA
Maxon Oil Burner (New Style)	1026-22-SA
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Metered Heat Oil Burner, Model G	136-34-SA
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Midget Pressing Machine Oil Burner	122-35-SA
Mid-West Oil Burner, Models 106, 108, 208, 211, 311 and 114	327-31-SA
Minneapolis Automatic Oil Burner	34-34-SA
Mohawk Oil Burner, Models A and H	110-36-SA
Monarch Industrial Oil Burner	133-35-SA
Morgan Oil Burner, Models A and H	110-36-SA
Morrissey Oil Burner, Models MA-2, MA-3, MA-4, SP-1, SP-2, SP-3 and MP-1	359-33-SA
Morse Conical Type Steam Atomizing Burner	938-25-SA
Morse Fan Tail Type Steam Atomizing Burner	939-25-SA
Morse Fuel Oil Burner	820-23-SA
Nabco Oil Burner	287-37-SA
National Airoil High Pressure Burner	185-29-SA
National Airoil Low Pressure Burner	186-29-SA
National Airoil Type D-R Rotary Oil Burner	548-31-SA

APPROVED APPLIANCES

Name of Burner	*Calendar No.*
National Devices Oil Burner	184-36-SA
Nesbitt Oil Burner, Models F, JF, BF and D	226-33-SA
Nichols-McCann-Harrison Burners	255-31-SA
Norge Oil Burner, Models N8-8C and N13-8C	543-37-SA
North American Low Pressure Oil Burner	792-26-SA
Oilbilt Burner	85-33-SA
Orco Oil Burner, Model A-1	216-36-SA
Oronoque Oil Burner	394-30-SA
PDM Low Pressure Oil Burner	205-38-SA
Packard Fuel Oil Burner	77-34-SA
Paragon Oil Burner, Models R-15 and R-35	21-36-SA
Paramount Oil Burner, Model A	617-30-SA
Peabody-Fisher Wide Range Mech. Oil Burner	644-21-SA
Penn Automatic Oil Burner, Gun Type	250-37-SA
Perfect-Pantex Oil Burner	271-33-SA
Perfex Airnoil Burner	175-37-SA
Petro Mechanical Burner and Air Register	735-24-SA
Petro Model W Oil Burner	452-31-SA
Petro Oil Burner, Models D-10, D-11, D-12, D-13, D-14 and D-15	40-31-SA
Petroleum Heat & Power Company Fuel Oil Burner, Model W-AH	614-32-SA
Preferred Oil Burner (Manual Operation), Model D. O.	253-35-SA
Presto Automatic Oil Burner	294-34-SA
Progressive Press Machine Oil Burner, Models PMB and PMBS	224-34-SA
Public Service Oil Burner, Models R-15 and R-35	21-36-SA
Pyrolene Oil Burner	184-36-SA
Quiet Ballard Automatic Oil Burner	660-30-SA
Quiet Heet Oil Burner	49-36-SA
Quigley No. 10 Low Pressure Oil Burner	436-31-SA
Quinn Oil Burning Equipment	367-21-SA
Rasol Oil Burner	108-34-SA
Ray Rotary Fuel Oil Burner, Types A and B	504-23-SA
Rexoil Domestic and Industrial Fuel Oil Burner	667-28-SA
Reynolds Oil Burner, Model GC	266-34-SA
Rockwell Fuel Oil Burner	341-21-SA
Rohr Schanck Fuel Oil Burner	583-21-SA
S. & K. Mechanical Fuel Oil Burner	1115-22-SA
S. & K. Wide Range Fuel Oil Burner	10-33-SA
S. K. Oil Burner, Models F and G	369-33-SA
S. T. Johnson Co., Type 30-A, Rotary Fuel Oil Burner	197-32-SA
S. T. Johnson Co., Type 30-H, Rotary Fuel Oil Burner	198-32-SA
Silent Glow Mid-West Oil Burner for Pressing Machines, Model 106	328-37-SA
Silent Glow Oil Burner for Pressing Machines, Models 600 and 800	327-37-SA
Silent Flame Oil Burner, Model M	172-37-SA
Silent Paramount Oil Burner, Models F and G	369-33-SA
Simplex Horizontal Rotary Oil Burner, Types H, H.E.G. and H.E.G.-H	367-36-SA
Simplex Turbine Fuel Oil Burner, Models C.O.G. and M.O.G.	1203-22-SA
Standardyne Oil Burner	34-34-SA
Steam Oil Burner	183-22-SA
Stephens Oil Burner, Models No. 1 and No. 2	146-33-SA
Stewart Gasifier Oil Burner	146-35-SA
Sun Heat Oil Burner	603-29-SA
Sun-Ray Fuel Oil Burner	106-33-SA
Sunway Oil Burner	624-30-SA
Superior Oil Burner, Models A and H	110-36-SA
Supreme Oil Burner, Model G	136-34-SA
Surface Combustion Low Pressure Burner	92-23-SA
Syncro-Flame Oil Burner, Model R	139-35-SA
Tate-Jones Fuel Oil Burner, "L" Type	1254-24-SA
Tate-Jones No. 6 Oil Burner	1444-23-SA
Thompson-Gould Oil Burner	178-35-SA
Timken Rotary Oil Burner	297-29-SA
Timken Silent Automatic Oil Burner, Model G	266-34-SA
Todd Mechanical Fuel Oil Burner	1525-22-SA
Todd Mechanical Oil Burner, Type Hex-Press	177-35-SA
Todd Rotary Burner, Models A, B and C	454-25-SA
Todd Spiro Oil Burner	470-31-SA
Todd Spiro Burner (pump type)	94-32-SA
Todd Steam Atomizing Fuel Oil Burner	123-23-SA
Trojan Domestic and Industrial Fuel Oil Burner	667-28-SA
Tropic Heat Oil Burner, Model G	136-34-SA
United States Gun-type Oil Burner	222-35-SA
United States Oil Burner	620-28-SA
Vapofier Oil Burner	184-34-SA
Vapomatic Oil Burner	275-34-SA
Vaporoil Burner	44-32-SA
Vitro-Heet Pressing Machine Burner, Model MD, Sizes KRF and KRF-1	354-34-SA
Vortex Oil Burner, Type V, Model No. 7	180-38-SA
Warner Oil Burner, Model A	16-34-SA
Wheco Oil Burner	108-34-SA
White Heat Oil Burner	232-36-SA
Winslow Kleen Heet Burner, Models 805 and 820	19-25-SA
Wizard Automatic Oil Burner	181-33-SA
York Bake Oven Oil Burner	384-36-SA
York-Lalor Oil Burner	261-37-SA
Yorktown Oil Burner	166-33-SA
Yorktown Oil Burner, Model A	3-35-SA

APPROVED APPLIANCES

APPROVED FIRELINE HOSE VALVES

TYPE A—150 LBS. WATER WORKING PRESSURE

May be installed on all 4-inch and 6-inch systems and on uppermost stories on 8-inch systems

Name	*Calendar No.*
Fairbanks Company	81-20-SA
Walworth Company	899-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Croker National Fire Prev. Eng. Co.	304-28-SA
Jenkins Brothers	779-28-SA
W. D. Allen Mfg. Co.	890-28-SA
John Simmons Co.	209-29-SA
Grinnell	651-30-SA
Elkhart	14-31-SA

TYPE B—250 LBS. WATER WORKING PRESSURE

May be installed on all standpipe systems

Name	*Calendar No.*
New York Brass Foundry Co. (Stillbech)	53-21-SA
Walworth Company	900-27-SA
W. D. Allen Mfg. Company	1151-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Jenkins Brothers	780-28-SA
Croker National Fire Prev. Eng. Co.	970-28-SA
Fairbanks Company	268-29-SA
Pratt & Cady	231-30-SA
Elkhart	15-31-SA

APPROVED APPLIANCES

APPROVED RANGE OIL BURNERS AND SPACE HEATERS

Name of Burner	*Calendar No.*
A.B.C. Range Burner Assemblies, Models AS-4, AS-6, AD-6, AS-9 and A-3798 Water Heater Assembly	250-34-SA
Aetna Range Oil Burner	29-35-SA
Aetna Water Heater, Models 6, 7, 9 and 47 W.H.T. and 15 and 16 W.H.T.	148-37-SA
Air-O-Flame Space Heater, Models 108 and 810 (pot type)	190-35-SA
Air-O-Flame Space Heater, Models 71, 91, 1572 and 1582 (sleeve type)	206-35-SA
Air-O-Flame Range Burner	236-34-SA
American Beauty Heater (Pot Types), Models 1P61, 1P62, 1P91 and 1P92	224-36-SA
Ameroil Oil Burner for Stoves and Ranges	592-32-SA
Biltwell Range Oil Burner, Models B-1 and B-2	196-34-SA
Bland Range Oil Burner	234-34-SA
Blue Glow Range Oil Burners, Models Supreme and DeLuxe	308-34-SA
Brigham Range Oil Burner	217-35-SA
Caloroil Range Oil Burner	172-34-SA
Champion Range Oil Burner, Models A and B	291-34-SA
Cole Hot Blast Oil Burning Stove, Model No. 912	207-35-SA
Coleman Oil Burning Circulating and Space Heater, Model 825	308-36-SA
Diamond Range Oil Burner	325-34-SA
Easyway Range Oil Burner, Models D27, DC27, G27 and NG27	157-35-SA
Easyway Space Heater, Models CRL19, CRN17, CSP27 and CSP19	158-35-SA
Easyway Water Heater, Models H.W.1 and H.W.2	159-35-SA
Ellington Range Oil Burner, Square Circulating Heater and Round Circulating Heater	351-34-SA
Ellington Range Oil Water Heater, Models M and J	40-35-SA
Evur-Ready Range Oil Burner, Models Leader, Standard and DeLuxe	311-34-SA
Fairfax Range Burner	302-34-SA
Florence Oil Heater, Models KC-9, GC-6, GC-7, GS-27, CH-9, CH-27, CH-28, CH-29, RH-7 and RH-9	62-33-SA
Florence Oil Space Heater, Models PH-28, PH-8, PC-8, PC-28, PR-10, PR-81 and PR-82	172-35-SA
Florence Range Burners	219-34-SA
Fox Range Oil Burner	200-34-SA
Gilbert and Barker Oil Space Heaters, Models GB-1315, GB-1015, GB-1011, GB-815 and GB-811	56-37-SA
Hi-Heat Range Burner, Models A and De-Lux	323-34-SA
Hupp Range Oil Burner, Models S.D. and C.D.	309-34-SA
Ker-Oil Automatic Water Heater	263-35-SA
Kerogas Bowl Type Space Heater, Models 300-300-A, 303-303-A, 310-310-A, 315-315-A and 320-320A	266-35-A
Kerogas Hot Blast Oil Heater, Models 210, 135, 110, 207 and 115	339-34-SA
Kolrid Range Burner	48-34-SA
Kres-Kno Range Oil Burner, Model MD. Sizes KR, KRF, KRF-1 and 1R	355-34-SA
Lochinvar Automatic Oil Burning Water Heater	143-36-SA
Lonergan Automatic Hot Water Heater	179-35-SA
Lonergan Oil Burning Heater, Models F-2, F-3, C-4, R-1 and R-2	263-34-SA
Loyalty Range Burner	302-34-SA
Lynn-Range Burner, Models Junior, Lypre and DeLuxe	238-33-SA
M.W. Bake Oven Range Burner, Model 448 and M.W. Core Oven Range Burner, Model 450	367-34-SA
M.W. Circulating and Radiant Heaters, Models 501, 601, 701 and 801	366-34-SA
M.W. Oil Burning Range, Commercial Models 152 and 251 and Domestic Models 101-G and 126-B	364-34-SA
Majestic Range Oil Burner, Models 27B and 27T	180-35-SA
Majestic Space Heater, Models 247T and 248	181-35-SA
Majestic Water Heater, Models 255A and 255B	182-35-SA
Matchless Self-Lighting Range Oil Burner	410-37-SA
Moderne Range Oil Burner, Models Regular, Junior and Firenew	357-34-SA
National Range Oil Burner	361-34-SA
Nesco Circulating Heater, Models 041, 41, 042 and 42	264-36-SA
No-Wyck-Koaless Range and Stove Oil Burner	251-34-SA
Norge Space Heater, Models 75, 50, 37 and 37-R	366-34-SA
Octo Range Oil Burner	410-37-SA
Odin Beauty (Space Heater), Models 61, 62, 91 and 92	233-35-SA
Odin Beauty Heater (Pot Types), Models 1P61, 1P62, 1P91 and 1P92	224-36-SA
Putnam Range Oil Burner	54-35-SA
Quaker Burnoil Stove	11-31-SA
Quick Meal Range Burner	304-34-SA
Quick Meal Space Heater, Models 5672-0, 5671-13, 5671-33 and 5671-35	306-34-SA
Quick Meal Water Heater, No. 5681-0	305-34-SA
Ray-Dio Sunshine Range Oil Burner, Models A, Daisy and Water Heater	32-31-SA
Sachem Oil Space Heater, Models GB-811, GB-815, GB-1011, GB-1015 and GB-1315	56-37-SA
Samco Oil Space Heater, Models 1108 and 1110	73-37-SA
Sears Roebuck Oil Burning Water Heater, Hercules Model No. 2544	303-36-SA
Serv-Well Range Oil Burner, Models 27B and 27T	165-35-SA
Serv-Well Space Heater, Models 247T and 248	166-35-SA
Serv-Well Water Heater, Models 255A and 255B	167-35-SA
Silent Glow Range Oil Burner	172-34-SA
Silent Glow Si-Glo-Lo Oil Space Heater, Models 15, 35, 60 and 80	24-37-SA
Silent Heet Oil Burner for Ranges and Stoves	592-32-SA
Smith-Whaley Range Oil Burner, Models SW-1 and SW-2	196-34-SA
Speedy Hot Oil Space Heater, Models GB-811, GB-815, GB-1011, GB-1015 and GB-1315	56-37-SA
Superfex Oil Burning Heater, Models 1031, 1032, 1035, 1036, 1107, 1108, 1109, 1110, 1117, 1118, 1119 and 1120 and Superfex Heat Projector, Models 1051, 1052, 1053 and 1054	491-31-SA
Toridheet Range Water Heater, Models 222, 232 and 242	65-35-SA
Tower Range Oil Burner	126-33-SA
Vap-R-Oil Oil Burner for Ranges and Stoves	592-32-SA
Victor Circulating Fuel Oil Heater, Models VCH-27, VCH-19 and VCH-17	243-36-SA
Victor Range Oil Burner, Models VJ-275, VJ-195 and VO-275	329-34-SA
Viking Pot Type Space Heater, Models 120, 165 and 170	310-35-SA
Viking Range Oil Burner and Range Oil Burning Heater, Models 20, 30, 60, 65, 70 and 80	333-34-SA
Viking Range Water Heater, Models 222, 232 and 242	65-35-SA
Vitro-Heet Range Oil Burner, Model MD, sizes KR, KRF, KRF-1 and 1-R	355-34-SA

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BULLETIN

OF THE

BOARD OF STANDARDS AND APPEALS

CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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DIRECTORY

BOARD OF STANDARDS AND APPEALS

HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE

CHARLES M. BLUM

CHIEF JOHN J. MCELLIGOTT

EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1015.

TELEPHONE—WORTH 2-0184.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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HOURS FOR CONSULTATION

10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the Chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

DOCKET

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430-38-A.....H.B.B.....3081-3091 Avenue T and 2084 Stuart street, northwest corner (Block 7518, Lot 40), Borough of Brooklyn, Applic. 3231-38.

431-38-SM.....H.B.....Yugoslavian Portland Cement "Seven Castles" and "Temple" trade names, M. L. Knau, owner, Material.

432-38-SM.....H.B.....Lehigh Mortar Cement, manufactured by Lehigh Portland Cement Company, Material.

433-38-SM.....H.B.....Saylor's Velvet Mortar Cement and Saylor's Velvet Mortar Cement with 15% hydrated lime or lime putty, manufactured by Coplay Cement Manufacturing Company, Material.

434-38-A.....H.B.B.....1193-1195 Atlantic avenue, north side, 354 ft. west of Nostrand avenue and 34-36 Herkimer place (Block 1866, Lot 16), Borough of Brooklyn, Applic. 5567-38.

435-38-S...D.B.B. & F.D...988-990 Myrtle avenue, south side, 250 ft. west of Sumner avenue (Block 1757, Lot 25), Borough of Brooklyn, 19571-L.D. and Decision.

436-38-BZ.....H.B.Q.....53-02 Kissena boulevard, southeast corner of 153rd street (Block 5163, Lot 74), Flushing, Borough of Queens, N.B. 3450-38.

437-38-SM.....H.B.....Welding Electrodes, Airco Nos. 78, 79, 81, 83, 87 and 90, manufactured by Air Reduction Sales Company, Material.

438-38-SA.....F.D.....Keystone Oil Burner, Appliance.

439-38-A.....F.D.....148 39th street (Bush Bldg., No. 19, 4th floor), southwest corner of Second avenue (Block 706, Lot 1), Borough of Brooklyn, 75193-C.

440-38-BZ.....H.B.B.....2902-2930 Surf avenue, southwest corner of West 29th street (Block 7068, Lot 1), Borough of Brooklyn, Applic. 4547-38.

441-38-A.....H.B.M.....36 East 67th street, south side, 120 ft. east of Madison avenue (Block 1381, Lot 47), Borough of Manhattan, Alt. 1163-38.

442-38-A.....H.B.Q.....69-77 and 69-81 179th street, northeast corner of 73rd avenue and east side of 179th street, 44 ft. north of 73rd avenue (Block 7132, Lot 16), Flushing, Borough of Queens, N.B. 3111-38 and N.B. 3112-38.

443-38-SA.....F.D.....Bryant Vertical Forced Air Heater, Model 8, Type VB (gas fired), Appliance.

444-38-A.....F.D.....617-637 West 23rd street and 140-154 13th avenue, northeast corner (4th floor); (Block 669, Lot 1), Borough of Manhattan, 11780-L.C. and Decision.

445-38-A.....H.B.Q.....199-38 28th avenue, southwest corner of 200th street (Block 5971, part of Lot 1), Bayside, Borough of Queens, N.B. 3745-38.

446-38-A.....H.B.Q.....199-34 28th avenue, south side, 120 ft. east of Jordan street (Block 5971, part of Lot 1), Bayside, Borough of Queens, N.B. 3744-38.

447-38-A.....H.B.Q.....26-17 Utopia parkway, east side, 41 ft. north of 27th avenue (Block 5967, part of Lot 1), Bayside, Borough of Queens, N.B. 3740-38.

448-38-A.....H.B.Q.....26-23 Utopia parkway, northeast corner of 27th avenue (Block 5967, part of Lot 1), Bayside, Borough of Queens, N.B. 3739-38.

449-38-A.....H.B.Q.....198-15 27th avenue, north side, 107 ft. east of Utopia parkway (Block 5967, part of Lot 1), Bayside, Borough of Queens, N.B. 3738-38.

450-38-A.....H.B.Q.....198-19 27th avenue, north side, 140 ft. west of 200th street (Block 5967, part of Lot 1), Bayside, Borough of Queens, N.B. 3737-38.

451-38-A.....H.B.Q.....198-21 27th avenue, north side, 105 ft. west of 200th street (Block 5967, part of Lot 1), Bayside, Borough of Queens, N.B. 3736-38.

452-38-A.....H.B.Q.....198-25 27th avenue, north side, 70 ft. west of 200th street (Block 5967, part of Lot 1), Bayside, Borough of Queens, N.B. 3735-38.

453-38-A.....H.B.Q.....198-29 27th avenue, north side, 35 ft. west of 200th street (Block 5967, part of Lot 1), Bayside, Borough of Queens, N.B. 3734-38.

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454-38-A.....H.B.Q.....198-33 27th avenue, northwest corner of 200th street (Block 5967, part of Lot 1), Bayside, Borough of Queens, N.B. 3733-38.

455-38-A.....H.B.Q.....199-30 28th avenue, south side, 80 ft. east of Jordan street (Block 5971, part of Lot 1), Bayside, Borough of Queens, N.B. 3743-38.

456-38-A.....H.B.Q.....199-26 28th avenue, south side, 40 ft. east of Jordan street (Block 5971, part of Lot 1), Bayside, Borough of Queens, N.B. 3742-38.

457-38-A.....H.B.Q.....199-22 28th avenue, southeast corner of Jordan street (Block 5971, part of Lot 1), Bayside, Borough of Queens, N.B. 3741-38.

458-38-BZ.....H.B.Bx.....1900-1908 East 177th street, southeast corner of Beach avenue (Block 3881, Lots 11-15 incl.), Borough of The Bronx, B.N. 596-38.

459-38-SA.....H.B.....Boosey Gasoline and Oil Separators and Boosey Air-Away Grease Interceptor, manufactured by Norman Boosey Manufacturing Company, Appliance.

460-38-A.....H.B.M.....750-752 Eighth avenue and 247-255 West 46th street, northeast corner (Block 1018, Lot 1), Borough of Manhattan, Decision.

461-38-BZ.....H.B.M.....1910 Broadway, east side, 87 ft. 3 in, south of West 64th street and 60 West 64th street (Block 1116, Lot 53), Borough of Manhattan, Decision.

462-38-A.....H.B.B.....110 80th street, south side, 195 ft. west of Colonial road (Block 5985, Lot 30), Borough of Brooklyn, Decision.

463-38-BZ.....H.B.Q.....172-02 Hillside avenue, southeast corner of 172nd street (Block 9829, Lot 37a), Jamaica, Borough of Queens, N.B. 3169-38.

464-38-A.....H.B.M.....166-170 Hudson street and 48 Laight street, northeast corner (Block 220, Lot 34), Borough of Manhattan, N.B. 101-38.

465-38-SM.....H.B.....Featherweight Concrete Plank and Joist for floor and roof construction, manufactured by Federal-American Cement Tile Company, Material.

466-38-A.....H.B.Q.....45-45 21st street, east side, 410 ft. south of 34th avenue (Block 466, Lot 25), Astoria, Borough of Queens, N.B. 2503-38.

467-38-A.....H.B.B.....91-109 Ingraham street, north side, 100 ft. west of Porter avenue (Block 2992, Lot 43), Borough of Brooklyn, Order No. 2634-38.

468-38-A.....F.D.....275 East 140th street, north side, 100 ft. west of Third avenue (Block 2321, Lots 70 and 71), Borough of The Bronx, 12722-L.C.

469-38-BZ.....H.B.Q.....93-11 to 93-25 Rockaway boulevard and 103-28 to 103-36 94th street, northwest corner (Block 9114, Lot 19), Woodhaven, Borough of Queens, N.B. 3536-38.

470-38-A.....H.B.M.....521-529 East 79th street, north side, 198 ft. west of East End avenue (Block 1576, Lot 14), Borough of Manhattan, Alt. 1593-38.

Restored to Calendar

1026-22-SA.....F.D.....Anthony Nebulyte Oil Burner, Appliance.

1066-25-BZ....H.B.Q.....Northwest corner of 46th (Queens) avenue and 164th (24th) street (Block 5442, Lot 81), Flushing, Borough of Queens, Applic. 1929-35.

388-37-BZ.....H.B.Bx.....2159 White Plains avenue, west side, 400 ft. south of Pelham parkway south (Block 4317, Lot 56), Borough of The Bronx, N.B. 667-37.

DESIGNATIONS: **H.B.**—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

ORDERS OF CERTIORARI SERVED ON THE BOARD OF STANDARDS AND APPEALS

On June 6, 1938, Weinstein & Levinson, attorneys, served on board order of certiorari on behalf of Nakoma Realty Corporation, Inc., owner, in re decision of Board on May 24, 1938, Cal. No. 534-37-BZ, premises 144-146 and 148-50 Frost street, Borough of Brooklyn, refusing to modify the conditions of resolution adopted in certain respects.

* * *

On June 6, 1938, Bernstein, Geist & Netter, attorneys, served on board order of certiorari on behalf of 87th Shore Road Realty Corp., owner, in re decision of board of May 24, 1938, denying store use in cellar story of multiple dwelling in residence district, Cal. No. 571-37-BZ, premises 2701-2723 Shore road, 2702-2724 Narrows avenue, 1-27 88th street and 2-30 87th street, Borough of Brooklyn.

COURT DECISION

Campbell, Jr. vs. Murdock—On February 9, 1937, board upheld and

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affirmed decision of commissioner of buildings that section 29 of the Multiple Dwelling Law did not apply to loft building converted to a lodging house, and denied appeal of adjoining owner for revocation of permit; Cal. No. 22-37-A, premises 110 Bowery, Borough of Manhattan. Justice Valente sustained board (N. Y. L. J., July 28, 1937).

On reconsideration Mr. Justice Valente (N. Y. L. J., January 3, 1938) stated:

"The court has arrived at the conclusion that the provisions of section 8 of the Multiple Dwelling Law throws no light one way or the other upon the proper interpretation of section 29 of the same statute. The court previously declared that the respondents' construction of section 29 would require a disregard of the plain language of the statute, if it were not for the provisions of section 8. This view the court still entertains, except that section 8 is now to be disregarded. Accordingly . . . the motion to dismiss the order of certiorari and for other relief is denied."

Appellate Division unanimously affirmed order without opinion. (N. Y. L. J., April 30, 1938.)

Mr. Justice Shientag granted motion for final order (N. Y. L. J., June 8, 1938) stating: "Section 29 of the Multiple Dwelling Law is applicable to lodging houses and has been so construed."

RULES

	Last Publication in Bulletin
Carbon Dioxide Liquefier Rules	May 31, 1938—Vol. 23, No. 22
Certificate of Occupancy, approved forms	Aug. 2, 1932—Vol. 17, No. 31
Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
Concrete Rules (Hydrated Lime)	Aug. 3, 1937—Vol. 22, No. 31
Elevator Rules	Mar. 3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors)	June 15, 1937—Vol. 22, No. 24
Factory Exit Rules	May 24, 1938—Vol. 23, No. 21
Fire Alarm Rules (Interior)	Apr. 5, 1938—Vol. 23, No. 14
Fire Drill Rules	April 26, 1938—Vol. 23, No. 17
Fire Retarding Rules for Garages, etc.	May 17, 1938—Vol. 23, No. 20
Fireproof Wood, Testing of	Apr. 13, 1937—Vol. 22, No. 15
Frame Garages, Ruling for	Jan. 21, 1919—Vol. 4, No. 3
Fusion Welding and Gas Cutting Rules	May 3, 1938—Vol. 23, No. 18
Gas Shut-Off Rules	Apr. 7, 1925—Vol. 10, No. 14
Hatchway Protection	June 5, 1928—Vol. 13, No. 23
Oil Burner Rules	June 7, 1938—Vol. 23, No. 23
Paint, Varnish and Lacquer Spraying Rules	April 26, 1938—Vol. 23, No. 17
Platform Trucks, Specifications for	Nov. 24, 1936—Vol. 21, No. 47
Plumbing Rules	Aug. 3, 1937—Vol. 22, No. 31
Procedure, Rules of	Sept. 7, 1937—Vol. 22, No. 36
Refrigerating Systems, Extract C.O.	June 14, 1938—Vol. 23, No. 24
Smoking in Factories, Rules for	June 14, 1938—Vol. 23, No. 24
Sprinkler Rules	June 29, 1937—Vol. 22, No. 26
Standpipe Fireline Rules	June 8, 1937—Vol. 22, No. 23
Structural Alterations, Reporting	June 7, 1932—Vol. 17, No. 23
Tank Trucks, Fuel Oil, etc.	Nov. 24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc.	Nov. 24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr. 10, 1923—Vol. 8, No. 15

LIST OF APPROVED APPLIANCES

Anti-Siphon Valves	Mar. 5, 1935—Vol. 20, No. 10
Fireline Hose Valves	June 7, 1938—Vol. 23, No. 23
Fuel Oil Burners for Domestic and Commercial Use	Apr. 19, 1938—Vol. 23, No. 16
Fuel Oil Fill Pipe Terminals	June 14, 1938—Vol. 23, No. 24
Fuel Oil Burners for Industrial Use	June 7, 1938—Vol. 23, No. 23
Fuel Oil Pumps	June 7, 1938—Vol. 23, No. 23
Paint, Varnish and Lacquer Spraying Equipment	April 26, 1938—Vol. 23, No. 17
Range Oil Burners and Space Heaters	June 7, 1938—Vol. 23, No. 23

JUNE 14, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, June* 14, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 100-38-BZ—Application, February 17, 1938, under section 7h of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Three Eighty-Three Realty Corporation, owner, to permit in a retail use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 11-17 West 35th street, north side, 200 ft. west of Fifth avenue and 12-14 West 36th street, south side, 219 ft. west of Fifth avenue (Block No. 837, Lot Nos. 31, 32, 33, 34, 54 and 55), Borough of Manhattan.

CAL. NO. 1481-22-BZ—Application of A. S. G. Construction Corporation, applicant and owner, reopened May 17, 1938, under section 21 of the building zone resolution, to permit in a residence use district the alteration and conversion of occupancy of a bank to stores located on part of the first story of an existing building (the bank use having been previously granted by the Board); premises 8502-8518 Fourth avenue, southwest corner of 85th street (Block No. 6034, Lot No. 41), Borough of Brooklyn.

CAL. NO. 199-38-BZ—Application, March 24, 1938, under sections 7f and 21 of the building zone resolution, of William Barker, applicant, on behalf of Jamaterm Realty Co., Inc., owner, to permit, for a temporary period of not more than two (2) years, in a residence use district, the parking and storage of more than five (5) motor vehicles; southeast corner of Van Wyck boulevard (137th street) and 85th avenue (Block No. 9647, Lot Nos. 1, 8, 16, 30 and 32), Jamaica, Borough of Queens.

CAL. NO. 530-37-BZ—Application, November 3, 1937, under section 21 of the building zone resolution, of Otto F. Semsch, applicant, on behalf of Ernest Flagg, owner, to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use; premises 7202-7224 Ridge boulevard, west side, from 72nd street to 73rd street, 158-190 72nd street and 181-191 73rd street (Block No. 5906, Lot No. 1), Borough of Brooklyn.

CAL. NO. 278-38-BZ—Application, April 18, 1938, under section 21 of the building zone resolution, of Clayton G. Shirkey, applicant, on behalf of Ethel Scully, owner, to permit in a business use and "A" area district the alteration and conversion of occupancy of part of an existing building from business use to a dwelling use; the alteration and conversion of occupancy not conforming with the area requirements of the zone resolution; premises 110-20 to 110-22 Rockaway Beach boulevard, north side, 1242 ft. east of Beach 116th street (Block No. 598, Lot No. 61), Rockaway Beach, Borough of Queens.

CAL. NO. 546-37-BZ—Application, November 17, 1937, under section 21 of the building zone resolution, of Michael & Company,

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applicant, on behalf of Anna Donnelly, owner, to permit in a residence use district the maintenance of three (3) two-car garages; premises 36-34 to 36-38 Old Ridge road, west side, 195 ft., 221 ft. and 246 ft. north of 37th avenue (Block No. 342, Lot Nos. 37, 38 and 39), Long Island City, Borough of Queens.

CAL. NO. 315-38-BZ—Application, April 29, 1938, under section 21 of the building zone resolution, of Joel D. Marder, applicant, on behalf of Presbyterian Hospital in The City of New York, owner, to permit partly in a residence use district and partly in a business use district the parking and storage of more than five (5) motor vehicles; premises 601 West 165th street, northwest corner of Broadway (Block No. 2138, part of Lot No. 40), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

JUNE 14, 1938, 2 P. M.

Appeals from Administrative Orders

280-38-A—162-10 Jamaica avenue, south side, 70 ft. east of 162nd street, 92-15 Union Hall street and 92-14 New York boulevard (Block No. 1052, Lot Nos. 4, 6, 13 and 79), Jamaica, Borough of Queens.

600-37-A—841-843 Broadway and 53-63 East 13th street, northwest corner (Block No. 565, Lot No. 17), Borough of Manhattan.

307-38-A—220-230 East 64th street, south side, 255 ft. east of Third avenue (Block No. 1418, Lot No. 11), Borough of Manhattan.

133-38-A—7202-7224 Ridge boulevard, west side, from 72nd street to 73rd street, 158-190 72nd street and 181-191 73rd street (Block No. 5906, Lot No. 1), Borough of Brooklyn.

193-38-A—17 East 54th street, north side, 110 ft. west of Madison avenue (Block No. 1290, Lot No. 13), Borough of Manhattan.

384-38-A-WF—39-15 Prince street, east side, 75 ft. north of Roosevelt avenue (Block No. 4976, Lot No. 27), Flushing, Borough of Queens.

429-38-A—1091-1095 Metropolitan avenue, northeast corner of Vandevoort avenue (Block No. 2927, Lot No. 1), Borough of Brooklyn.

430-38-A—3081-3091 Avenue T and 2084 Stuart street, northwest corner (Block No. 7518, Lot No. 40), Borough of Brooklyn.

439-38-A—148 39th street (Bush Bldg. No. 19—4th floor), southwest corner of 2nd avenue (Block No. 706, Lot No. 1), Borough of Brooklyn.

441-38-A—36 East 67th street, south side, 120 ft. east of Madison avenue (Block No. 1381, Lot No. 47), Borough of Manhattan.

442-38-A—69-77 and 69-81 179th street, northeast corner of 73rd avenue, east side of 179th street, 44 ft. north of 73rd avenue (Block No. 7132, Lot No. 16), Flushing, Borough of Queens.

467-38-A—91-109 Ingraham street, north side, 100 ft. west of Porter avenue (Block No. 2992, Lot No. 43), Borough of Brooklyn.

468-38-A—275 East 140th street, north side, 100 ft. west of Third avenue (Block No. 2321, Lot Nos. 70 and 71), Borough of The Bronx.

399-38-A-WF—37-97 103rd street, northeast corner of 39th avenue (Sacket street); (Block No. 1769, Lot No. 58), Corona, Borough of Queens.

462-38-A—110 80th street, south side, 195 ft. west of Colonial road (Block No. 5985, Lot No. 30), Borough of Brooklyn.

464-38-A—166-170 Hudson street and 48 Laight street, northeast corner (Block No. 220, Lot No. 34), Borough of Manhattan.

466-38-A—34-45 21st street, east side, 410 ft. south of 34th avenue (Block No. 466, Lot No. 25), Astoria, Borough of Queens.

470-38-A—521-529 East 79th street, north side, 198 ft. west of East End avenue (Block No. 1576, Lot No. 14), Borough of Manhattan.

472-38-A—301-307 East 52nd street, north side, 71 ft. east of 2nd avenue (Block No. 1345, Lot Nos. 4½, 4¾, 5 and 6), Borough of Manhattan.

Variations of Labor Law

395-38-S—15 Doyers street, west side, 89.5 ft. south of Pell street (Block No. 162, Lot No. 26), Borough of Manhattan.

473-38-S—261 West 42nd street, northeast corner of 8th avenue (Block No. 1014, Lot Nos. 1 to 4½ inclusive), Borough of Manhattan.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, June* 14, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

CAL. NO. 480-37-BZ—Application, October 11, 1937, under sections 7h and 7c of the building zone resolution, of Samuels and Samuels, applicants, on behalf of Wendel Foundation and Phelps Estate, Inc., owners, to permit partly in a business use district and partly in an unrestricted use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles; premises 21-25 Union Square west, west side, 52 ft north of East 15th street (Block No 843, Lot Nos. 22 and 25), Borough of Manhattan.

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CAL. NO. 493-37-BZ—Application, October 16, 1937, under section 21 of the building zone resolution, of Nugent and Nugent, applicants, on behalf of Maude B. Mowry, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 71-20 to 71-32 Roosevelt avenue and 40-02 ot 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

JUNE 21, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning June* 21, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 146-38-BZ—Application, March 8, 1938, under sections 7c and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Eva Garber, owner, to permit in a business use district the extension of an existing gasoline service station; premises 5366-5368 Kings highway, west side, 234 ft. 1⅛ in. north of Farragut road (Block No. 7948, Lot Nos. 11 and 12), Borough of Brooklyn.

CAL. NO. 331-38-BZ—Application, May 2, 1938, under section 21 of the building zone resolution, of George F. DeZeller, applicant, on behalf of Francis X. O'Connor, owner, to permit in a retail use district the erection and maintenance of a garage for more than five (5) motor vehicles; premises 253-255 West 47th street, north side, 225 ft. east of 8th avenue (Block No. 1019, Lot Nos. 10 and 11), Borough of Manhattan.

CAL. NO. 352-38-BZ—Application, May 11, 1938, under section 21 of the building zone resolution, of Marno Realty Co., applicant, on behalf of Red Top Realty Corporation, owner, to permit in a business use district the erection and maintenance of a gasoline service station: premises 80-82 East 121st street and 1728-1734 Park avenue, southwest corner (Block No. 1747, Lot Nos. 18 and 19), Borough of Manhattan.

CAL. NO. 482-37-BZ—Application, October 13, 1937, under section 21 of the building zone resolution, of Anthony Waldeier, applicant, on behalf of Apex Garage & Rental Co., owner, to permit in a business use district the extension of an existing garage for more than five (5) motor vehicles; premises 87-38 Lefferts boulevard, west side, 330 ft. south of Jamaica avenue (Block No. 9328, Lot No. 22), Richmond Hill, Borough of Queens.

CAL. NO. 593-37-BZ—Application, December 15, 1937, under section 7h of the building zone resolution, of Jno. B. Snook Sons-Victor C. Farrar, applicants, on behalf of Harlem Savings Bank, owner, to permit, for a temporary period of not more than two (2) years, in a retail use district, the parking and storage of more than five (5) motor vehicles; premises 404-406 West 41st street, south side, 100 ft. west of 9th avenue (Block No. 1050, Lot No. 37), Borough of Manhattan.

CAL. NO. 615-37-BZ—Application, December 23, 1937, under section 7h of the building zone resolution, of Jno. B. Snook Sons-Victor C. Farrar, applicants, on behalf of Beers Trusts, owner; Lucius H. Beers, trustee, to permit, for a temporary period of not more than two (2) years, in a retail use district, the parking and storage of more than five (5) motor vehicles; premises 456-460 West 41st street, south side, 100 ft. east of 10th avenue (Block No. 1050, Lot Nos. 59, 60 and 60½), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

JUNE 21, 1938, 2 P. M.

Appeals from Administrative Orders

303-38-A—439-441 11th street, north side, 239 ft. 3 in. east of Sixth avenue (Block No. 1018, Lot No. 71,) Borough of Brooklyn.

318-38-A—Northeast corner of 44th avenue and 111th street (Block No. 2015, Lot No. 78), Corona, Borough of Queens.

383-38-A—41-79 Gleane street, east side, 188 ft. south of Elmhurst avenue (Block No. 1555, Lot No. 46), Elmhurst, Borough of Queens.

419-38-A—33-49 East 42nd street and 317-325 Madison avenue, northeast corner and 44-46 East 43rd street (3rd floor), (Block No. 1277, Lot No. 20), Borough of Manhattan.

JUNE 28, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, June* 28, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 382-37-BZ—Application, July 27, 1937, under section 7h of the building zone resolution, of Aaron Roth, applicant, on behalf of Stewcan Realty Corporation and George M. Thomson, owners, to permit, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles; premises 43-26 to 43-36 48th street, west side, 100 ft. north of Queens boulevard (Block No. 140, Lot Nos. 40 and 42), Long Island City, Borough of Queens.

CAL. NO. 532-37-BZ—Application, November 10, 1937, under

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section 7h of the building zone resolution, of Herman R. Josephson and Isaac Josephson, applicants and lessees, on behalf of Ronash Realty Corporation, owner, to permit, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles; premises 136-56 to 136-62 39th avenue (Locust street), south side, 378.30 ft. west of Union street (Block No. 4980, Lot No. 26), Flushing, Borough of Queens.

CAL. NO. 392-38-BZ—Application, May 20, 1938, under section 21 of the building zone resolution, of I. L. Crausman, applicant, on behalf of Townlee Realty Corporation, owner, to permit in a residence use district the elevation of a rear yard above the limit fixed by the building zone resolution; premises 2776 Jerome avenue, east side, 200 ft. north of East 196th street (Block No. 3318, Lot Nos. 15 to 19, inclusive), Borough of The Bronx.

CAL. NO. 73-38-BZ—Application, February 4, 1938, under section 7h of the building zone resolution, of J. J. Gloster, applicant, on behalf of Sears, Roebuck & Co., owner, to permit in a business use district the parking of more than five (5) motor vehicles; premises 2420 Bedford avenue and 2301-2323 Beverly road, northwest corner (Block No. 5133, Lot No. 14), Borough of Brooklyn.

CAL. NO. 27-33-BZ—Application of William E. Kennedy, applicant, on behalf of Joseph Moss, owner, reopened March 15, 1938 under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station (previously dismissed for lack of prosecution); premises 212-31 115th avenue and 114-30 Springfield boulevard, northwest corner (Block No. 1949, part of Lot No. 1), St. Albans, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

JUNE 28, 1938, 2 P. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, June 28*, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 388-37-BZ—Application of Samuel Rosenblum, applicant, on behalf of W.P.A. Realty Corporation, owner, reopened June 7, 1938, for consideration of an amendment to resolution to permit storage of more than five (5) motor vehicles —re Application, previously granted on condition, under section 7h of the building zone resolution, permitting, for a period of not more than two (2) years, in a business use district, the parking of more than five (5) motor vehicles; premises 2159 White Plains avenue, west side, 400 ft. south of Pelham parkway south (Block No. 4317, Lot No. 56), Borough of The Bronx.

CAL. NO. 1066-25-BZ—Application of Roland Lievendag, applicant and owner, reopened June 7, 1938, for consideration as to extension of time and amendment of resolution—re Application, previously granted on condition, under section 21 of the building zone resolution, permitting in a business use district the alteration of a garage for more than five (5) motor vehicles (with permit for sale of gasoline) which was granted by the Board on March 30, 1926 (and extended into the residence district under Cal. No. 74-28-BZ), so as to form an alcove gasoline station; premises, northwest corner of 46th (Queens) avenue and 164th (24th) street (Block No. 5442, Lot No. 81), Flushing, Borough of Queens.

HARRIS H. MURDOCK, *Chairman.*

JULY 6, 1938, 2 P. M.

Appeal from Administrative Order

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

JULY 12, 1938, 2 P. M.

Appeal from Administrative Order

356-38-A—333 West 83rd street and 110-112 Riverside drive, southeast corner (Block No. 1245, Lot Nos. 47, 49, 54 and part of Lot No. 56), Borough of Manhattan.

FORMS FOR NOTICES TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

Copies of the Official Directory of the City of New York for the year 1938 (The Little Green Book), containing the latest authentic information in relation to City, State and Federal Departments, Bureaus, Offices and Courts, are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50 cents; by mail, three cents per copy must be added for postage.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, JUNE 7, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

568-37-BZ.

APPLICANT—Lama and Proskauer, for Theresa Van Houten, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7g and 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a garage for more than five (5) motor vehicles and, also, a gasoline service station.

PREMISES AFFECTED—8917-8923 Flatlands avenue, southwest corner of Remsen avenue (Block No. 8010, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: Moses Block and Richard P. Charles.

ACTION OF BOARD—Application withdrawn, before argument, upon request of applicant.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

200-38-BZ.

APPLICANT—MacMurray Holding Corporation, lessee, for Frank S. Staley, attorney-in-fact, for John D. Rockefeller, Jr., owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a retail use district the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—2-24 West 53rd street, south side, 100 ft. west of Fifth avenue (Block No. 1268, Lot Nos. 42 to 52, inclusive), Borough of Manhattan.

APPEARANCES—

For Applicant: George D. Carrington.

For Opposition: Sidney Weinberg, Sumner Gerard, Allan Zuirsler, Frank W. Hubby and F. E. Sprower.

ACTION OF BOARD—Application withdrawn, before argument, upon request of applicant's representative.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

564-23-BZ.

APPLICANT—Lama and Proskauer, for Scotto Holding Corporation, owner.

SUBJECT—Application reopened April 12, 1938 (re decision of the acting borough superintendent of buildings) under sections 7c and 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the extension of an existing motion picture theatre building.

PREMISES AFFECTED—395 Court street, east side, 100 ft. south of First place (Block No. 459, Lot Nos. 2 and 6), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(564-23-BZ)

WHEREAS, this application under the building zone resolution, to permit partly in a business use district and partly in a residence use district the extension of an existing motion picture theatre building, affecting Premises: 395 Court street, east side, 100 ft. south of First place (Block No. 459, Lot Nos. 2 and 6), Borough of Brooklyn, was denied by the board, July 31, 1923; and

WHEREAS, Lama and Proskauer, for Scotto Holding Corporation, present owner, requested a reopening of the case, under new conditions; and

WHEREAS, this application was reopened by vote of the board, April 12, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 7, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Court street is in a business use district; 2nd place and 1st place are in both residence and business use districts; and

WHEREAS, the decision of the borough superintendent of buildings, dated March 31, 1938, App. No. 3395-1938, reads:

"Proposed extension of theatre into residential area is contrary to building zone resolution, Art. II, Sect. 3. Proposition denied."

and

WHEREAS, the existing building is of non-fireproof construction one story in height, with a frontage of 30 ft., on Court street and a maximum depth of 127 ft., irregular in area; occupied as a theatre; an irregular shaped area at the rear of the existing motion picture theatre extends into the residence use district for a distance of approximately 27 ft. The remainder of the building is in a business use district. It is proposed to extend the area of the rear of the building by adding an irregular shaped area as shown upon filed plans; the area involved being approximately 250 sq. ft.; and

WHEREAS, the board deemed that this was a proper case in which to exercise its discretion under section 7, subdivision C, of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-C thereof, to permit the extension of the existing theatre into the residence use district, as indicated on plans filed with this application, provided the theatre shall not be further extended than as herein shown; that in all other respects the building and occupancy shall comply with all laws, rules and regulations applicable thereto and all construction permits for this addition to the building, shall be obtained and all work in connection therewith, completed within one year from the date of this action.

51-38-BZ.

APPLICANT—Bernhardt T. Berman, for Dimbashe Cor-

poration and Estate of Adam Schepp, owners.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—44-54 Suffolk street, east side, 100 ft. north of Grand street (Block No. 346, Lot Nos. 3, 7 and 8), Borough of Manhattan.

APPEARANCES—

For Applicant: Bernhardt T. Berman, Murray D. Isacowitz, Julius Stackel, William D. Baer and Harry Schneider.

For Opposition: M. P. Miller, A. M. Silberberg, Elgin Shulsky, A. Miller, Charles Adler, Nathan Glotzer, Max Greenberg, Chas. Zella, Max Granowitz and Irving Langfelder.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(51-38-BZ)

WHEREAS, Bernhardt T. Berman, for Dimbashe Holding Corporation and Estate of Adam Schepp, owners, filed January 27, 1938, an application under the building zone resolution to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; Premises: 44-54 Suffolk street, east side, 100 ft. north of Grand street (Block No. 346, Lot Nos. 3, 7 and 8), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 7, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Suffolk street is in a business use district; Clinton street is in a business use district; Broome street is in a business use district and Grand street is in a business use district; and

WHEREAS, the decision of the borough superintendent of buildings, dated December 28, 1937, reads:

> "Your application for a certificate of occupancy for parking and storage of more than 5 cars at the above location has been denied as the premises is located in a business district and this occupancy is prohibited by article II, section 4a, subdivision 15 of the zone resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 126 ft. and a depth of 100 ft. It is proposed to occupy the plot, for a temporary period of not more than two (2) years, for the parking and storage of more than five (5) motor vehicles; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that this was a proper case to exercise its discretion under section 7, subdivision H of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7h, for a period of two years from the date of this action, to permit the plot under appeal to be used for the parking and storage of more than five motor vehicles, *on condition* that only motor vehicles of the pleasure car type shall be so stored and parked; that the plot shall be leveled substantially to the grade of Suffolk street and surfaced with steam cinders or similar material, properly rolled and bound to prevent dusting, and to provide proper surface drainage; that on the interior lot line, where walls of adjacent building do not occur, there shall be erected a substantial woven wire fence with cyclone type metal pipe posts; that similar fences shall be erected on the street building line, except for one entrance opposite the existing 11 ft. curb cut, not exceeding that width; that these fences shall be not less than 6 ft. in height; that a fence shall be erected so as to cut off entirely Lot No. 26 on the rear line of that lot; that during the term of this variance, the premises shall be used for no other use except as herein permitted and no building shall be erected thereon, except there may be erected a building not over one story in height, 150 sq. ft. in area, as office and shelter for the attendant; that no signs shall be erected upon the premises other than a neat sign at the entrance, not over 15 sq. ft. in area, advertising the parking and storage use; that at all times, proper aisles shall be maintained for easy access and egress; that such portable fire-fighting appliances shall be maintained on the premises as the commissioner shall direct; that if any lights are installed for general illumination, they shall be erected on pipe standards with metallic reflectors so arranged as to reflect away from the adjoining occupancies; that all permits shall be obtained and all work completed within six months from the date of this action.

215-38-BZ.

APPLICANT—I. L. Crausman, for Jerome Building Corporation, owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under sections 7b and 7c of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a multiple dwelling having stores in part of the cellar story.

PREMISES AFFECTED—190 Mosholu Parkway south and 265 East 204th street, northwest corner (Block No. 3311, Lot Nos. 138 to 142, inclusive), Borough of The Bronx.

APPEARANCES—

For Applicant: I. L. Crausman.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(215-38-BZ)

WHEREAS, I. L. Crausman, for Jerome Building Corporation, owner, filed March 31, 1938, an application under the building zone resolution to permit partly in a business use district and partly in a residence use district the erection and maintenance of a multiple dwelling having stores in part of the cellar story; Premises: 190 Mosholu parkway south and 265 East 204th street, northwest corner (Block No. 3311, Lot Nos. 138-142 inclusive), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 7, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Mosholu parkway is in a residence use district; East 204th street is in business and residence use districts; East 205th street and Lisbon place are in residence use district; and

WHEREAS, the decision of the borough superintendent of buildings, dated March 28, 1938, re N.B. App. No. 537-37; reads:

"1. As building is located partially in a business and partially in a residence district, stores located in a residential district are unlawful. Sec. 3, building zone resolution."

and

WHEREAS, the existing building is of non-fireproof construction, six (6) stories in height, with a frontage of 146 ft. 7 in. on East 204th street and 100 ft. on Mosholu parkway, irregular in area; to be occupied as a multiple dwelling, having stores in part of cellar story; and

WHEREAS, the plot and surrounding areas were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that this was a proper case in which to exercise its discretion under section 7, subdivision b, of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-b thereof, to permit the proposed extension of the business use into the residence use district, as indicated on plans filed with this application, *on condition* that such extension of use shall not exceed eight feet along the street line of East 204th street with varying width, as indicated, to the rear of the store; that there shall be no openings from these stores to any other part of the building and that all parts of the business occupancy shall be separated from the balance of the building by walls constructed of fireproof materials; that the depth of the stores shall not exceed the depths indicated on plans filed with this application; that the occupancy of any stores which are within the residential use district, shall be restricted against delicatessen, fish market, meat market,—bakery having ovens or undertaker; that signs within the residence use district shall be limited to non-illuminating signs on or behind the show windows and to permanent fixed sign over the store below the belt course next above the top of the show windows; that all permits required shall be obtained and all work completed within one year from the date of this action.

224-38-BZ.

APPLICANT—Lama and Proskauer, for Hanover Service Station, Inc., owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit partly in a residence use district and partly in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—32-11 to 32-19 Cross Island boulevard and 198-05 to 198-09 33rd avenue, northeast corner (Block No. 6025, Lot No. 36), Bayside, Borough of Queens.

APPEARANCES—

For Applicant: Alfred A. Lama, Irving S. Fink, Joseph Katz, Nathan Glazer and Joseph Sacks.

For Opposition: Webster F. William and Abram Shlefstein.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(224-38-BZ)

WHEREAS, Lama and Proskauer, for Hanover Service Station, Inc., owner, filed April 4, 1938, an application under the building zone resolution to permit partly in a residence use district and partly in a business use district the erection and maintenance of a gasoline service station; Premises: 32-11 to 32-19 Cross Island boulevard and 198-05 to 198-09 33rd avenue, northeast corner (Block No. 6025, Lot No. 36), Bayside, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 7, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Cross Island boulevard is in a business use district; 33rd avenue and 32nd road are in both residence and business use districts; and Jordan street is in a residence use district; and

WHEREAS, the decision of the borough superintendent of buildings, dated March 11, 1938, re App. No. 1519-38, reads:

"1. The creation of a gasoline service station a plot located partly in a business and partly in a residence district is contrary to article 2, sections 3 and 4 of the zoning law."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 102.4 ft. on Cross Island boulevard and 91.2 ft. on 33rd avenue. A small irregular area at the northeast corner of the plot is located in a residence use district and the remainder of the plot is located in a business use district. It is proposed to erect upon the rear of the plot a one story accessory building 100 ft. by 40 ft. in area and also, to install the necessary tanks and pumps for a gasoline service station; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that applicant failed to substantiate a basis of appeal under section 21 of the building zone resolution and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the borough superintendent of buildings in acting on Application No. 1519-38, be and it hereby is *affirmed* and that the application be and it hereby is *denied.*

55-38-BZ.

APPLICANT—Lewis Braverman, for New York Majestic Corporation, owner.

SUBJECT—Application (re decision of the acting borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a residence use district the alteration and change of occupancy of part of the first story of an existing multiple dwelling to business use (Broker's Office).

PREMISES AFFECTED—115-119 Central Park west, west side, from West 71st street to West 72nd street, 1-15 West 71st street and 2-10 West 72nd street (Block No. 1124, Lot No. 27), Borough of Manhattan.

APPEARANCES—

For Applicant: Lewis Braverman.

For Opposition: James H. Terry, Jessie E. Steiler, Viola Steiler, Jack Gross, James E. Finegan, Jr., and Robert Korn.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(55-38-BZ)

WHEREAS, Lewis Braverman, for New York Majestic Corporation, owner, filed January 28, 1938, an application under the building zone resolution to permit in a residence use district the alteration and change of occupancy of part of the first story of an existing multiple dwelling

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to business use (broker's office); Premises: 115-119 Central Park West, west side, from West 71st street to West 72nd street, 1-15 West 71st street and 2-10 West 72nd street (Block No. 1124, Lot No. 27), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 7, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Central Park West is in a residence use district; West 72nd street is in a residence use district and West 71st street is in a residence use district; and

WHEREAS, the decision of the borough superintendent of buildings, dated January 11, 1938, re Alt. Applic. No. 4669-1937, reads:

"1. Proposed change in use of first floor apartment from residence to broker's office is unlawful. Violation of section 3, building zone resolution."

and

WHEREAS, the building is of fireproof construction eighteen (18) stories in height, with a frontage of 204 ft 4 in. on Central Park West and 215 ft. on West 72nd street, irregular in area, occupied as an apartment house, it is proposed to occupy part of first floor as a broker's office; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that the applicant failed to substantiate a basis of appeal under section 21 of the building zone resolution and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the borough superintendent of buildings in acting on Alteration No. 4669-1937, be and it hereby is *affirmed*, and that the application be and it hereby is *denied*.

347-38-BZ.

APPLICANT—I. L. Crausman, for Gelson Realty Corporation, owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a residence use and "D" area district the erection and maintenance of a multiple dwelling not conforming with the area requirements of the building zone resolution.

PREMISES AFFECTED—182 St. Georges Crescent and 185 East 206th street, northeast corner (Block No. 3313, Lot Nos. 1 to 9, inclusive), Borough of The Bronx.

APPEARANCES—

For Applicant: I. L. Crausman.

For Opposition: Frank Anderson.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(347-38-BZ)

WHEREAS, I. L. Crausman, for Gelson Realty Corporation, owner, filed May 9, 1938, an application under the building zone resolution to permit in a residence use and "D" area district the erection and maintenance of a multiple dwelling not conforming with the area requirements of the building zone resolution; Premises: 182 St. Georges crescent and 185 East 206th street, northeast corner (Block No. 3313, Lot Nos. 1 to 9 inclusive), Borough of The Bronx; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 7, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the district maps accompanying the building zone resolution show that St. Georges crescent is in a residence use and "D" area district; East 206th street is in a residence use and "D" area district and Mosholu parkway south is in a residence use and "D" district; and

WHEREAS, the decision of the borough superintendent of buildings, dated April 27, 1938, re N.B. Applic. No. 663-1937, reads:

"1. Entrance court may not extend above curb level. Same required for percentage. Article 4, section 14-C zone resolution."

and

WHEREAS, the proposed building is to be of non-fireproof construction six (6) stories in height, with a frontage of 152 ft. on St. Georges crescent and 122 ft. on East 206th street, irregular in area, to be occupied as a multiple dwelling. It is proposed to construct the entrance court at an elevation of 2 ft. 4 in. above the curb level opposite instead of at the required (same) curb level opposite and requests that this court be considered as part of the unoccupied area of the plot; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that the applicant had substantiated a basis of appeal under section 21 of the building zone resolution and was, therefere, entitled to relief on the grounds of practical difficulty and unnnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the area district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21, as to the area covered, *on condition* that the main building shall comply with the "D" area requirements, except that the main entrance court from St. Georges crescent may be floored over above average grade in front thereof, but shall not exceed 2 ft. 4 in. in height above such average grade and that such court shall not exceed the area and height above grade as indicated on plans filed with this application, *on further condition* that in all other respects all the requirements of the building zone resolution shall be complied with.

Adjourned, 1:00 P. M.

EDWARD V. BARTON, Chief Clerk.

NOTICE

MULTIPLE DWELLING LAW ON SALE

Copies of the Multiple Dwelling Law are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50c; by mail 54c.

Copies of the Supplemental Rules and Regulations of the Tenement House Department on Fire Retarding, Fire Escapes, Fire Stairs and Fire Towers are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 10c; by mail 12c.

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BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, JUNE 7, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

493-37-BZ.

APPLICANT—Nugent and Nugent, for Maude B. Mowry, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—71-20 to 71-32 Roosevelt avenue and 40-02 to 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

APPEARANCES—

For Applicant: D. Nugent.

For Opposition: None.

ACTION OF BOARD—Laid over to June 14, 1938 at 2 P. M., for decision by board, applicant to file additional testimony in support of his application.

388-37-BZ.

APPLICANT—Samuel Rosenblum, for W. P. A. Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the commissioner of buildings) under section 7h of the building zone resolution, to permit, for a period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—2159 White Plains avenue, west side, 400 ft. south of Pelham parkway south (Block No. 4317, Lot No. 56), Borough of The Bronx.

APPEARANCES—

For Applicant: Samuel Rosenblum.

ACTION OF BOARD—Application reopened and set for hearing June 28, 1938, at 2 P. M.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

1066-25-BZ.

APPLICANT—Roland Lievendag, owner.

SUBJECT—Application for consideration—reopening, extension of time and amendment—re application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a business use district the alteration of a garage for more than five (5) motor vehicles (with permit for sale of gasoline) which was granted by the board on March 30, 1926 (and extended into the residence use district under Cal. No. 74-28-BZ), so as to form an alcove gasoline station.

PREMISES AFFECTED — Northwest corner of 46th (Queens) avenue and 164th (24th) street (Block No. 5442, Lot No. 81), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Roland Lievendag.

ACTION OF BOARD—Application reopened and set for hearing June 28, 1938, at 2 P. M.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

46-28-BZ.

APPLICANT—Kesbec, Inc., for 3625 Bainbridge Ave. Corp., owner.

SUBJECT—Application for consideration—reopening and amendment—re application (decision of the superintendent of buildings) under section 7e of the building zone resolution, permitting in a business use district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles and, also, the omission of the rear yard at the 2nd story, as required by the building zone resolution.

PREMISES AFFECTED—3633 Bainbridge avenue, west side, 295.31 ft. north of East 213th street (Block No. 3329, Lot No. 120), Borough of The Bronx.

APPEARANCES—

For Applicant: William A. Rolleston.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(46-28-BZ)

WHEREAS, John J. Dunnigan, for John Bahrenburg, owner, filed January 18, 1928, an application, under the building zone resolution, to permit in a business district the erection and maintenance of a garage for the storage of more than five motor vehicles and, also, the omission of the rear yard at the second story as required by the building zone resolution; Premises: 3633 Bainbridge avenue, west side, 295.31 ft. north of East 213th street (Block No. 3329, Lot No. 120), Borough of The Bronx; and

WHEREAS, this application was granted by the board on certain conditions, June 19, 1928, time extended September 24, 1929, and applicant requested an amendment of the resolution.

Resolved, that the resolution adopted by the board on June 19, 1928, be and it hereby is *amended,* only so far as it has reference to signs, so that as amended the resolution shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted on condition* that the building shall not exceed in height a two-story structure above grade; that there shall be no cellar, other than that required for the accommodation of the heating apparatus, approximately 20 sq. ft. at the front of the building on Bainbridge avenue; that the building shall be constructed fireproof throughout with a rear yard at level of second story of not less than 10 ft. in depth for the entire width of the premises; that the space forming

the rear yard at second story level shall be glazed throughout with wire glass in metal frames; that an automatic louvre ventilator shall be installed along the entire width of building fixed to the rear wall at the second story level; that there shall be no signs displayed on front of building, other than *a* projecting electric sign, indicating the name and title of the garage *and a projecting electric sign advertising the brand of gasoline on sale and such other permanent attached signs as are shown on plan marked "Received June 2, 1938", including illuminated globes, as shown on either side of each entrance; that no additional interior lot line signs or roof signs shall be constructed;* that the gable walls shall be unpierced throughout their entire height and length; that any skylights installed in the roof of the second story shall be glazed with plain glass, protected with wire guards above and below; that any gasoline storage equipment installed shall be located at the southerly end of the premises on the street front; that the front elevation shall be finished with light-colored face brick, with two-toned brick trim on all openings or architectural terra cotta or natural stone trim; that the coping of front wall shall be not less than 16 in. in girth; that the start of any ramp runway shall be set back from the street front not less than 10 ft.; that all permits required shall be obtained within three months and all work involved completed within six months from the date of this action."

APPEALS FROM ADMINISTRATIVE ORDERS

356-38-A.

APPLICANT—Nordlinger, Riegelman and Cooper, for Metropolitan Life Insurance Company, owner.

SUBJECT—Appeal from an order of the Deputy Commissioner, Division of Housing, Department of Housing and Buildings.

PREMISES AFFECTED—333 West 83rd street and 110-112 Riverside drive, southeast corner (Block No. 1245, Lot Nos. 47, 49, 54 and part of Lot No. 56), Borough of Manhattan.

APPEARANCES—

For Applicant: P. Singer.

ACTION OF BOARD—Laid over to July 12, 1938, at 2 P. M., on request of applicant's representative.

303-38-A.

APPLICANT—Benjamin W. Schwartzberg, for Hulseberg & Krudener, Inc., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—439-441 11th street, north side, 239 ft. 3 in. east of Sixth avenue (Block No. 1018, Lot No. 71), Borough of Brooklyn.

APPEARANCES—

For Applicant: Benjamin W. Schwartzberg.

For Administration: Samuel Cohen, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to June 21, 1938, at 2 P. M., for further consideration by the board.

318-38-A.

APPLICANT—Henry A. Maccaro, for F. P. Casella, Inc., lessee.

SUBJECT—Appeal from an order of the acting borough superintendent of buildings and a decision of the borough superintendent of buildings.

PREMISES AFFECTED—Northeast corner of 44th avenue and 111th street (Block No. 2015, Lot No. 78), Corona, Borough of Queens.

APPEARANCES—

For Applicant: Henry A. Maccaro and A. L. Marrinilli.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to June 21, 1938, at 2 P. M., for further consideration by the board.

27-38-A.

APPLICANT—Croker Fire Prevention Corporation, for Maryland Baking Co., Inc., owner.

SUBJECT—Appeal from orders and a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

APPEARANCES—

For Applicant: Sidney L. Strauss.

For Administration: Inspector Maher, Fire Dept.

ACTION OF BOARD—Laid over to July 6, 1938 at 2 P. M., for further consideration by the board.

384-38-A-WF.

APPLICANT—Austin W. Magee, for Forster Bros., lessee.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—39-15 Prince street, east side, 75 ft. north of Roosevelt avenue (Block No. 4976, Lot No. 27), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Austin W. Magee.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to June 14, 1938, at 2 P. M. for further consideration by the board.

383-38-A.

APPLICANT—Charles Wenderoth, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—41-79 Gleane street, east side, 188 ft. south of Elmhurst avenue (Block No. 1555, Lot No. 46), Elmhurst, Borough of Queens.

APPEARANCES—

For Applicant: Arthur Wenderoth.

ACTION OF BOARD—Laid over to June 21, 1938, at 2 P. M., for further consideration by the board.

419-38-A.

APPLICANT—J. R. Elosua Co., Inc., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—33-49 East 42nd street, 317-325 Madison avenue, northeast corner and 44-46 East 43rd street (3rd floor); (Block No. 1277, Lot No. 20), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: Inspector Meyer, Fire Dept.

ACTION OF BOARD—Laid over to June 21, 1938 at 2 P. M., for inspection by a committee of the board, upon request of fire department inspector.

429-38-A.

APPLICANT—Modern Cement Co., Inc., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—1091-1095 Metropolitan avenue, northeast corner of Vandevoort avenue (Block No. 2927, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Larry Meltzer and Ferdinand Heinbuch.

For Administration: Inspector Meyer, Fire Dept.
ACTION OF BOARD—Laid over to June 14, 1938 at 2 P. M., for inspection by the board.

371-38-A.
APPLICANT—Koenig, Siskind and Drabkin, for Kate Davis, owner and Well-Built Table Co., Inc., lessee.
SUBJECT—Appeal from an order and a decision of the fire commissioner.
PREMISES AFFECTED—539 Timpson place, west side, 83.24 ft. south of East 149th street (Block No. 2600, Lot No. 162), Borough of The Bronx.
APPEARANCES—
For Applicant: Jessie Siskind.
ACTION OF BOARD—Appeal withdrawn without argument.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

391-38-A.
APPLICANT—Samuel Israel, for Sarah Goldstein, owner.
SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—1354 Jefferson avenue (official No. 1358), east side, 100 ft. south of Knickerbocker avenue (Block No. 3391, Lot No. 26), Borough of Brooklyn.
APPEARANCES—
For Applicant: Samuel Israel and Max Hirsch.
For Administration: S. Cohen, Department of Housing and Buildings.
ACTION OF BOARD—Appeal withdrawn; calendar No. 218-37-A, affecting same premises, was reopened and preamble of resolution, amended.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

284-38-A.
APPLICANT—J. M. Berlinger, for Ohrbach's, Inc., owner.
SUBJECT—Appeal from an order and a decision of the fire commissioner.
PREMISES AFFECTED—44-48 East 14th street, south side, 49 ft. 9 in. west of Broadway and 45-51 East 13th street (Block No. 565, Lot Nos. 11, 13, and 14), Borough of Manhattan.
APPEARANCES—
For Applicant: Charles I. Goldman.
For Administration: Inspector Meyer, Fire Dept.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—
(284-38-A)

WHEREAS, J. M. Berlinger, for Ohrbach's, Inc., owner, filed on April 18, 1938, an appeal from an order and a decision of the fire commissioner affecting Premises 44-48 East 14th street, south side, 49 ft. 9 in., west of Broadway and 45-51 East 13th street (Block No. 565, Lot Nos. 11, 13 and 14), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, dated December 20, 1937, No. 10239-LC, reads as follows:

"Before a permit may be issued for you to operate and maintain a refrigerating plant the following must be done:

1. Provide adequate window area or mechanical means for ventilating machinery room in accordance with the requirements of section 220-z-(d) of chapter 10, code of ordinances:

NOTE: Item applies to 6th story carrier and frigidaire units.

2. Cut off all elevator shafts leading into refrigerating machinery rooms, as per Section 220-l-a of chapter 10, code of ordinances.

NOTE: Item applies to machines on 6th story, also 3 G.E. units on 6th story.

3. Confine refrigerating systems, 1st, mezzanine, 2nd, 3rd and 4th stories to vapor-tight rooms equipped with tight self-closing doors."

and

WHEREAS, the decision of the fire commissioner, dated April 7, 1938, reads as follows:

"In response to the request made at this office and your telephone request, we are forwarding this communication to be taken to the Board of Standards and Appeals regarding ORDER NO. 10,239-LC, as we have been informed that the board will accept a letter from this department as the basis for an appeal when the applicant has exceeded the time limit in which to file the appeal. For that purpose we are quoting herewith Order No. 10,239-LC, issued against OHRBACH'S AFFILIATED STORES, INC., which order read as follows: (Duplicate of order as above.)"

and

WHEREAS, the building is 6 stories and penthouse (88 ft.) in height, 170 ft. 7 in. by 206 ft. 6 in. in area; of non-fireproof construction; equipped with sprinkler system; located in an unrestricted use "B" area district; erected in 1890, 1898 and 1903 and occupied since 1910 as follows: Cellar—boiler room and store, 118 persons; 1st to 4th floors—store; 5th floor—hospital, rest room, dining room and kitchen; 6th floor—offices and stock room; pent-house office—;; for which Certificate of Occupancy No. 19691 was issued June 21, 1934, permitting a maximum occupancy of 100 persons per floor; and

WHEREAS, the following refrigerating units have been installed throughout the building:

Unit No.	*Floor*	*Manufacturer*	*Amount*	*Type*
1	Base.	Carrier	1122 lbs.	Dichlormethane
2-3	Base.	General Electric	5 lbs.	Sulphur Dioxide (SO2)
4	1st	General Electric	3 lbs.	Sulphur Dioxide
5	Mezz.	Frigidaire	5 lbs.	Dichloro-Difluoro-Methane (F12)
6	2nd	Frigidaire	5 lbs.	Dichloro-Difluoro-Methane (F12)
7	3rd	General Electric	3 lbs.	Sulphur Dioxide (SO2)
8	4th	General Electric	2.5 lbs.	Sulphur Dioxide (SO2)
9	5th	Frigidaire	5 lbs.	Dichloro-Difluoro-Methane (F12)
10	5th	Carrier-Brunswick	20 lbs.	Sulphur-Dioxide (SO2)
11-12-13	5th	Frigidaire	6 lbs.	Dichloro-Difluoro-Methane (F12)
14	5th	Carrier-Brunswick	20 lbs.	Sulphur Dioxide (SO2)
15	5th	Frigidaire	6 lbs.	Dichloro-Difluoro-Methane (F12)
16	6th	General Electric	5 lbs.	Sulphur Dioxide (SO2)
17	6th	Carrier-Brunswick	12 lbs.	Methyl Chloride
18	6th	General Electric	3 lbs.	Sulphur Dioxide (SO2)
19	7th	General Electric	5 lbs.	Sulphur Dioxide (SO2)

and

WHEREAS, the applicant contends that the units mentioned in items 1, 2 and 3 of the order as located, are standard type drinking fountain refrigerators self-contained; that these drinking fountains are solely for the

use of employees of the store and customers of the store and if enclosed, as required in the order of the fire department, they no longer can fulfill this use, by being made inaccessible; that the entire store is policed by a competent staff of maintenance men, who systematically and rigorously inspect all equipment of whatever nature, twenty-four hours each day and should any weakness develop within any water cooler or its attached refrigerator machinery, it would immediately come to light and be remedied.

Resolved, that the order, No. 10239-LC and decision of the fire commissioner be and they hereby are *modified* and that the appeal be and it hereby is *granted on condition* that the refrigerating units containing more than six pounds of refrigerant shall be enclosed in rooms constructed of fireproof material and ventilated directly to the outer air, except unit No. 10 located under the serving counter in the cafeteria on the fifth floor; that the ventilating system now being installed, shall be maintained at all times and that the basement ventilating system, Item No. 1, may be used pending the completion of the work herein required, *on condition* that in all other respects the building and occupancy shall comply with all laws, rules and regulations applicable thereto and that such work shall be finished within four months from the date of this action.

339-38-A.

APPLICANT—John J. Gilmartin, for Ernest S. Williams, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—157-161 Ocean avenue, east side, 468 ft. 11 in. south of Lincoln road (Block No. 5026. Lot No. 20), Borough of Brooklyn.

APPEARANCES—

For Applicant: John J. Gilmartin.

For Administration: Samuel Cohen and Samuel B. Mitzner, Department of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(339-38-A)

WHEREAS, John J. Gilmartin for Ernest S. Williams, owner, filed on May 6, 1938, an appeal from a decision of the Borough Superintendent, Department of Housing and Buildings, affecting Premises 157-161 Ocean avenue, east side, 468 ft. 11 in. south of Lincoln road (Block No. 5026, Lot No. 20), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent on Alt. App. No. 471-38, dated May 5, 1938, reads as follows:

"M.D.L.-4—Space marked private hall is a public hall and should be constructed fireproof throughout, as per section 149, as building must comply with requirements of a hereafter erected Class B, M.D.

5.—Outer courts should be 6 ft. 6 in. minimum width as per section 26."

and

WHEREAS, the building is 3 stories and basement (40 ft.) in height, 40 ft. by 62 ft. 4 in. in area; of non-fireproof construction; located in residence use district; erected in 1907; occupied since 1928 as follows: Cellar—Storage, classroom and boiler room, 15 persons; 1st floor—office, classroom and bedroom, 25 persons; 2nd floor—office, classroom and bedroom, 25 persons; 3rd floor—bedrooms and one family, 12 persons; for which no certificate of occupancy has been issued; and

WHEREAS, the applicant contends that the building in question is a new law tenement house, approved for 2 families on each floor; that for the past nine years the building has been used to conduct a private music boarding school; that the building is equipped with a 3 ft. wide hardwood stairway with fireproof enclosure walls and hardwood doors and a fire-escape at the rear, which complies with section 145 of the Multiple Dwelling Law; that access to both means of egress is provided by the private hallways which open upon the rooms occupied by the students; that at the time of the erection of the building, the present 5 ft. wide court was accepted as complying with the requirements for new law tenement houses; and

WHEREAS, after inspection of the building by a committee of the board, and a study of the record of the building, the board deemed that the desired change of use from a class A Multiple Dwelling to a class B and occupancy as a music school, involved modifications of the Multiple Dwelling Law, which the board is without power to grant.

Resolved, that the decision of the borough superintendent in acting on Alteration 471-38, be and it hereby is *affirmed* and that the appeal be and it hereby is *denied.*

330-38-A.

APPLICANT—Sidney L. Strauss, for Henkay Realty Corporation, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—26 Second avenue (rear), east side, 81 ft. 6 in. north of East 1st street (Block No. 443, Lot No. 4), Borough of Manhattan.

APPEARANCES—

For Applicant: Sidney L. Strauss.

For Administration: Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn on request of applicant, after argument.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(330-38-A)

WHEREAS, Sidney L. Strauss, for Henkay Realty Corporation, owner, filed on May 3, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, affecting premises 26 Second avenue (rear), east side, 81 ft. 6 in. north of East 1st street (Block No. 443, Lot No. 4), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated April 23, 1938, on Alt. App. No. 373-36, reads as follows:

"A21—Reconsideration asked not granted. Provide 3 x 5 windows in accordance with provisions imposed by resolution of Board of Buildings. (Partition sashes are new.)"

and

WHEREAS, the building is 5 stories (46 ft.) in height; 40 ft. by 27 ft. 2 in. in area; of non-fireproof construction, located in business use district; erected in 1910 and occupied as follows: 1st to 5th stories, inclusive—multiple dwelling, 2 apartments per floor; and

WHEREAS, it appeared that the department had denied consideration as to the size of the sash window under section 213, paragraph 2, of the multiple dwelling law, in view of a variation granted by the Board of Buildings; and

WHEREAS, the board deemed that the Board of Buildings was without legal power to grant a modification of the multiple dwelling law and that any action taken by such board was of no effect and in no way precluded action by the department within the legal provisions of the multiple dwelling law; and

WHEREAS, the applicant requested permission to withdraw the appeal.

Resolved, that the application be and it hereby is *withdrawn.*

MINUTES

385-38-A-WF.

APPLICANT—Austin W. Magee, for Times Square Stores Corporation, lessee.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—135-18 Northern boulevard, south side, 144 ft. 10⅛ in. west of Main street (Block No. 4971, Lot Nos. 30 and 31), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Austin W. Magee.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock. Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(385-38-A-WF)

WHEREAS, Austin W. Magee, for Times Square Stores Corporation, lessee, filed May 19, 1938, an application for the approval of the erection of a sign within the World's Fair area, as cited in a decision of the Borough Superintendent of Buildings, affecting premises 135-18 Northern boulevard, south side, 144 ft. 10⅛ in. west of Main street (Block No. 4971, Lot Nos. 30 and 31), Flushing, Borough of Queens; and

WHEREAS, the decision of the Borough Superintendent, dated April 25, 1938, re Alt. Applic. No. 267-38, reads:

"6. The erection of a sign within the World's Fair area exceeding 30 sq. ft. in area is contrary to section 4 of the World's Fair Resolution. Appeal may be taken to the Board of Standards and Appeals.

7. Proposed sign shown to be erected 9 ft. 4 in. above sidewalk instead of 10 ft. as required by section B 26-13.0 Administrative Code."

and

WHEREAS, the building is two stories, 29 ft. 1 in. in height, 25 ft. 1⅝ in. by 39 ft. 2¼ in. in area, of non-fireproof construction, located in a business use district, erected in 1937 and occupied as follows: Cellar—storage; 1st floor—store; 2nd floor—offices, for which certificate of occupancy No. 57843 was issued on October 28, 1937; and

WHEREAS, the proposed sign will be 6 ft. high, 19 ft. wide on the Northern boulevard front of the building and 12 ft. 7 in. on the curved return at the Main street corner of the building, located 9 ft. 4 in. above sidewalk grade; and

WHEREAS, the applicant contends that the proposed sign is of a type generally used by the lessee to identify their stores in greater New York; that the site is about 70 ft. west of the easterly limit of the World's Fair area; that the sign is of a converted commercial type and was originally made to fit between the top of the show window and the sill of the second floor windows; that after its erection, goosenecks were added to comply with the violation of the Electrical Bureau and the sign was lowered 8 ins. to allow affixing the conduit to the building wall; that the borough superintendent, in holding that when an ordinary commercial sign with gooseneck lights attached becomes an illuminated sign, that all such signs must be constructed of metal or other incombustible materials pursuant to Chapter B-26-13.0, subdivision E of the Administrative Code, is in error; that the sign in question is made up of a metal face, wood nailing strips and framework, band and moulding; that goosenecks are attached to the building; and

WHEREAS, in the opinion of the board, this sign is an illuminated sign as defined in the Administrative Code.

Resolved, that the decision of the borough superintendent, in acting on Alt. Applic. No. 267-38, be and it hereby is *modified*, and that the appeal be and it hereby is *granted on condition* that the sign shall not be of a greater size than stated and shall not be nearer the sidewalk than 9 ft. 4 in.; that this variance shall not be considered a precedent for any other application to erect a sign less than 10 ft. from the sidewalk in accordance with the building code; that the sign shall not extend more than 4 inches beyond the street building line and that the illumination by means of gooseneck brackets shall be installed in accordance with the requirements of the Department of Water Supply, Gas and Electricity.

386-38-A-WF.

APPLICANT—Austin W. Magee, for Irving Tire Company, lessee.

SUBJECT—Appeal from decisions of the borough superintendent of buildings.

PREMISES AFFECTED—135-16 Northern boulevard, south side, 98.80 ft. east of Prince street (Block No. 4971, Lot Nos. 29 and 30), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Austin W. Magee.

For Administration: Assistant Engineer Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(386-38-A-WF)

WHEREAS, Austin W. Magee, for Irving Tire Company, lessee, filed May 19, 1938, an appeal from decisions of the borough superintendent of buildings, affecting premises 135-16 Northern boulevard, south side, 98.80 ft. east of Prince street (Block No. 4971, Lot Nos. 29 and 30), Flushing, Borough of Queens; and

WHEREAS, the decisions of the borough superintendent, dated May 11, 1938, Alt. Applic. No. 3200-38, read:

"The erection of a sign exceeding 30 sq. ft. in area within the World's Fair area is contrary to section 4 of the World's Fair Resolution. Appeal may be taken to the Board of S. & A."

Alt. Applic. No. 3201-38

"1. The erection of a sign exceeding 30 sq. ft. in area within the World's Fair area is contrary to section 4 of the World's Fair resolution. Appeal may be taken to the Board of S. & A."

and

WHEREAS, the building is two stories, 27 ft. 8 in. in height, 50.8 ft. by 69.71 ft. in area, of non-fireproof construction, located in a business use district, erected in 1937 and occupied as follows: Cellar—storage and boiler room, 2 persons; 1st floor—stores, 10 persons; 2nd floor—offices, 20 persons, for which certificate of occupancy No. 57198 was issued on September 17, 1937; and

WHEREAS, one of the proposed store signs will be located on the Northern boulevard front of the building and will be 15 ft. 6 in. wide by 7 ft. in height and one will be attached at right angles to the building and be 7 ft. wide by 5 ft. in height and will extend 8 ft. over the sidewalk; and

WHEREAS, the applicant contends that the flat sign will have a metal face, wood nailing strips, wood band and moulding; that goosenecks will be added for illumination; that the sign was originally constructed without the goosenecks and set at 8 ft. 4 in. above the sidewalk level; that the sign will advertise the merchandise sold on the premises and will not be visible from the Fair Grounds; and

WHEREAS, in the opinion of the board, this sign is an illuminated sign as defined in the Administration Code.

Resolved, that the decisions of the borough superin-

tendent, in acting on Alt. Applic. No. 3200-38 and Alt. Applic. No. 3201-38, be and they hereby are *modified,* and that the appeal be and it hereby is *granted, on condition* that the signs shall not exceed the area shown on the plans filed with this appeal; that no portion of either sign shall be nearer than 10 ft. to the sidewalk level; that the flat sign shall not extend beyond the building line for a distance of more than 4 inches; that the right angle sign shall not extend beyond the building line for a distance of more than 8 ft.; that the electrical equipment shall be installed in accordance with the rules of the Department of Water Supply, Gas and Electricity and approved by them.

394-38-A.

APPLICANT—M. B. Albert, for Maurel, Inc., lessee.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—210-13 Northern boulevard, north side, 50 ft. east of 210th street (Block No. 6281, Lot No. 1), Bayside, Borough of Queens.

APPEARANCES—

For Applicant: M. B. Albert.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(394-38-A)

WHEREAS, M. B. Albert, for Maurel, Inc., lessee, filed May 23, 1938, an appeal from a decision of the borough superintendent, affecting premises 210-13 Northern boulevard, north side, 50 ft. east of 210th street (Block No. 6281, Lot No. 1), Bayside, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated May 19, 1938, re Alt. Applic. No. 3532-38, reads:

"The extension of frame business building located with the fire limits is contrary to Section 4.1.5".

and

WHEREAS, the building is two stories, 34 ft. front on Northern boulevard, 71 ft. 9 in. at the rear, 40 ft. in depth, of frame construction. The extension in question is located at the rear and constitutes the 2nd story, it is 10 ft. by 15 ft. irregular in area. The premises are located in a business use district and occupied as follows: 1st floor—dining room, 2nd floor—storage, for which certificate of occupancy No. 56043 was issued on June 25, 1937 on Application No. 1125-1937 for refreshment stand and dining; and

WHEREAS, the applicant contends that at the time of the erection of the extension he did not know that it was neeessary to seeure a permit for the erection of such a small structure; that the building is not equipped with a cellar and it is necessary to have this additional area for storing summer furniture in the winter and winter sash in the summer and that it would be a great hardship to lose the money which has been expended on the extension.

Resolved, that the decision of the borough superintendent, in acting on Alt. Applic. No. 3532-38, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* to permit the second story frame extension of the building as permitted under Application No. 1125-37, *on condition* that the extension shall not exceed a gross area of 200 sq. ft. and shall not exceed 10 ft. in height; that the exterior stair for entrance thereto, may be eonstructed and that the use of this building shall be for storage only in conjunetion with the present restaurant.

397-38-A.

APPLICANT—David Millman, for Minnie Wexler, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED — 782-784 Saratoga avenue, southwest eorner of Livonia avenue (Block No. 3582, Lot No. 32), Borough of Brooklyn.

APPEARANCES—

For Applicant: David Millman.

For Administration: S. Cohen, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(397-38-A)

WHEREAS, David Millman, for Minnie Wexler, owner, filed May 23, 1938, an appeal from a decision of the acting borough superintendent of buildings, affecting premises 782-784 Saratoga avenue, southwest corner of Livonia avenue (Block No. 3582, Lot No. 32), Borough of Brooklyn; and

WHEREAS, the decision of the acting borough superintendent, dated May 23, 1938, re. Applic. No. 5624/38, reads:

"Proposed occupancy change 2nd floor from dentist office to beauty parlor disapproved due to the fact that conditions as required, exits, floor loads, etc. do not comply with the requirements of code for a business occupancy."

and

WHEREAS, the building is two stories, 24 ft. in height, 20 ft. by 100 ft. in area at 1st story, 20 ft. by 60 ft. in area above, of brick construetion, erected in 1925, located in a business use district and occupied since 1934 as follows: Cellar—storage; 1st floor—restaurant, stores and bake oven; 2nd floor—2 families and dentist's office. It is proposed to change the occupancy of the second story to two families and a beauty parlor. Certificate of occupancy No. 36521 was issued November 13, 1925 for three stores and two families; and

WHEREAS, the applicant contends that the adjoining buildings on the south are of the same height, with the front portions of the second floor occupied by a chiropodist and a watch repair business and by a dress shop; that ever since the erection of the building it has been difficult to keep tenants for the apartments on the second floor, due to the noise of the trains on the elevated structure; that some time ago several partitions on the second floor were removed to create one large room approximately 19 ft. 0 in. by 25 ft. 0 in. which was used as a dentist's office; that this is the portion for which the beauty parlor use is requested; that the beauty parlor occupies an area smaller than that originally provided for one of the two families on the second floor; that the facilities for treatment are therefore limited, and so are the number of persons which can be accommodated at any one time. Under such circumstances, the allowable floor load of 40 lbs. per square foot will never be exceeded, and no necessity for reinforcing the floor exists. From the practical viewpoint, it would be a difficult job to reinforce the floor, as the stores below are occupied by tenants under lease and cannot be entered upon for such a purpose; that the second floor is served by a 3 ft. 0 in. wide stairs enclosed in a stud partition covered with ½ in. plaster boards and plaster, which complied with the old eode requirements for fire-retarding, and are ample for the number of customers whieh could be accommodated by the beauty parlor.

Resolved, that the decision of the acting borough superintendent, in acting on Applic. No. 5624/38, be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that the equipment for the proposed beauty parlor shall not exeeed the struetural eapacity of the existing floor; that this variance shall apply only to the beauty

parlor as herein proposed and shall not be deemed to apply to any other business occupancy that may be proposed for the second story.

402-38-A.

APPLICANT—H. F. Seitz, for Jeanette Hoppe and Rose V. Spiess, lessees.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—138-12 Northern boulevard, south side, 76.65 ft. east of Union street (Block No. 830, Lot No. 24), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Henry F. Seitz, R. B. O'Connor and W. J. Hess.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(402-38-A)

WHEREAS, H. F. Seitz, for Jeanette Hoppe and Rose V. Spiess, lessees, filed May 25, 1938, an appeal from a decision of the borough superintendent of buildings, affecting premises 138-12 Northern boulevard, south side, 76.65 ft. east of Union street (Block No. 830, Lot No. 24), Flushing, Borough of Queens; and

WHEREAS, the decision of the borough superintendent of buildings, dated May 20, 1938, reads:

"Your application for a certificate of occupancy, on behalf of Jeannette Hoppe and Rose V. Spiess, for restaurant on first floor of premises 138-12 Northern boulevard, Flushing, is hereby *denied,* for the following reasons:

1. Change of occupancy does not conform to the provisions for the proposed new occupancy, as per section 2.1.3.5 of the building code.
2. Use of frame building within the fire limits for business purposes is contrary to section 4.1.2 of the building code."

and

WHEREAS, the building is two stories and attic, 30 ft. in height, 37 ft. by 45 ft. 6 in. in area, of frame construction, erected about 1850, located in a business use district and occupied since January 1, 1938, as follows: Cellar—storage; 1st floor—dwelling; 2nd floor—dwelling. It is proposed to change the occupancy of the first floor to restaurant—46 persons; and

WHEREAS, the applicant contends that the present building occupies approximately 25% of the lot, setting back from the building line 30 ft. 0 in. and easily accessible from all sides in case of fire, as indicated on plot plan; that the construction of the outer walls is heavy oak framing with 4 in. brick fill between the studs, rendering it somewhat fire resistant and in a better category than a frame structure as classified in article 3, section 3.2 of the building code; that it is not the intention to change or alter the present building, but merely to change the occupancy of the first floor from a dwelling to a tea room.

Resolved, that the decision of the borough superintendent, dated May 20, 1938, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* waiving the requirements of the building code as to section C-26-247.0 (4.1.2) as to the use of the frame building, *on condition* that the business occupancy shall be restricted to the first floor and that in all other respects the requirements of the building code shall be complied with, and granted only so long as the building is occupied for the use as proposed and is not increased in height or area.

403-38-A.

APPLICANT—H. G. Vogel Company, for Adolf Goebel, Inc., owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—321-333 Johnson avenue, north side, 394 ft. 1 in. west of Bogart street (Block No. 3056, Lot No. 224), Borough of Brooklyn.

APPEARANCES—

For Applicant: F. R. de Montmorency.

For Administration: Inspector Maher, Fire Department and S. Cohen, Department of Housing and Buildings.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(403-38-A)

WHEREAS, H. G. Vogel Company, for Adolf Goebel, Inc., owner, filed on May 23, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, effecting premises 321-333 Johnson avenue, north side, 394 ft. west of Bogart street (Block No. 3056, Lot No. 224), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent on App. No. 5775-38, dated May 10, 1938, reads as follows:

"1. (a) Obtain permission of Board of Standards and Appeals to omit sprinklers in basement. 57-37-S.

"(b) Obtain permission to omit sprinklers in boiler-room, coolers and wet process rooms. 57-37-S.

"4. 528 heads on single dry pipe valve (type A) excessive. 15.31.8.

"5. Show a detail of ceiling construction re spacing and location of heads. 15.18."

and

WHEREAS, the building is one and two stories in height, 124 ft. by 200 ft. in area, partly of frame, partly nonfireproof and partly fireproof construction; located in an unrestricted use district and occupied as follows: Cellar—hide storage, 6 persons; 1st floor—engine and boiler room, 26 persons; 2nd floor—coolers, storage, offices and slaughter rooms, 26 persons; for which Certificate of Occupancy 86174 was issued February 16, 1938; and

WHEREAS, applicant contends that the floor of the basement story is always wet and the atmosphere is damp; that there is nothing of an inflammable nature in this story; that as to the 1st story, the cooler rooms are of fireproof construction, used for the storage of meat; that the atmosphere is wet and damp, that sprinkler protection is provided inside cooler rooms at each door opening; that the bull pen is of open joist nonfireproof construction and will be provided with a dry pipe automatic sprinkler system with heads spaced according to the conventional stagger, commonly used under open joist ceilings, instead of the progressive stagger, as required by Section 15.18.3 BC; that in a few minor cases in the main building, heads have been spaced on wood sheathing on joists and on open joists in the conventional stagger system. A dry pipe valve (Type A) provided with an accelerator device having a capacity of 528 heads is not excessive and is permissible under Section 15.31.8 BC.

Resolved, that the decision of the borough superintendent, acting on Applic. No. 5775-38, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* permitting the omission of the sprinkler heads in the boiler room, cooler rooms, wet process rooms and similar rooms, as approved by the New York Fire Insurance Exchange, *and permitting* the proposed 528 heads to be on a single dry pipe valve, provided the requirements of Rule 39 of the Sprinkler Rules of the Board of Standards and Appeals, having application to this factory building, are complied with; that the sprinkler spacing may be approved

if same complies with the Sprinkler Rules of the Board of Standards and Appeals as to joisted and smooth ceilings; that in all other respects, the requirements of the resolution of the board under Cal. No. 57-37-S shall be complied with.

410-38-A.

APPLICANT—William W. Schwartz, for Exner Sand & Gravel Corporation, owner.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—880 Zerega avenue, east side, 236.15 ft. south of Quimby avenue (Block No. 3704, Lot No. 1), Borough of The Bronx.
APPEARANCES—
For Applicant: William W. Schwartz.
For Administration: M. Theide, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(410-38-A)

WHEREAS, William W. Schwartz for Exner Sand and Gravel Corporation, owner, filed on May 26, 1938, an appeal from a decision of the borough superintendent of buildings, Department of Housing and Buildings, affecting premises 880 Zerega avenue, east side, 236.15 ft. south of Quimby avenue (Block No. 3704, Lot No. 1), Borough of The Bronx; and

WHEREAS, the decision of the borough superintendent on N.B. Application No. 157-1938, dated May 25, 1938, reads:

"1. As building exceeds 15,000 sq. ft. in area and 30 ft. in height, same is contrary to section C26-254.0 of the Administrative Code, in reference to Class 5, metal buildings."

and

WHEREAS, the proposed building will be 1 and 5 stories, 20 ft. and 85 ft. in height, 66 ft. 11 in. by 203 ft. 8 in. in area, of metal construction (Class 5), located in an unrestricted use district and occupied as follows: Sand, gravel and slag screening and storage, 2 persons; and

WHEREAS, the applicant contends that the exterior walls will be constructed of structural steel and 18 gauge corrugated sheet steel and the floors of slow burning mill construction, composed of 6 in. by 10 in. timbers supported on steel girders and 3 in. plank flooring, splined; that the screening and filling of bins will be done automatically by machinery; that 76% of the area of the building will be 20 ft. high, and 24% will be 85 ft. high, composed of two towers over storage bins; that the proposed use for the storage of building materials should place this building under Class 6 of section C26-254.0 of the Administrative Code, which would allow greater heights and areas than Class 5; that the material stored is non-combustible.

Resolved, that the decision of the borough superintendent in acting on N.B. Applic. No. 157-38 be and it hereby is *modified* and that the application be and it hereby is *granted, on condition* that the building shall not exceed in area and height that shown on the plans filed with N.B. Application 157-38 and, *granted* only so far as it shall be used for the purpose herein specified, as a plant for sand and gravel and that no portion of the building shall be nearer than 20 ft. to either side lot line: that in all other respects all laws, rules and regulations applying to this building and occupancy shall be complied with.

413-38-A.

APPLICANT—Arnold W. Lederer, for Morris Mordecai Savetsky, lessee.
SUBJECT—Appeal from an order and a decision of the fire commissioner.
PREMISES AFFECTED—486-488 Alabama avenue and 542-552 Livonia avenue, southwest corner (Block No. 819, Lot No. 28), Borough of Brooklyn.
APPEARANCES—
For Applicant: Arnold W. Lederer.
For Administration: Inspector Meyer, Fire Dept.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(413-38-A)

WHEREAS. Arnold W. Lederer for Morris Mordecai Savetsky, lessee, filed May 27, 1938, an appeal from an order and a decision of the fire commissioner affecting premises 486-488 Alabama avenue and 542-552 Livonia avenue, southwest corner, (Block No. 819, Lot No. 28), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, No. 71327-LC, dated May 25, 1938, reads as follows:

"In answer to your request, please be advised that this department does not rescind an order and reissue it so that it may be taken to the Board of Standards and Appeals, when you have exceeded the time limit in which to file your appeal.

However, we have been advised that the Board of Standards and Appeals will accept a letter from this department as the basis for an appeal. For that purpose, this communication is forwarded and will certify that order No. 71327-LC, was issued against Morris Savetsky and reads as follows:

"1. You are, therefore, ordered to reduce the storage of empty barrels and boxes to less than 2,000 cubic feet."

and

WHEREAS, the building is one story, 22 feet in height, 80 ft. by 100 ft. in area of non-fireproof construction, situated in a business use district; erected in 1915 and occupied since 1929 as follows: Storage of crates and fruit boxes and fruit store—2 persons; for which certificate of occupancy No. 4439 was issued November 30, 1933, permitting the building to be used for storage warehouse; and

WHEREAS, the applicant contends that a permit has been withheld, because the building is within 50 feet of a place of public assembly (motion picture theatre); that there is a side yard of 19 feet separating the building in question from the theatre building; that the wall facing the theatre is unpierced; that it is requested that 10,000 cubic feet be permitted to be used for storage of crates, none of such crates to be stored within 50 feet of the theatre building.

Resolved, that the order of the fire commissioner, No. 71327-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted,* waiving the requirements of the Administrative Code C 19-150, *on condition* that the rear wall of this building shall be unpunctured; that the side walls north and south shall be unpunctured, except for any windows now existing in the north, which shall be protected with fireproof, self-closing sash; that the ceilings throughout shall be protected with a metal ceiling, which shall be maintained in good condition at all times; that there shall be no openings in the roof; that an aisle shall be maintained at all times through the center of the space from east to west; that such portable fire extinguishers shall be installed as the Commissioner shall direct.

418-38-A.

APPLICANT—Winsale Drug Company, lessee.
SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—210-216 Taaffe place, west side, 20 ft. 6 in. south of Willoughby avenue (2nd floor); (Block No. 1924, Lot No. 28), Borough of Brooklyn.
APPEARANCES—
For Applicant: David N. Weinberg.
For Administration: Inspector Meyer, Fire Dept.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(418-38-A)

WHEREAS, Winsale Drug Company, lessee, filed on May 25, 1938, and appeal from an order of the fire commissioner affecting premises 210-216 Taaffe place, west side, 20 ft. 6 in. south of Willoughby avenue (second floor), (Block No. 1924, Lot No. 28), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, No. 74673-LC, dated March 16, 1938, reads as follows:

"With reference to application dated March 7, 1938, for a permit to store chemicals and drugs to be used in wholesale drug store and chemical supply house please be advised that this department is without power to grant such a permit for the reason that a recent inspection shows that the premises are occupied as a tenant factory, a violation of chapter 19, title C, part 1, article 24, which reads as follows:

'No permit shall be issued for a wholesale drug store or chemical supply house in a building which is occupied as workship or factory, except such workshop or factory is incident in the business of the applicant; or except in buildings constructed of fire-resisting materials throughout, and when the portion of such building occupied by the applicant is separated from the rest of the building by fireproof walls and floors.'

You are therefore ordered to remove all drugs and chemicals from the above premises, and discontinue the maintenance of a wholesale drug store or chemical supply house on said premises."

and

WHEREAS, in a decision dated April 27, 1938, the fire-commissioner refuses to rescind and re-issue the order in question; copy of said decision is filed with this appeal; and

WHEREAS, the building is 5 stories and basement in height, 52 ft. by 83 ft. in area of mill construction, located in a business use district and erected in 1909 and occupied since some time in 1925 as follows: 1st floor, bottling wine and National Steel Company, 16 persons; 2nd floor, drug storage and trading office, 45 persons; 3rd floor, vacant; 4th floor, knitting mills and curtain cleaning, 135 persons; 5th floor, knitting mills and manufacturing, 65 persons; and

WHEREAS, the applicant contends that it is engaged mainly in the repacking of merchandise purchased in bulk, and sold to retailers in small quantities; that about 75% of the business is repacking epsom salts, bicarbonate of soda, boric acid and other dry household drugs of a non-combustible nature; that another 20% is represented in bottling liquids such as witch hazel, peroxide, mineral oil and cod liver oil, the total amount of drums and barrels at one time on the premises being usually about 5-7, depending on the season; that otherwise, the actual manufacturing comprises about 5% of the business, and for that reason, the amount of chemicals that might be hazardous, is purchased in very small quantities; that as a matter of fact, it carries much less than the maximum amount allowed for a retail drug store; that the following chemicals are kept on the premises: acid carbolic, 1 lb.; acid hydrochloric, 7 lbs.; acid sulphuric, 1 lb.; acetone, 1 lb.; essential oils, 100 lbs.; glycerine, 5 gallons; camphor, 1 lb.; sulphur, 100 lbs.

Resolved, that the decision and order, No. 74673-LC, of the fire commissioner be and they hereby are *modified* and that the appeal be and it hereby is *granted*, to permit the occupancy as described, *on condition* that the chemicals shall be limited to the quantities therein stated; that the sprinkler system shall be maintained to the satisfaction of the administrative official and shall be in compliance with the sprinkler rules of the Board of Standards and Appeals; that all laws, rules and regulations shall be complied with throughout the building other than as modified by this board under Cal. Nos. 819-17-S, 177-22-S and 203-29-S.

420-38-A.
APPLICANT—Charles P. Cannella, for The 545-567 President Street Corporation, owner.
SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—545-567 President street, north side, 180 ft. west of Fourth avenue (Block No. 441, Lot No. 42), Borough of Brooklyn.
APPEARANCES—
For Applicant: Charles P. Cannella.
For Administration: S. Cohen, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(420-38-A)

WHEREAS, Charles P. Cannella, for The 545-567 President St. Corporation, owner, filed on May 27, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, affecting premises 545-567 President street, north side, 180 ft. west of 4th avenue (Block No. 441, Lot No. 42), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent on Applic. No. 6942-38, dated May 24, 1938, reads:

"1. Sprinkler system required for Class III buildings exceeding 7,500 sq. ft. Section 4.2.1."

and

WHEREAS, the proposed building will be one story, 27 ft. 4 in. in height, 224 ft. by 95 ft. in area, of nonfireproof construction; located in an unrestricted use district and occupied as follows: Cellar—boiler room; 1st floor—freezing tank and ice storage, 8 employed throughout the building; and

WHEREAS, the applicant contends that the floor is subdivided into two sections by a 12-in. brick wall provided with one door opening, equipped with an approved Underwriters fireproof self-closing door; that the brick wall separates the ice storage room, which is 6,241 sq. ft. in area and the freezing tank room, which is 12,974 sq. ft. in area; that due to the nature of the manufacturing there is no fire hazard; that it is therefore respectfully requested that the board grant a variation so as to waive the requirements for a sprinkler system in the freezing tank room; and

WHEREAS, the board deemed, the subject to proper conditions, the requirement for a sprinkler system could be waived in view of the type of occupancy as an ice plant.

Resolved, that the decision of the borough superintendent in acting on Applic. No. 6942-38, be and it hereby is *modified* and that the appeal be and it hereby is *granted*, waiving the requirements of section 4.2.1, *on condition* that the building shall not be increased in height or area; that all walls on the interior lot line shall be unpunctured; that

the roof shall be surfaced with noninflammable roof surfacing; that any skylights in the roof shall be constructed of metal frames, glazed with wire glass without louvres or any other openings; and, *granted* only so long as this building is used for the purpose proposed, ice manufacturing and storage plant.

421-38-A.

APPLICANT—Henry Nordheim, for Mary Dermengian, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—1699 Nelson avenue, west side, 175 ft. north of Brandt place (Block No. 2876, Lot No. 142), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry Nordheim.

For Administration: M. Harris, Department of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(421-38-A)

WHEREAS, Henry Nordheim, for Mary Dermengian, owner, filed on May 27, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, affecting premises 1699 Nelson avenue, west side, 175 ft. north of Brandt place (Block No. 2876, Lot No. 142), Borough of The Bronx; and

WHEREAS, the decision of the borough superintendent on Alt. Applic. 277-38, dated May 24, 1938, reads as follows:

"2. Provide proper fire escape front and rear for new front and rear apartments. Sections 232 and 145, Multiple Dwelling Law."

and

WHEREAS, the building is three stories, 34 ft. in height, 20 ft. 6 in. by 60 ft. in area, of non-fireproof construction, located in a residence use district; erected in 1910 and occupied as follows: Cellar—storage and reception room; 1st, 2nd and 3rd floors—apartments; and

WHEREAS, the applicant contends a modification is not requested, but rather consistent action upon the part of the Division of Buildings with past action by the Division of Housing in comparative cases; that the question here is that of placing a fire escape in a side court of a three-story tenement, to provide a second means of egress for two apartments on the second floor and two on the third; that the building is a new law tenement and has one apartment per floor at present with a Davy Pat. fire escape on the second and third floors; that the owner feels it would be an injustice to require that the small front of the building be defaced with an iron balcony, in view of the fact that the side court fire escape would serve the same purpose and has been permitted on other buildings; that the width of the court to contain this fire escape is 4 ft. 6 in. wide and immediately adjoining is a court also 4 ft. 6 in. wide, thus together there is a space between the buildings of 9 ft. and it has been the policy of the Division of Housing, where such conditions prevail, to permit fire escapes in a side court when the building did not exceed three stories and both these buildings forming the court are only three stories; that to provide a fire escape at front and at rear of building entails a considerable expense, in view of the fact that the rear yard level is the same as the cellar floor, thus requiring an extra balcony at the first story and an extra stairway. It is contended by the superintendent that section 145 requires fire escapes, when provided to be placed only on front and rear walls of new law tenements; and

WHEREAS, the board deemed that the application involved a modification of the minimum requirements of the Multiple Dwelling Law, which the board is without power to grant.

Resolved, that the decision of the borough superintendent in acting on Alt. Applic. 277-38 be and it hereby is *affirmed* and that the appeal be and it hereby is *denied*.

417-38-A.

APPLICANT—Thomas W. Lamb, Inc., for 44 Beaver St. Corporation, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—14-26 South William street, north side, 154 ft. west of Broad street (Block No. 29, part of Lot No. 73 and Lot Nos. 86, 88, 89, 90, and 91), Borough of Manhattan.

APPEARANCES—

For Applicant: Harry Williams and John McNamara.

For Administration: Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(417-38-A)

WHEREAS, Thomas W. Lamb, Inc., for 44 Beaver Street Corporation, owner, filed May 23, 1938, a decision of the borough superintendent of buildings, affecting premises 14-26 South William street, north side, 154 ft. west of Broad street (Block No. 29, Lot Nos. 86, 88, 89, 90 and 91 and part of Lot No. 73), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated April 26, 1938, re. N.B. Applic. No. 37-38, reads as follows:

"9. Comply with 10.7.3 Building Code for wall openings protection."

and

WHEREAS, the proposed building will be one story and basement, 14 ft. in height, 142 ft. 7 in. by 86 ft. 3½ in. in area, of fireproof construction, located in the unrestricted use district and occupied as follows: Cellar—auto parking —48 cars; 1st floor—storing 42 cars; roof—storing 51 cars; and

WHEREAS, the applicant contends that the proposed structure does not come under the definition of a garage which is a "building" within which automobiles are stored; that there is no provision in the building code or any other ordinance requiring parking spaces to be enclosed; that in this case, because of the three tier construction, it is necessary to build walls below the grade to hold back the banks and to receive the piers and columns supporting the two upper tiers; that at the ground level, a curb wall is provided to outline the parking area, also piers and columns to support the upper tier; that at the upper tier, a protective parapet wall is provided all around the structure; that it is submitted, that since this structure is intended to be, and is in fact, an open air parking space, no enclosure walls are required, and that the open spaces between spandrels do not constitute door or window openings and therefore do not come under the requirements of section 10.7.3 as stated in the objection of the building superintendent; and

WHEREAS, in the opinion of the board, the proposed building should be classified as a non-storage garage; and

WHEREAS, the requirements of the building code as to protection of exterior openings, do not apply to this building inasmuch as it is not to exceed 40 feet in height.

Resolved, that the decision of the borough superintendent in acting on N.B. Applic. No. 37-38 be and it hereby is

modified and that the appeal be and it hereby is *granted, on condition* that in all other respects all laws, rules and regulations as to the construction of this building and its occupancy shall be complied with.

445-38-A to 457-38-A inclusive.

APPLICANT—Harry Maslow, for International Construction Co., Inc., owner.

SUBJECT—Appeals from decisions of the borough superintendent of buildings.

PREMISES AFFECTED—198-15, 198-19, 198-21, 198-25, 198-29, 198-33 27th avenue, northwest corner of 200th street (Block No. 5967, part of Lot No. 1), 199-22, 199-26, 199-30, 199-34, 199-38 28th avenue, southwest corner of 200th street (Block No. 5971, part of Lot No. 1) and 26-17 and 26-23 Utopia parkway, northeast corner of 27th avenue (Block No. 5967, part of Lot No. 1), Bayside, Borough of Queens.

APPEARANCES—

For Applicant: Alexander Muss and Harry Maslow.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeals granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(445-38-A to 457-38-A inclusive)

WHEREAS, Harry Maslow for International Construction Co., Inc., owner, filed June 3, 1938, appeals from decisions of the borough superintendent of buildings, affecting premises 198-15, 198-19, 198-21, 198-25, 198-29, 198-33 27th avenue, northwest corner of 200th street (Block No. 5967, part of Lot No. 1), 199-22, 199-26, 199-30, 199-34, 199-38 28th avenue, southwest corner of 200th street (Block No. 5971, part of Lot No. 1) and 26-17 and 26-23 Utopia parkway, northeast corner of 27th avenue (Block No. 5967, part of Lot No. 1), Bayside, Borough of Queens; and

WHEREAS, the decisions of the borough superintendent, dated June 3, 1938, re N.B. Applic. Nos. 3733-38 to 3745-38 inclusive, read as follows:

"The erection of a frame building within the fire limits is contrary to Section 4.1.2 of the Building Code".

and

WHEREAS, the premises consist of various plots of ground 35 ft. by 100 ft. and 40 ft. by 100 ft., irregular in area, located in a residence, "C" area district, upon which it is proposed to erect one and two story frame dwellings each with a garage, each dwelling to be occupied by one family; and

WHEREAS, the applicant contends that a petition to change the area to a residence "D" area is now pending before the City Planning Commission; that as this is the height of the building season, the necessary delay occasioned by awaiting action of the City Planning Commission will result in a severe financial loss; that the proposed buildings are substantially the same as buildings erected on adjoining plots under the old Building Code; that to comply with the Code would increase construction cost to such a degree that they will not be able to compete with other builders in the community; that it is difficult to achieve the architectural effects planned by using solid brick construction; that the buildings have been designed and so located on the block so as to minimize the fire hazards; that it is proposed to construct the buildings of brick veneer to the first tier, stucco and decorative timber for the second story; that the roofs will be covered with slate; and that the garages will be of brick veneer with slate roofs.

Resolved, that the decisions of the borough superintendent in acting on N.B. Applic. Nos. 3733-38 to 3745-38 inclusive, be and they hereby are *modified* and that the appeals be and they hereby are *granted, on condition* that the buildings shall comply with the requirements of the building zone resolution as to an "E" area district with the additional requirement that there shall be a side yard not less than four (4) ft. in width on either side of the house, except that one of each such side yards may be occupied at the rear by the garage and that any exterior chimney breasts extending into the required four (4) ft. side yard may extend for a distance of not more than two (2) ft. in depth and except that on any lot which is a corner lot, the required setback on one street may be not less than four (4) feet, but permitting the garage to occupy a portion of such setback space.

218-37-A.

APPLICANT—Samuel Israel for Sarah Goldstein, present owner.

SUBJECT—Appeal from decision of the commissioner of buildings.

PREMISES AFFECTED—1354 Jefferson avenue (1358 displayed), east side, 100 ft. south of Knickerbocker avenue, (Block No. 3391, Lot No. 26), Borough of Brooklyn.

APPEARANCES—

For Applicant: Samuel Israel and Max Hirsch.

For Administration: S. Cohen, Department of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and preamble of resolution amended.

THE VOTE TO REOPEN AND AMEND PREAMBLE OF RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(218-37-A)

WHEREAS, Max Hirsch, for Morris Goldstein, owner, filed May 13, 1937, an appeal from a decision of the commissioner of buildings, affecting premises 1354 Jefferson avenue (1358 displayed), east side, 100 ft. south of Knickerbocker avenue (Block No. 3391, Lot No. 26), Borough of Brooklyn; and

WHEREAS, the decision of the commissioner of buildings, dated May 11, 1937, re. Alt. Applic. No. 20777-1936, reads:

"1. Frame extension at rear in violation of section 56, M.D.L.

10. Provide brick wall for garage at building, section 60, S.D. 3, M.D.L."

and

WHEREAS, the owner was found guilty and sentence suspended on a charge of violating section 719b of the Charter in Municipal Term, Magistrate's Court, Brooklyn, on March 16, 1937, which prosecution antedates the decision hereto appealed from; and

WHEREAS, the premises in question consists of a two-story and basement, non-fireproof building, 30 ft. 2 in. in height, 20 ft. by 64 ft. in area on the first floor and 20 ft. by 55 ft. in area above, which it is proposed to occupy as follows: Cellar—storage; part of basement—one family; first floor and part of basement—one family; second floor—one family—total three families; and

WHEREAS, the building is now occupied as follows: Cellar—storage; basement and first floor—one family; second floor—one family—total two families. It is proposed to increase the number of families in the building from two to three by partitioning off the new kitchen and bedroom in front of the basement, as shown on plans; partitions are to be of wood studs covered with ½ inch plaster boards and plaster on both sides; the garage in question is located on the same lot at the front, imme-

diately north of the building in question, as shown on plans; and

WHEREAS, the applicant contends as to item No. 1 of the decision appealed from that although there is a one story 12 ft. by 9 ft. frame extension at rear of building in basement floor, it cannot be construed that this building is a frame building, because this building is 100% brick on 2d floor, 100% brick on 1st floor and 90% brick on basement floor, that the walls are 12 in. brick, that sec. 56 M.D.L. prohibits frame buildings to be converted to three (3) family dwellings, but that this cannot be considered a frame building; and

WHEREAS, the applicant contends as to item 10 of the decision that there is a 12 in. unpierced brick wall between private garage and building, that this private garage has been existing prior to April, 1929, that this garage is at side of building with front doors facing street and that this is an existing condition; and

WHEREAS, the board is without power to vary the Multiple Dwelling Law; and

WHEREAS, *the applicant filed May 20, 1938, another application (Cal. No. 391-38-A), affecting these premises, which application was withdrawn June 7, 1938; and*

WHEREAS, *the purpose of the filing of Cal. No. 391-38-A, which has been withdrawn as of this date, was to permit the applicant to correct the statement made in this application, that the building was being occupied by two families only.*

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed*, and that the appeal be and it hereby is *denied.*

Resolved further, that nothing in this resolution or in the statement of facts attached thereto, shall in any way be deemed to interfere with the exercise of the administrative function of the borough superintendent in connection with section 170 of the Multiple Dwelling Law.

VARIATIONS OF LABOR LAW

395-38-S.

APPLICANT—Walter S. Schneider, for Nom Wah Restaurant & Baking Co., lessee.

SUBJECT—Variation of the labor law as cited in an order and a decision of the Commissioner of Department of Health.

PREMISES AFFECTED—15 Doyers street, west side, 89.5 ft. south of Pell street (Block No. 162, Lot No. 26), Borough of Manhattan.

APPEARANCES—

For Applicant: B. Friedman.

ACTION OF BOARD—Laid over to June 14, 1938, at 2 P. M., on request of applicant's representative.

225-38-S.

APPLICANT—Richard Steinberg, for Stouffer Fifth Avenue, Inc., lessee.

SUBJECT—Variation of the labor law as cited in an order and a decision of the Board of Health of the Department of Health.

PREMISES AFFECTED—538-540 Fifth avenue, west side, 50 ft. south of West 45th street (Block No. 1260, Lot No. 38), Borough of Manhattan.

APPEARANCES—

For Applicant: R. W. Steinberg.

For Administration: A. E. Abrahamson and E. Kushel, Department of Health.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(225-38-S)

WHEREAS, Richard Steinberg, for Stouffer Fifth Avenue, Inc., lessee, filed on April 4, 1938, an application for a variation of the Labor Law, as cited in an order and a decision of the Department of Health, affecting premises 538-540 Fifth avenue, west side, 50 feet south of West 45th street (Block No. 1260, Lot No. 38), Borough of Manhattan; and

WHEREAS, the order of the Department of Health, dated March 4, 1938, reads as follows:

> "1. Cellar bakery is 16 steps below street level and approximately 60 feet from the building line. No windows. Exemption required.
>
> 2. Certificate of occupancy from building department needed."

and

WHEREAS, the decision of the Department of Health, dated March 25, 1938, reads as follows:

> "In reply to your request for a letter stating the violation found on the inspection made upon the application for a sanitary certificate for a basement bakery at the above address, please be advised that the inspection of March 4, 1938, indicated that 'the cellar bakery is sixteen steps below the sidewalk level, about 60 feet away from the building line, with no windows provided.'"

and

WHEREAS, the building is five stories and penthouse, 76 feet, in height, 50.5 ft. by 100 ft. in area at 1st floor and 50.5 ft. by 90 ft. in area above; erected in 1902 and altered in 1937 for the following occupancy: Cellar—restaurant, kitchen, 50 persons; 1st floor—restaurant, 234 persons; mezzanine restaurant, 116 persons; 2nd floor—restaurant, 250 persons; 3rd, 4th and 5th floors, offices and display rooms, 20 persons each floor; penthouse studio, 20 persons. The bakery is 9 ft. 6 in. in the clear and is located entirely below curb and ventilated by a mechanical exhaust system; and

WHEREAS, the applicant contends that it is necessary to meet constant demand for some of the bake goods to be sold over the counter; that sanitary conditions are such as fulfill the spirit of the law.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the labor law as to cellar bakeries, and that the application be and it hereby is *granted*, modifying the decisions of the Department of Health, and that a certificate of exemption shall be issued, *on condition* that the existing ventilating system shall be extended to the women's locker room and that larger and higher speed motors shall be installed on the intake and exhaust lines, so as to provide a 20 per cent. increase over the former existing change of air; that such ventilating system shall be maintained in operation at all times while the bakery is in use; that if any additional baking ovens or cooking ranges are installed, the ventilating system shall be proportionately increased; and, *granted* only so long as the amount of baked goods sold to the public from the premises shall be supplementary to the main business of the restaurant on the premises.

APPLIANCES SUBMITTED FOR APPROVAL

1026-22-SA.

APLICANT—Davis, Wagner, Heater and Hallett, for The Anthony Company, owner.

SUBJECT—Application for consideration—reopening and amendment—re. Anthony Nebulyte Oil Burner.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application reopened and referred to engineer of board.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commission-

ers Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

108-34-SA.
APPLICANT—Westchester Home Equipment Co., Inc., owner.
SUBJECT—Application for reopening—change of name—re Wheco Oil Burner.
APPEARANCES—
For Applicant: Joseph Rezak.
ACTION OF BOARD—Application reopened and resolution amended.
THE VOTE TO REOPEN AND AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(108-34-SA)

WHEREAS, Westchester Home Equipment Co., Inc., owner, filed April 20, 1934, an application with the Board of Standards and Appeals, for approval of the device known as the Wheco Oil Burner; and

WHEREAS, the device was submitted to the engineer of the board and the bureau of combustibles of the fire department for test and report; and

WHEREAS, the report of the engineer of the board and of the representatives of the bureau of combustibles, approved by the assistant chief of department in charge of bureau of combustibles, was substantially as follows:

This burner is of the mechanical draft pressure atomizing type, and consisted of the following parts:

A Jenette electric motor, 1/6 H.P.; a Jenette blower; Webster fuel unit consisting of pump, strainer and regulating valve; Webster Transformer; Cuno filter and Monarch nozzle. The burner also is made up at times with a 1/8 H.P. Jenette motor and blower.

Controls—Protecto-relay Type R-117-3; Pressuretrol type L-404-2, manufactured by the Minneapolis Honeywell Company.

Ignition—Electric.

Electrode was examined and tested and the spark was found to be of sufficient intensity and length. With oil supply shut off, burner was operated from a cold start, and on two successive tests, the Protecto-relay shut the burner down in 91 and 90 seconds, respectively. During the period of test there were no puff backs, and examination of the flame showed same to be free of soot and smoke. Combustion chamber showed no undue deposits of carbon.

This device has been approved by the Underwriters Laboratories Guide No. 310.4 File No. M. P. 939, for use with fuel oil not heavier than No. 3.

It is therefore recommended that the Wheco Oil Burner, when installed in accordance with the Fuel Oil Rules, be approved for domestic, industrial and commercial use.

and

WHEREAS, this device has been approved by the Underwriters Laboratories, Guide No. 300-10-4, File M. P. 939, for oil not heavier than No. 3; and

WHEREAS, this device was approved by the board June 13, 1934, resolution amended January 26, 1937, to include name Rasol Oil Burner, and applicant requests permission to market the device under the name Demand Oil Burner.

Resolved, that the Board of Standards and Appeals does hereby approve the device known as the Wheco Oil Burner, for use in domestic, commercial and industrial installations when used with oil not heavier than No. 3 and when installed in accordance with above report and the Oil Burner Rules of the Board of Standards and Appeals, and that this device may also be marketed under the name Rasol Oil Burner *and Demand Oil Burner, on condition* that under whichever name marketed the device shall bear a label permanently affixed thereto reading:

NOTICE
Approved by the
BOARD OF STANDARDS AND APPEALS
FOR USE IN NEW YORK CITY
UNDER CAL. NO. 108-34-SA.

MATERIALS SUBMITTED FOR APPROVAL

305-36-SM.
APPLICANT—Revere Copper and Brass Incorporated, owner.
SUBJECT—Application for consideration—reopening and amendment—re. Type "U" Revere Copper Tube.
APPEARANCES—
For Applicant: George Greer.
ACTION OF BOARD—Application reopened and resolution amended.
THE VOTE TO REOPEN AND AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(305-36-SM)

WHEREAS, the Revere Copper and Brass, Inc., owner, filed October 13, 1936, an application with the Board of Standards and Appeals for approval of their material known as the "Revere Copper Oil Burner Tubing"; and

WHEREAS, this device was submitted to a committee of the board for test and report; and

WHEREAS, the report of the committee was substantially as follows:

"A committee of the board consisting of Commissioner Savage and Engineer Huber, inspected and tested sample of Revere Copper Oil Burner Tubing (drawn tubing), submitted for approval under cal. No. 305-36-SM, for use in fuel oil installations. The material is electrolytic copper deoxidized with phosphorus, 99.8% cold drawn or soft annealed. This pipe has a thickness of .049 in. for diameter (outside) of .500, .625 and .750 in., corresponding to nominal sizes of ⅜, ½ and ⅝ in. This is standard. It is recommended that the Revere Copper Oil Burner tubing of thickness .049 be approved when marked Revere U."

and

WHEREAS, this material was approved February 2, 1937 and the applicant requested an amendment of the resolution to include sizes ¾", 1", 1¼", 1½" and 2"; and

WHEREAS, these sizes were subjected to similar tests and recommended for approval by the engineer; and

WHEREAS, this material was approved by the board May 11, 1937 and the applicant requested an amendment of the resolution to include Type U copper tubing sizes 5/16", ⅜" and 7/16" OD, all having a well thickness of .049 in.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as the "Revere Copper Oil Burner Tubing" marked Revere "U" in sizes 5/16", ⅜", 7/16" O.D. of a wall thickness .049 in. and Revere Copper Oil Burner Tubing marked Revere "K" in OD sizes ½" and ⅝" of a wall thickness of .049 in. and of a wall thickness of .065 in. and 1⅝" of a wall thickness .072 in. and 2⅛" of a wall thickness .083 in.; all tubing to be stamped with name and type every 12-14 in. for use in New York City where copper tubing of this diameter and weight is required to be used.

MINUTES

125-38-SM.

APPLICANT—Truscon Steel Company, owner.
SUBJECT—Truscon Ferrobord Steeldeck,—approval of.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Material approved in accordance with report of a committee of the board.
THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(125-38-SM)

WHEREAS, The Truscon Steel Company, filed March 1, 1938, an application with the Board of Standards and Appeals for approval of the material known as Truscon Ferrobord Steeldeck, for use as a roof decking on steel purlins and as siding on steel girts; and

WHEREAS, this matter was referred to a committee of the board the report of which committee was substantially as follows:

This material is manufactured from 20 gauge and 18 gauge steel strips run through specially constructed rollers at the plant of the Truscon Steel Company at Youngstown, Ohio. The strip fed into the rolls in flat form is shaped into a 6 inch channel shape with one edge designed to interlock with the opposite edge of the adjoining Ferrobord when placed in position. All Ferrobord are painted grey.

The committee of the board inspected and tested this material at the plant on June 4, 1938. The tests were performed in accordance with the requirements of Sec. (10.3.8 BC) C.26-347.0 Administrative Code. The loads were applied at the third point. The result of the tests were as follows:

Test No. 1—Ferrobord deck—20 gauge 1¼ in. in depth, consisting of four sheets 8 ft. long, mounted on a structural steel frame with a span of 6 ft. between supports. The loads were applied in increments of 200 lbs. until a total of 2100 lbs. live and dead load was reached, on the basis of a simple beam uniformly loaded over an area of 12 feet. The resulting live load taken as the ¼ fraction of the total load is 53# per sq. ft.

Test No. 2—The same type of deck with a depth of 1½ in., 8 ft. 6 inches long, similary mounted, with a span of 6 ft. 6 inches between supports. The loads were applied in increments of 200 lbs. until a total load of 2992 lbs. live and dead was reached. On the basis of a simple beam uniformly loaded over an area of 13 ft. the resulting live and dead load taken as the ¼ fraction of the total load is 73# per sq. ft.

Test No. 3—A similar deck 18 gauge 1¾ inches in depth, 9 ft. long with a span of 8 ft. between supports. The total load was 2660 lbs. live and dead load. On the basis of a simple beam uniformly loaded the live and dead load taken as the ¼ fraction of the total load is 53# per sq. ft.

In these load tests each Ferrobord was tack welded at each end to the steel frame. These welds resulted in restraining the material, which resulted in a more satisfactory decking from the point of view of rigidity.

On the basis of these tests, the maternial known as Ferrobord, manufactured in 18 and 20 gauges with vertical flanges 1¼, 1½ and 1¾ inches deep, is recommended for approval for use in New York City under (7.3.2.5) C 26-347.0 for use as roof decking for loads in accordance with the requirements of this section. When so used, each Ferrobord shall be tack-welded at each end with a weld having an effective length of ¾ inches.

The limitation of span lengths, based on horizontal roofs, shall be as follows:

1¼ in depth, 20 gauge.....6 ft. 0 inches
1¼ in. depth, 18 gauge.....6 ft. 6 inches
1½ in. depth, 20 gauge.....6 ft. 8 inches
1½ in. depth, 18 gauge.....7 ft. 0 inches
1¾ in. depth, 20 gauge..... 7 ft. 6 inches
1¾ in. depth, 18 gauge.....8 ft. 0 inches

For sloping roofs the span length may be increased in proportion to the decrease in load requirements.

It is also recommended that the material Ferrobord be approved for use as a siding for Class 5 buildings, when similarly welded to the girts on the steel frame.

All decking for use in New York City shall be labeled or marked: "Approved by the Board of Standards and Appeals, Cal. No. 125-38-SM."

(Sgd.) BERNARD A. SAVAGE,
Commissioner.
CHARLES M. BLUM,
Commissioner.
LESLIE V. HUBER,
Chief Engineer.
Committee.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as Truscon Ferrobord Steeldeck, for use as a roof decking on steel purlins and as siding on steel girts, when manufactured and used in accordance with the above report, *on condition* that all decking for use in New York City shall be labeled or marked.

APPROVED BY THE
BOARD OF STANDARDS AND APPEALS
CAL. NO. 125-38-SM.

126-38-SM.

APPLICANT—Truscon Steel Company, owner.
SUBJECT—Bar-Ox Paint RB-22 (Red) and Black Bar Joist Paint 30 B74—approval of.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Material approved in accordance with report of a committee of the board.
THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(126-38-SM)

WHEREAS, the Truscon Steel Company filed March 1, 1938, an application with the Board of Standards and Appeals for the approval under section 2.2.3 B.C. of their material known as Bar-Ox Paint RB-22 (Red) and Black Bar Joist Paint 30 B-74; and

WHEREAS, this matter was referred to a committee of the board for test and report; and

WHEREAS, the report of the committee of the board was substantially as follows:

"The Black Bar Joist Paint consists of a heavy type 55° Baume petroleum naphtha 30%, bone back or black pigment 8%, saponifiable oil (tungoil) boiled 7.5%, asphalt and resin (Gibsonite and resin) 54.5% with final color black.

Bar-Ox paint consists of pigment 42%, vehicle 58%, the pigment being commercial iron oxide (Spanish red oxide) 60% reinforcing pigment (clay, asbestine and aluminum) 40%. The vehicle consists of heat bodied linseed oil 27%, polymerized China wood oil and linseed oil varnish 65%, oil dried 8%. Final color—red.

It is recommended that Bar-Ox Paint RB-22 and Black Bar Joist Paint 30.B.74 be approved under the provisions of 2.2.3 BC and (8.6.2.10) C.26-522.0 Administrative Code, when used in accordance with requirements. The containers of these paints for use in

MINUTES

New York City shall be labelled or marked: "Approved by the Board of Standards and Appeals, Cal. No. 126-38-SM."

(Sgd.) BERNARD SAVAGE,
CHARLES M. BLUM,
Commissioners.
LESLIE V. HUBER,
Chief Engineer.
Committee.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as Bar-Ox Paint RB-22 (Red) and Black Bar Joist Paint 30 B-74, as conforming to the requirements of C.26-522.0, Administrative Code, when manufactured as described in the above report, *on condition* that the containers of these paints for use in New York City shall bear a label: "Approved by the Board of Standards and Appeals—Cal No. 126-38-SM."

Adjourned, 5:25 P. M.

EDWARD V. BARTON, Chief Clerk.

RULES

SMOKING IN FACTORIES

Adopted by the Board of Standards and Appeals, August 12, 1918.

RULE 1. PERMIT.

(a) **Prohibition.** No person shall smoke, or carry a lighted cigar or cigarette in any factory as defined in Article 1, Section 2, of the State Labor Law, nor in any portion of a factory, within the City of New York, except in such protected portions or special classes of occupancies as are specified in Rule 2 of these rules, and then only after the issuance of a permit by the administrative official.

It shall be the joint and several duty of the owner and of the lessee or lessees of the building containing such factory or factories to cause to be posted in each and every entrance hall, stair hall or room throughout the building, as well as in every elevator-car, in English, and also in such other language or languages as the administrative official shall direct, a notice of such prohibition, and the penalty for its violation.

(b) **Application.** Application for such permit shall be made only by the owner of the building on suitable blank forms to be furnished by the administrative official.

(c) **Time Limit.** Such permit shall be for a definite period, not exceeding one year, and shall not be renewed upon expiration until a reinspection of the premises for which it is issued has been made for the purpose of determining whether existing conditions warrant a renewal.

(d) **Conditions.** The permit shall state the conditions under which, the hours between which, and the place or places in such factory where smoking may be permitted, and this permit shall be framed and kept posted in a conspicuous place in the factory.

(e) **Revocation.** Violation of any of the conditions specified in the permit, in addition to incurring such penalties as are prescribed by law, shall be full and sufficient cause for the revocation of such permit by the administrative official, and he shall not again issue a permit for the same premises until at least one year has elapsed.

RULE 2. PERMISSIBLE CASES.

Smoking may be permitted in:—

(a) Factories engaged in the manufacture of cigars, cigarettes, or smoking tobacco, when necessary for the efficient conduct of the business, provided that:

(1) No smoking other than that for sampling, testing and experimental purposes is carried on.

(2) Such smoking is conducted in a room provided especially for that purpose, separated from the rest of the building by fireproof or fire-resisting partitions, with all openings therein protected by self-closing fire doors, and, further, unless the building is of fireproof construction or equipped with an approved automatic sprinkler system, the floor and ceiling of such room shall be covered with fire-retarding material.

(3) Such chemical fire extinguishers as the administrative official may direct are installed.

(4) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

(b) Factories devoted entirely to one of the following occupancies:

Blacksmithing or horseshoeing;
Boiler making;
Brick, terra cotta or artificial stone works;
Forge shops;
Foundries;
Iron, steel, brass or copper works;
Machine shops;
Smelting;
Stone or monumental works;

provided that in any case:

(1) The building is not of wooden construction;

(2) Such chemical fire extinguishers as the administrative official may direct are installed;

(3) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

APPROVED FUEL OIL FILL PIPE TERMINALS

Name	*Calendar No.*
Fee and Mason	10-36-SA
Flagg	345-35-SA
J. H. N.	292-35-SA
Newbury	223-35-SA
Preferred	213-35-SA
Rhode Island	204-35-SA
Seal-O-Strain	48-35-SA
Sealtite	231-35-SA
Simplex	214-35-SA
Weco	78-38-SA

RULES

EXTRACTS FROM CHAPTER 19, ARTICLE 18 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, RELATING TO REFRIGERATING SYSTEMS

ARTICLE 1.
General Provisions.

§C19-2.0. Definitions.

Unless otherwise expressly stated, whenever used in this chapter the following terms shall respectively be deemed to mean:

34. Refrigerating system, a combination of apparatus in which a refrigerant is circulated for the purpose of extracting heat.

(a) The parts of the system are the compressor, generator, condensor, absorber, receiver, shell type or tube type apparatus, pipes, vessels, or other parts, containing refrigerant.

(b) Direct refrigeration, a system in which the refrigerant is circulated to the substance or space refrigerated.

(c) Indirect refrigeration, a system in which brine cooled by the refrigerant is circulated to the substance or space refrigerated.

(d) Refrigerant is the chemical agent other than brine used to produce refrigeration.

(e) Irritant refrigerant, any refrigerant which when breathed attacks the throat or lungs.

(f) Hydrocarbon refrigerants, any refrigerant of the hydrocarbon class.

(g) Flammable refrigerant, any refrigerant which will burn or explode when mixed with certain proportions of air.

(h) Refrigerating machinery room, a room in which is located a refrigerating system containing refrigerant, but not including expansion coils when located in cold storage rooms or expansion coils when located in refrigerator boxes.

(i) Factor of safety, the multiple three and one-third (3⅓), the product of which and the test pressure, constitutes the probable rupture pressure.

(j) Pressure imposing element, that apparatus which draws the refrigerant from the low pressure or low temperature side of the system and discharges it into the high pressure or high temperature side of the system.

(k) Pressure limiting device, a pressure or temperature responsive mechanism for automatically stopping the operation of the pressure imposing element.

(l) Brine, any liquid which having been cooled by the refrigerating system is used for the transmission of heat.

(m) Pressure relief device, a pressure relief valve, a rupture member, fusible plug or other approved device for relieving the pressure.

(n) Pressure relief valve, a valve held shut by a spring or other means to automatically relieve pressure in excess of its setting.

(o) Rupture member, a device that will automatically rupture at a pre-determined pressure.

(p) Liquid receiver, a vessel permanently connected to a system by inlet and outlet pipes for storage of a liquid refrigerant.

(q) Container, a cylinder for the shipment of refrigerant constructed to conform to the regulations of the Interstate Commerce Commission.

(r) Mixer, a vessel or device in a system for mixing the ammonia or other soluble vapor with water.

(s) Stop valve, a cut-off valve for use during normal operation.

(t) Service valve, a key-operated shut-off valve used only during shipment, installation or repairs.

(u) Fusible plug, a device having a predetermined-temperature fusible member for the relief of pressure.

(v) Public buildings, commercial buildings and residence buildings are buildings as so defined by Article 4, C26-235.0 of the Administrative Code of the City of New York.

(a) **Public Buildings.** Public buildings are structures or parts of structures in which persons congregate for civic, political, educational, religious or recreational purposes, or in which persons are harbored to receive medical, charitable or other care or treatment, or in which persons are held or detained by reason of public or civic duty, or for correctional purposes, including among others, court houses, schools, colleges, libraries, museums, exhibition buildings, lecture halls, churches, assembly halls, lodge rooms, club houses with more than five sleeping rooms, dance halls, theatres, bath houses, hospitals, asylums, armories, fire houses, police stations, jails and passenger depots.

(b) **Residence Buildings.** Residence buildings are structures or parts of structures in which sleeping accommodations are provided, except such as may for other reasons be classed as public buildings, including multiple dwellings as defined in the Multiple Dwelling Law.

(c) **Commercial Buildings.** Commercial buildings are structures or parts of structures, which are not public buildings or residence buildings, including among others, office buildings, factory buildings, salesrooms (stores), markets, restaurants, warehouses, freight depots, car barns, stables, garages, motor vehicle repair shops, factories, laboratories, smoke houses, grain elevators, coal pockets, central station power plants and electric sub-stations.

ARTICLE 3.
Bonds and Fees.

§C19-24.0. Fees for Permits.

Applicants for permits under the provisions of this chapter shall pay annual fees as follows:

35. Refrigerating systems:

Class A systems	$20.00
Class B systems	10.00
Class C systems containing over six pounds of refrigerant	5.00
Class C systems containing six pounds or less of refrigerant	1.00

ARTICLE 18.
Refrigerating Systems.

C19- 96.0. Permits.
C26-214.0. Supervision.
C19- 97.0. Classification.
C19- 98.0. Permissible locations.
C19- 99.0. Refrigerating machinery rooms and ventilation.
C19-100.0. Open flames and electrical equipment.
C19-101.0. Testing.
C19-102.0. Piping.
C19-103.0. Safety devices.
C19-104.0. Size of safety devices.
C19-105.0. Location and discharge of safety devices.
C19-106.0. Operating precautions.
C19-107.0. Equipment diagrams.

§C19-96.0. Permits.

(a) Except as hereinafter provided in this article it shall be unlawful to maintain or operate a refrigerating system without a permit.

(b) A permit will not be required for a Class C system when maintained or operated in the residence portion of a dwelling containing not more than two families, or in the residence portions of either a tenement house or a business building.

(c) It shall be unlawful to maintain or operate any refrigerating system employing a refrigerant other than those specified in this article without a permit issued upon such conditions, consistent with the provisions of this article, as are deemed by the fire commissioner necessary in the interest of public safety.

NOTE:—The Fire Chief and Commissioner prescribed under date of April 4, 1934, the following:

1. That the refrigerants dichlorodifluoromethane, known as "Freon" ("Kinetic No. 12" also "F-12") CCl_2F_2 also dichlorotetrafluoroethane ("F-114") $C_2Cl_2F_4$ and monofluorotrichloromethane ("F-11" $CFCl_3$ are non-flammable and non-irritant, unless otherwise hereinafter provided, and shall be regulated in accordance with the provisions of Article 18 of Chapter 10 of the Code of Ordinances, as such, except, when used in a room or rooms in which there is an open flame or apparatus to produce an open flame, when the provisions of said article covering irritant refrigerants shall apply.

2. That refrigerating systems employing F-11; F-12 or F-114 are restricted to parts of a building so specified in Section 219 (b) for refrigerants other than non-irritant and non-flammable.

3. That refrigerating systems employing F-11; F-12 or F-114 used for air conditioning are restricted to the indirect method except that the direct method may be used in parts of a building so specified in Section 219 (b) for refrigerants other than non-irritant and non-flammable.

4. That refrigerating systems employing F-11; F-12 or F-114 shall not be installed or maintained in or on the stairways, halls, lobbies, entrances, exits or auditoriums of any building.

5. That refrigerating systems employing F-11; F-12 or F-114, shall not be installed or maintained in a hospital, unless the entire system is confined in a fireproof machinery room, used for no other purpose, and in which no open flame shall be employed, except that the Class "C" system containing not more than 10 pounds of refrigerant may be used in a diet kitchen which shall be cut off from the rest of the building by a tight fitting self-closing door or doors and provided with a window or windows to the outside air. All open flames, and/or apparatus for producing an open flame, in diet kitchens where these refrigerants are used shall be vented to the outside air as herinafter required in Paragraph 8.

6. That refrigerating systems employing F-11; F-12 or F-114 may be installed or maintained in a hospital private room, having tight partitions and tight fitting self-closing door or doors and where not more than two persons are helpless and/or given medical treatment, provided there is no open flame and/or apparatus for producing an open flame in such room and when the system contains not more than 10 pounds of refrigerant.

7. That a refrigerating system employing F-11; F-12 or F-114 shall not be installed or maintained in a theatre and/or motion picture theatre unless the entire system is confined in a fireproof machinery room, used for no other purpose, and in which no open flame and/or apparatus to produce such open flame shall be employed.

8. That a refrigerating system employing F-11; F-12 or F-114 when used in a room or rooms in which there is an open flame or apparatus to produce such open flame, such open flame and/or apparatus shall be provided with a hood and independent mechanical ventilation so arranged as to convey all the products of combustion to the outside of the building. This provision shall apply only to diet kitchens of hospitals and to Class "C" systems in schools, churches, dance halls, court rooms, police stations, jails, asylums, subways, passenger depots, rooms opening into passenger depots and/or subways and such other places as are deemed by the Fire Commissioner necessary in the interest of public safety.

9. That each refrigerating machinery room in any building in which F-11; F-12 or F-114 are used, shall be maintained vapor-tight and provided with tight fitting, self-closing doors, in accordance with Section 220-1-(a).

10. That each refrigerating machinery room in which F-11; F-12 or F-114 is used, shall be adequately ventilated directly to the outside air in accordance with Section 220-(2) a-b-c and d.

11. Tests pressures and setting of safety valves for systems employing F-11, F-12 or F-114, shall be included in Section 222 (a) as follows:

Refrigerant	Column No. 1	Column No. 2	Column No. 3
F-11	25	15	15
F-12	180	120	135
F-114	60	30	30

12. That the size of pressure relief valves for systems in which F-11, F-12 or F-114 is employed, shall be as follows:

Capacity of System	Number Required
Up to 30 tons	One ½ inch
30 to 60 "	One ¾ "
60 to 100 "	One 1 "
100 to 175 "	One 1¼ inches
175 to 250 "	One 1½ "
250 to 450 "	One 2 "
450 to 900 "	Two 2 "

13. That the storage of F-11, F-12 or F-114 shall conform with Section 227-3 (e) for other refrigerants.

14. That all other sections or parts of Article 18 of the Refrigerating Code not so mentioned, shall be complied with.

15. That refrigerating systems employing F-11, F-12 or F-114, installed prior to May 19, 1932, shall be inspected, and if found to comply with the rules, or if in the opinion of the Fire Commissioner, the installations are of a non-hazardous character, a permit may be issued. Installations which have been made in hospitals, theatres, asylums and places of public assembly shall be made to comply strictly with these rules.

(d) A permit, where required, shall be applied for forty-eight hours after installation is completed, containing the name of the person for whom the system is installed and the place of location of the system.

(e) Only the refrigerant specified in the permit shall be used in the system.

(f) Refrigerating systems to which these provisions cannot be applied, may be maintained and operated subject to such conditions as are deemed necessary by the fire commissioner.

§C26-214.0. Refrigeration System Operators; Certificate of Qualification.

(a) It shall be unlawful to maintain or operate in any building any refrigerating system containing more than fifty (50) pounds of refrigerant except under the personal supervision, direction or control of either a duly licensed engineer or a person who has obtained a certificate of qualification from the superintendent to operate such a system. Where the system contains two hundred (200) pounds or less of refrigerant and is fully automatic, only one qualified operator will be required.

(b) It shall be unlawful to maintain or operate in a public building or exhibition hall any Class C system permitted for exhibition or demonstration purposes except under the personal supervision, direction or control of either a duly licensed engineer or a person who has obtained a certificate of qualification from the superintendent to operate such a system.

(c) Upon receipt of such certificate the applicant therefor shall pay an annual license fee as follows: For the initial fee $5, and for renewal thereof the sum of $1 provided application for such renewal be made for within thirty days prior to the expiration of such certificate. Any such certificate may be revoked or suspended for cause at any time by the superintendent.

§C19-97.0. Classifications.

(a) The total amount of refrigerant common to a system operating through one or more evaporators, shall be considered the capacity of the system and determine its class.

(b) A Class A system is a system containing one thousand (1,000) pounds or over of refrigerant, or capable of thirty (30) tons capacity or over.

(c) A Class B system is a system capable of less than thirty (30) tons capacity, or containing less than one thousand (1,000) pounds of refrigerant and more the amounts provided for in a Class C system.

(d) A Class C system is a system containing not more than twenty (20) pounds of refrigerant.

§C19-98.0. Permissible Locations.

(a) It shall be unlawful to install any Class A or Class B systems in any public building as defined by subdivision a of section C26-235.0 of the code, until plans have been filed with and approved by the fire commissioner, and no refrigerant shall be placed in the system until a permit has been obtained from the fire commissioner.

(b) The direct method of refrigeration shall not be used in any building, whether or not a permit is required for installation therein, outside of the refrigerating machinery room except in buildings used exclusively for ice making or for refrigerating purposes, or when such method is not carried above the first floor in business buildings, or in the business sections of business buildings provided the entire system is confined to one floor in the space occupied by a single tenant, or in the business section of a residence building when not carried above the first floor, or in a residence building occupied by not more than two families, or in any building provided a non-irritant and non-flammable refrigerant is used. The provisions of this subdivision shall not apply to a building in which installation was made prior to December 13, 1927.

(c) It shall be unlawful to use brine in any brine circulating system that will generate flammable vapor at a temperature below 100 degrees Fahrenheit when tested in a Tagliabue open cup tester, and no refrigerant shall be used as a brine.

(d) It shall be unlawful to install or maintain a Class A system using ammonia in any building above the first floor level unless such building is used exclusively for ice making or refrigerating purposes. The provisions of this subdivision shall not apply to a building in which installation was made prior to December 13, 1927.

(e) Systems on demonstration in exhibition halls shall be limited to the unit type containing not more than ten (10) pounds of refrigerant.

(f) It shall be unlawful to install or maintain a refrigerating system employing an irritant or inflammable refrigerant in or on:

1. The stairways, halls, lobbies, entrances, exits or auditoriums of any building;
2. Dance halls, court rooms, police stations, jails, subways, theatres, or motion picture theatres;
3. Waiting or public rooms in a railroad passenger depot or rooms opening directly therein;
4. Rooms opening directly into a subway, or theatre, or motion picture theatre, or where persons are detained or confined;
5. A school unless the refrigerating system is used exclusively for instructions or research purposes;
6. A hospital or asylum in which persons are confined or given medical treatment or helpless. Unless otherwise required by this section, such refrigerating system shall be cut off from the building by unpierced fireproof construction.

The foregoing provisions do not apply to hermetically sealed unit systems containing not more than six (6) pounds of refrigerant when located in dance halls, police stations, dict kitchens of hospitals, or laboratories, and when located in rooms shut off from the rest of the building by tight partitions and tight-fitting, solid, self-closing doors and located in a room having a window to the outside air.

(g) An intermittent absorption type of refrigerating machine shall not be permitted in a Class A system. Such a type of machine shall be permitted in a Class B system only when a heating medium of low pressure steam is used in its operation.

(h) The use of methyl and ethyl chloride, sulphur dioxide, or a hydro-carbon refrigerant will not be permitted in Class A systems.

(i) A Class B system using ethyl chloride or a hydrocarbon refrigerant shall not be installed or maintained in the Borough of Manhattan or in other built-up sections of the city. Elsewhere, it shall be installed or maintained only in a fireproof building of not more than one story in height, and shall be located on the ground floor, which shall be of unpierced fireproof construction. The refrigerating machinery room shall be cut off from the rest of the building by unpierced fireproof walls of not less than eight inches (8″) of brick or six inches (6″) of reinforced concrete. Direct exit therefrom leading to the open air and not to any other part of the building shall be maintained and shall be provided with vapor-tight, self-closing, fireproof doors.

§C19-99.0. Refrigerating Machinery Rooms and Ventilation.

a. Refrigerating machinery rooms.

1. All refrigerating machinery rooms in which an irritant refrigerant is used shall be maintained vapor-tight except that all doors which open to other parts of the building shall only be required to be self-closing and close fitting, and shall be kept closed at all times, except during entrance or exit. All other openings that may permit the passage of vapor to other parts of the building shall be vapor-tight and kept closed. No opening from elevator shafts shall be permitted in the refrigerating machinery room. This provision, however, shall not apply to dumb-waiter shafts the door openings of which are protected with self-closing fire doors or to a system containing less than six (6) pounds of refrigerant. Closets solely contained within and opening only into the refrigerating machinery room shall be considered as part of the room in which it opens.

2. In Class A and Class B systems in which an irritant refrigerant is used, the doors of the refrigerating machinery rooms shall open outwardly.

b. Ventilation.

1. Each Class A, B and C refrigerating machinery room of any system shall be independently provided with means for adequate ventilation to the outer air. The ventilation shall consist of a window or windows opening directly to the open air, or mechanical means capable of exhausting the foul air from the room.

2. When a window or windows are used, if placed in opposite walls so as to provide a through air circulation to the outer air, a total area of inlet and outlet, respectively, of not less than that specified in Column D of the table in subdivision 4 shall be provided. When a window or windows are placed in one wall a total area shall be provided not less than that specified in column E of such table.

3. When mechanical means are used they shall consist of a power-driven exhaust fan of the enclosed case blower type which shall be capable of removing from the refrigerating machinery room the amount of air specified in column B of the table in subdivision 4. The inlet to the fan shall be located near the refrigerating equipment. The outlet from the fan shall terminate not less than six (6) feet above the sidewalk and in no case under a stairway or fire escape. Where air ducts are used on either the inlet or discharge side of the fan they shall each have an area not less than that specified in Column C of such table. Sharp bends in the run of the ducts shall be avoided. The control for such mechanical means of ventilation shall be easily accessible and located outside of the refrigerating machinery room.

4.

	Pounds of Refrigerant in System.	Mechanical Cu. Ft. per Minute Discharge.	Window Area Mechanical Sq. Ft. Duct Area.	Window Area in Sq. Ft. for each Opposite Side.	Window Area in Sq. Ft. for One Side Only.
	A	B	C	D	E
Up to ...	20	150	1/4	1	6
	50	250	1/3	1 1/2	12
	100	400	1/2	2	16
	150	550	2/3	2 1/2	19
	200	680	2/3	3	25
	250	800	1	3 1/2	29
	300	900	1	4	32
	400	1,100	1 1/4	4 1/2	38
	500	1,275	1 1/4	5	42

600	1,450	1 1/2	6	45
700	1,630	1 1/2	6 1/2	48
800	1,800	2	7	51
900	1,950	2	7 1/2	55
1,000	2,050	2	8	59
1,250	2,350	2 1/4	9	68
1,500	2,800	2 1/2	11	78
1,750	3,150	3	12 1/2	87
2,000	3,500	3 1/2	14	95
2,500	4,150	4	16	113
3,000	4,500	4 1/2	18	130
4,000	6,000	6	24	167
5,000	7,500	7 1/2	30	204
6,000	9,000	9	36	241
7,000	10,500	10 1/2	42	278
8,000	12,000	12	48	315
9,000	13,000	13	52	342
10,000	14,000	14	56	360
12,000	17,000	17	68	425
14,000	19,000	19	75	470
16,000	22,000	22	86	540
18,000	24,000	24	92	580
20,000	26,500	26	100	630
25,000	33,000	33	121	760
30,000	39,000	39	142	870
35,000	44,000	44	155	940
40,000	51,000	51	176	1,060
45,000	56,000	56	190	1,120

Note—Door openings leading directly to the open air shall be considered equivalent to windows for the requirements specified in columns "D" and "E" of this table.

5. Where a non-irritant or nonflammable refrigerant is employed, the requirements as given in the table in subdivision 4 may be reduced by one-half. When air or water is employed as the refrigerant no ventilation shall be required.

6. In lieu of mechanical means of ventilation in refrigerating machinery rooms where a Class A system or a Class B system using ammonia is installed, a water deluge may be provided which shall consist of a sprinkler system having open heads of not less than one-quarter inch (¼") orifice spaced not more than eight feet apart in any direction, and such system shall be located above all the refrigerating apparatus and piping in the refrigerating machinery room. Not more than one head shall be installed on a ¾-inch pipe; five heads on a 1-inch pipe; six heads on a 1¼-inch pipe. The deluge system shall be permanently connected with the main house supply or other assured source from which a constant water pressure of not less than twenty pounds per square inch can be maintained on the inlet side of the main control valve or valves at all times. The control valve or valves for such water deluge system shall be manually operated and easily accessible, and shall be labeled and located outside of the refrigerating machinery room.

§C19-100.0. Open Flames and Electrical Equipment.

a. Open flames.

No fire-flame or arc light will be permitted in a Class A or B refrigerating machinery room in which a flammable refrigerant is used.

b. Electrical equipment.

1. All Class A and B refrigerating systems containing more than fifty (50) pounds of refrigerant shall have an emergency switch controlling all of the electrically-operated refrigerating machinery or the remote control of such a switch located outside of the refrigerating machinery room where it can be quickly reached and operated in case of necessity.

2. Where the operating mechanism in any system is dependent upon electrical control, such control in a pressure limiting device shall be on a closed circuit. Nothing herein contained shall require a hand reset on an automatic type of refrigerating machine.

§C19-101.0. Testing.

Every part of any refrigerating system, except pressure gauges and control mechanism shall be tested to at least the following pressures: Class A and B systems containing over fifty (50) pounds of refrigerant shall be tested after installation and proved tight before being operated. A dated declaration of such test, signed by the tester, shall be posted in the machinery room.

Refrigerant.	Col. 1. High Pressure Side.	Col. 2. Low Pressure Side. With Safety Valves.	Col. 3. Low Pressure Side. Without Safety Valves.
Carbon dioxide	1,500	750	1,000
Ethane	1,050	520	760
Ammonia	300	150	225
Propane	250	115	175
Methyl chloride	155	80	120
Sulphur dioxide	135	100	100
Iso-butane	90	45	70
Butane	75	35	50
Ethyl chloride	30	15	25
Dichloromethane	12	12	12
Dichloroethylene	12	12	12
Trichloroethylene	12	12	12

§C19-102.0. Piping.

a. Piping.

1. All piping, liquid receivers or vessels containing the refrigerant, shall be supported on or by strong and durable materials. This provision shall not apply to Class C installations.

2. The arrangement of stop valves, relief devices, and other similar devices, when used shall be as shown on the diagram for Class A and B systems in section C19-107.0 of the code.

3. Every system which may be charged after installation shall have the charging connection located on its low pressure side.

b. Gauge glasses.

Liquid level gauge glasses, except those of the bull's eye type, shall have automatic closing shut-off valves and such glasses shall be adequately protected against injury by slotted metal casings.

§C19-103.0. Safety Devices.

a. Construction and setting.

1. Pressure relief valves, pressure limiting devices and rupture members shall be set to prevent the pressure from exceeding the test pressure. The pressure at which the device is set to function shall be indicated thereon. (See section C19-101.0 of the code, columns 1 and 2 of table.)

2. Fusible plugs shall relieve the pressure at a temperature not exceeding 280 degrees Fahrenheit.

b. Use of stop valves.

1. It shall be unlawful to locate a stop valve between a pressure relief device or pressure limiting device and the part of the system protected thereby, unless two pressure relief devices of required size are used, and so arranged that only one pressure relief device can be cut off for repair purposes at any one time.

2. A Class B system in which no stop valves are used and in which the pressure will equalize throughout the system when the pressure imposing element is not in operation may be protected by only one pressure relief device located on the high pressure side.

c. Ammonia mixer.

1. The low pressure side of a Class A ammonia system shall be provided with a hand-operated valve for discharging the ammonia into water through a mixer to the sewer in case of emergency.

2. The ammonia mixer shall be constructed of steel and shall be capable of withstanding a pressure of at least fifty (50) pounds per square inch.

3. It shall be unlawful to locate a valve in the ammonia

emergency discharge line, except for the manually-operated valve discharging into the water and ammonia mixer, but there may be one stop valve located inside the building for repair purposes only. This valve shall be sealed open and labeled "Keep Open."

4. The manually operated pressure relief valve shall be located in a locked box which can be opened by members of the Fire Department by means of a Fire Department key. The door of the box shall be on the public thoroughfare side of the building in an easily accessible location and not less than eighteen (18) inches or more than five (5) feet above the sidewalk level. The box shall be permanently labeled with letters of not less than one (1) inch reading "For Fire Department Use Only." The relief valve shall be labeled "Ammonia." A sign shall be posted within the box reading "Do Not Open Valve Until Water Is Flowing."

5. A single standard three (3) inch fire department connection shall be provided through which the necessary water may be supplied to the mixer. The fire department connection shall be located near the box and not less than eighteen (18) inches or more than twenty-four (24) inches above the sidewalk level and shall be permanently labeled having letters not less than one (1) inch high reading "To Ammonia Mixer." A check valve so set as to prevent gases from reaching the fire department connection shall be installed in the water line between the fire department connection and the water and ammonia mixer.

6. The fire department shall have sole use of the mixer and supply the necessary water.

7. In systems using over twenty-seven thousand (27,000) pounds of ammonia there shall be provided one additional water and ammonia mixer for each twenty-seven thousand (27,000) pounds of ammonia or fraction thereof so used in excess.

8. The ammonia mixer and its connection for a Class A system shall conform to the diagram in section C19-107.0 of the code.

§C19-104.0. Size of Safety Devices.

(a) The size of pressure relief valves shall be as follows:

Capacity of System.	CO_2 and Ethane, No. Req., Size.	Other Refrigerants, No. Req., Size.
Up to 30 tons.....	1—½"	1—½"
30 to 60 tons.....	1—½"	1—¾"
60 to 100 tons.....	1—½"	1—1"
100 to 175 tons.....	1—½"	1—1¼"
175 to 250 tons.....	1—¾"	1—1½"
250 to 450 tons.....	1—1"	1—2"
450 to 900 tons.....	.....	2—2"

(b) Where rupture members are permitted and used, the equivalent area of the relief valve specified must be provided.

(c) Fusible plugs may be used on all Class C systems and on all Class B systems of the hermetically sealed compression type containing not more than fifty (50) pounds of refrigerant. The free discharge opening shall be one-sixteenth (1/16) inch in diameter.

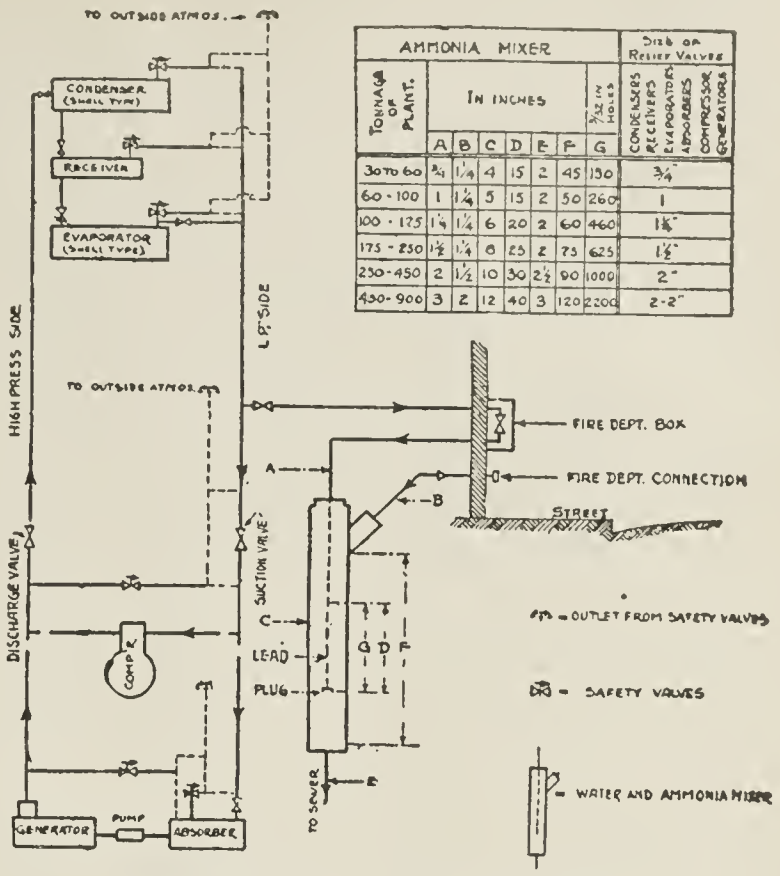
§C19-105.0. Location and Discharge of Safety Devices.

a. Location.

A pressure limiting device shall be provided on the high pressure side of each water-cooled refrigerating system containing more than six (6) pounds of refrigerant. A pressure relief valve shall be provided on the high pressure side of each water-cooled refrigerating system containing twenty (20) pounds or more of refrigerant, but it shall not be necessary to discharge the refrigerant to the outside air or water tank from any such refrigerating system containing fifty (50) pounds or less of refrigerant, any other provision of part 1, of this title, to the contrary notwithstanding.

b. Location and discharge of safety devices.

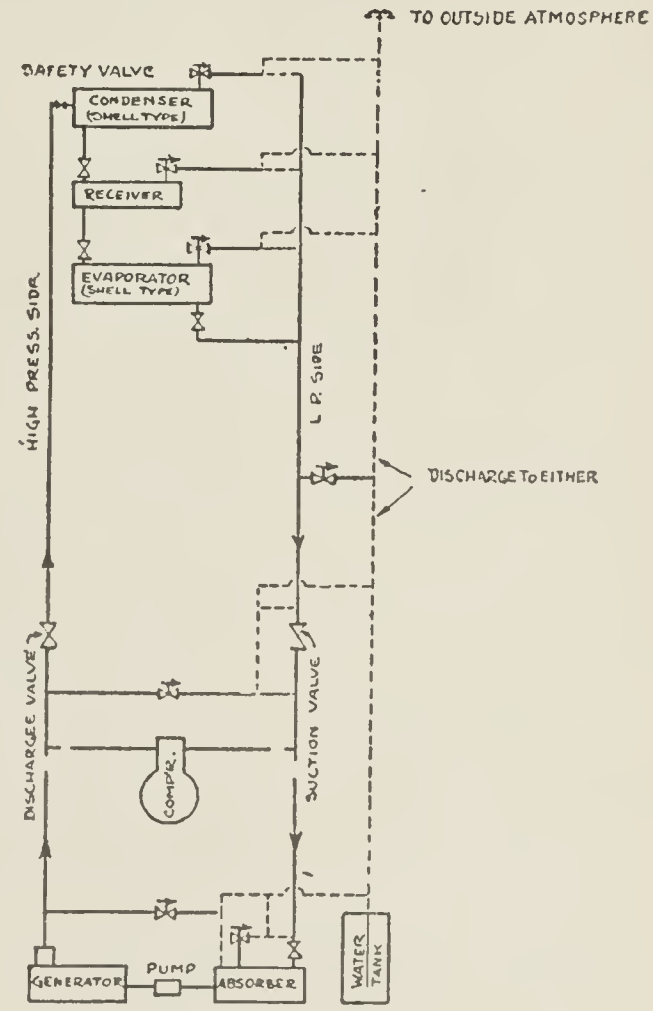
1. Each compressor or generator of a Class A or B



AMMONIA MIXER								Size of Relief Valve
Tonnage of Plant.	In Inches						3/32 in Holes	Condensers Receivers Evaporators Absorbers Compressor Generators
	A	B	C	D	E	F	G	
30 to 60	¾	1¼	4	15	2	45	130	¾"
60 - 100	1	1¼	5	15	2	50	260	1"
100 - 175	1¼	1¼	6	20	2	60	460	1¼"
175 - 250	1½	1¼	8	25	2	75	625	1½"
250-450	2	1½	10	30	2½	90	1000	2"
450- 900	3	2	12	40	3	120	2200	2-2"

ARRANGEMENT OF PRESSURE RELIEF DEVICES FOR CLASS "A" EQUIPMENT

SECTION C19-107.0



ARRANGEMENT OF PRESSURE RELIEF DEVICES FOR CLASS "B" EQUIPMENT

SECTION C19-107.0

system containing more than 100 pounds of refrigerant shall be protected by a pressure relief valve connected into the high pressure side between the main stop valve and the compressor or generator to relieve excessive pressure as hereinafter provided

2. A rupture member may be substituted for the relief valve in CO_2 systems or systems operating below atmospheric pressure.

3. Shell type apparatus such as liquid receivers, condensers, evaporators, liquid separators and absorbers of Class A and Class B systems containing more than fifty (50) pounds of refrigerant, and Class B systems containing fifty (50) pounds or less of refrigerant which can be shut off by stop valves, shall each be equipped with a pressure relief valve, discharging as hereinafter provided.

4. Class C systems and Class B systems containing fifty (50) pounds or less of refrigerant so constructed that, when subjected to abnormal outside temperature such as that generated in a fire, they may burst due to the expansion of the refrigerant, shall be protected by a pressure relief device.

5. A pressure relief valve shall be required on the low pressure side of a Class B system into which the relief valve or valves on the high pressure side discharge, as so shown on equipment diagram of section C19-107.0 of the code.

c. Discharge of pressure relief valve.

1. Where ammonia is used in Class A systems, the discharge from relief valves must be conducted to the outside atmosphere or into that part of the low pressure side protected by the mixer as specified in subdivision C, of section C19-103.0 of the code. If it is discharged to the outside atmosphere it must be piped above the roof or not less than 12 feet above the grade. The discharge pipe shall be not less than the size of the relief valve outlet. The discharge from more than one relief valve may be run into a common header, the area of which shall be equal to the area of the pipes connected thereto. The outlet orifice shall be turned downward.

2. Where more than fifty (50) pounds of ammonia is used in a Class B system, the discharge from relief valves shall be piped to the outside atmosphere as specified for Class A systems, or to the low pressure side as shown in diagrams in section C19-107.0 of the code, or into a tank of water which shall be used for no purpose except ammonia discharge. At least one gallon of fresh water shall be provided for every pound of ammonia contained in the system. The water used shall be prevented from freezing without the use of salt or chemicals. The tank shall be substantially constructed of not less than one-eighth (⅛) of No. 11 U. S. gauge iron. No horizontal dimensions of the tank shall be greater than one-half (½) the height. The tank shall have a hinged cover or, if of the enclosed type, shall have a vent hole at the top. All pipe connections shall be through the top of the tank only. The discharge pipe from the pressure relief valves shall discharge the ammonia in the center of the tank near the bottom. The tank shall be as securely supported as any other portion of the system. There shall be no opening in the tank below the water level.

3. Where more than fifty (50) pounds of any refrigerant other than ammonia is used, the discharge from relief valves shall be to the atmosphere as specified for Class A ammonia systems. Carbondioxide may be discharged into the room if the same contains at least 10 cubic feet of capacity per pound of refrigerant used.

4. Arrangements of pressure relief devices for Class A and B systems shall conform to the diagrams in section C19-107.0 of the code.

§C19-106.0. Operating Precautions.

a. Masks and helmets.

1. In a Class A system which operates above atmospheric pressure, there shall be provided at least two helmets or masks.

2. In a Class B system in which more than fifty (50) pounds of ammonia, sulphur dioxide or other irritant refrigerant is used, there shall be provided at least one helmet or mask.

3. Only helmets or masks that have been approved by the United States Bureau of Mines as suitable for the refrigerant employed shall be used, and they shall be kept in operative condition in an easily accessible case or cabinet located immediately outside the refrigerating machinery room.

b. Signs.

1. On Class A and Class B systems containing more than fifty (50) pounds of refrigerant there shall be painted on and affixed in a permanent manner to the main steam control, main electrical and remote control switches, receivers, containers and shell type coolers, signs having letters not less than one and one-half inches (1½") high, designating the part and refrigerant contained therein.

2. The seller of every Class A or B system shall furnish the purchaser with a sign bearing his name at least 8½" by 11" in size, which gives the rated refrigeration capacity and the quantity and kind of refrigerant required for the satisfactory operation of the system. The purchaser shall conspicuously and permanently display this sign in the machinery room. The quantity and name of the proper refrigerant content and the rated refrigeration capacity shall be stamped on all Class C systems near to or on the name plate.

3. The following information shall be posted in Class A and B machinery rooms where over fifty (50) pounds of refrigerant is used: (a) The names and addresses of the engineers or operators in charge; (b) Location of nearest fire alarm box; (c) The name, address and telephone number of physician to be called in case of emergency; (d) Instructions for safely shutting down the plant in case of emergency.

c. Storage of refrigerant.

1. Refrigerant not contained in the refrigerating system shall be stored only in non-inflammable or non-irritant containers conforming to the regulations prescribed by the Interstate Commerce Commission for the transportation of such refrigerant.

2. Only two containers holding not more than a total of three hundred (300) pounds of inflammable or irritant refrigerant shall be stored in the refrigerating machinery room of a Class A system.

3. Only one container holding not more than one hundred and fifty (150) pounds of inflammable or irritant refrigerant shall be stored in the refrigerating machinery room of a Class B system.

4. In a Class C system no refrigerant other than that used in the system shall be stored in the refrigerating machinery room.

5. If a greater amount of inflammable or irritant refrigerant than that permitted in a refrigerating machinery room is desired, it shall be stored in a fireproof building or enclosure used for no other purpose.

6. When the refrigerant is withdrawn from a system it shall be discharged only into a suitable absorbent or containers conforming to the regulations of the Interstate Commerce Commission for the transportation of such refrigerant. It shall be unlawful to permit any refrigerant to escape into the refrigerating machinery room.

7. Containers shall be connected to the system only during period of charging or withdrawing the refrigerant.

§C19-107.0. Equipment Diagrams.

(See arrangement of pressure relief devices for Class A and Class B equipment.)

ARTICLE 27.
Penalties.

§C19-152.0. Violations.

Any person who shall wilfully violate or neglect or refuse to comply with any provisions of part 1, of this title, except the provisions of article twenty-six, in addition to any other penalties prescribed by law, shall, upon conviction, be punished by a fine of not more than $500, or by imprisonment not exceeding six months, or by both.

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BULLETIN
OF THE
BOARD OF STANDARDS AND APPEALS
CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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DIRECTORY

BOARD OF STANDARDS AND APPEALS
HARRIS H. MURDOCK, Chairman

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CHARLES M. BLUM

CHIEF JOHN J. MCELLIGOTT

EDWARD V. BARTON, *Chief Clerk*

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TELEPHONE—WOrth 2-0184.

OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. Saturdays 9 a. m. to 12 noon.

All communications should be addressed to the chairman of the board

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Minutes of Regular Meeting June 14, 1938, at 2 P. M., Affecting Calendar Numbers 17-29-BZ, 5-28-BZ, 389-29-BZ, 480-37-BZ, 493-37-BZ, 257-36-BZ, 51-30-BZ, 280-38-A, 133-38-A, 430-38-A, 462-38-A, 464-38-A, 466-38-A, 483-38-A, 600-37-A, 307-38-A, 193-38-A, 384-38-A-WF, 429-38-A, 439-38-A, 441-38-A, 442-38-A, 467-38-A, 468-38-A, 399-38-A-WF, 470-38-A, 472-38-A, 482-38-A, 473-38-S, 395-38-S, 21-36-SA and 438-38-SA.

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All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS FOR CONSULTATION
10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

DOCKET

New Cases Filed up to June 14, 1938

Cal. No. *Department* *Premises Affected*

471-38-SM.....H.B.....Duroline Steel Pipe, manufactured by National Tube Company, Material.

472-38-A.....F.D.....301-307 East 52nd street, north side, 71 ft. east of Second avenue (Block 1345, Lots 4½, 4¾, 5 and 6), Borough of Manhattan, 12889-L.C.

473-38-S.....H.D.....261 West 42nd street, northeast corner of Eighth avenue (Block 1014, Lots 1—4½ incl.), Borough of Manhattan, Applic. 4063.

474-38-SM.....H.B.....Wilson Welding Electrodes, Nos. 98, 98 V & O, 107, 105, 851 and 520, manufactured by Wilson Welder and Metals Co., Inc., Material.

475-38-A.....H.B.B.....102 Frost street, south side, 150 ft. east of Leonard street (Block 2738, Lot 12), Borough of Brooklyn, Applic. 7905-38.

476-38-A.....H.B.B.....1750 East 53rd street, west side, 340 ft. south of Avenue O (Block 8492, Lot 57), Borough of Brooklyn, Applic. 3778-38.

477-38-A.....F.D.....1100 Metropolitan avenue, south side, 100 ft. east of Grand street (Block 2926, Lot 9), Borough of Brooklyn, 75335-L.C.

478-38-BZ.....H.B.M.....252-256 Dyckman street, southeast corner of Payson avenue (Block 2246, Lot 55), Borough of Manhattan, Decision.

479-38-A.....H.B.B.....902-910 East 85th street, southwest corner of Flatlands avenue (Block 8021, Lot 43), Borough of Brooklyn, Applic. 4564-38.

480-38-BZ.....H.B.B.....41-43 Snyder avenue, north side, 150 ft. west of Bedford avenue (Block 5103, Lot 91), Borough of Brooklyn, Applic. 6275-38.

481-38-SA.....H.B.....Colalloy Steel Kwik Konnector, manufactured by Colonial Stove Company, Appliance.

482-38-A.....H.B.B.....105, 107 Greene avenue, northside, 40 ft. east of Vanderbilt avenue (Block 1943, Lots 41 and 42), Borough of Brooklyn, Applic. 2766-38.

483-38-A.....H.B.M.....2081-2091 Broadway, northwest corner of West 72nd street (Block 1164, Lot 26), Borough of Manhattan, E.S. Applic. 1103-38.

484-38-A.....F.D.....315 East 137th street, north side, 200 ft. west of Alexander avenue (Block 2213, Lot 31), Borough of The Bronx, 6726-L.C. and Decision.

485-38-BZ.....H.B.Q.....168-29 88th avenue, northwest corner of 168th place (Block 9821 (894), part of Lot 16), Jamaica, Borough of Queens, Decision.

486-38-SM.....H.B.....Lincoln Welding Electrodes, Fleetweld Nos. 5 and 7 and Shield Arc No. 85, manufactured by The Lincoln Electric Company, Material.

487-38-BZ.....H.B.M.....4857 - 4859 Broadway, north side, 200 ft. east of Academy street (Block 2238, part of Lot 33), Borough of Manhattan, Decision.

488-38-BZ.....H.B.B.....317-323 97th street, north side, 132 ft. 3¼ in. east of Third avenue (Block 6122, Lot 62), Borough of Brooklyn, Applic. 7658-38.

489-38-BZ.....H.B.Q.....Northeast corner of North Conduit boulevard and Springfield boulevard (Block 3820, Lot 4), Springfield Gardens, Borough of Queens, N.B. 3290-38.

490-38-A.....H.B.Q.....255-24 147th road, south side, 220 ft. west of Weller avenue (Block 4896, Lot 42), Rosedale, Borough of Queens, N.B. 4172-38 and N.B. 3496-38.

491-38-A...D.B.M. & F.D...130-134 East 12th street, south side, 100 ft. west of Third avenue (Block 556, Lot 54), Borough of Manhattan, 37115-F, 37116-F, 37117-F, 9032-L.C. and Decision.

Restored to Calendar

5-28-BZ.....H.B.B.....384 - 388 Hawthorne street, southwest corner of New York avenue (Block 4819, Lot 39), Borough of Brooklyn, Decision.

389-29-BZ.....H.B.Bx.....2356 - 2366 Grand Concourse, southeast corner of East 184th street (Block 3159, Lots 40 and 43), Borough of The Bronx, Decision.

DESIGNATIONS: H.B.—Department of Housing and Buildings; H.B.B.—Department of Housing and Buildings, Brooklyn;

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H.B.M.—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

CERTIORARI ORDER SERVED ON THE BOARD OF STANDARDS AND APPEALS

On June 10, 1938, Dominick R. Loccisano, attorney, served on the board petition and order of certiorari on behalf of Philip T. Coffey, owner, in re decision of board of May 10, 1938, denying, under Cal. No. 60-37-BZ, parking and storage of automobiles in a business district, under section 7-h, at premises 32-05 Newtown avenue and 28-54 33rd street, Astoria, Borough of Queens.

COURT DECISION

Matter of Giganti (Murdock et al)—On January 5, 1937, board denied extension of existing garage and erection of gasoline station, under section 7-a, under Cal. No. 240-36-BZ, in a residence use district, at 87-14 92nd street, Woodhaven, Borough of Queens. Mr. Justice Riegelman sustained board (N. Y. L. J., June 11, 1938).

RULES

	Last Publication in Bulletin
Carbon Dioxide Liquefier Rules	May 31, 1938—Vol. 23, No. 22
Certificate of Occupancy, approved forms	Aug. 2, 1932—Vol. 17, No. 31
Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
Concrete Rules (Hydrated Lime)	Aug. 3, 1937—Vol. 22, No. 31
Elevator Rules	Mar. 3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors)	June 15, 1937—Vol. 22, No. 24
Factory Exit Rules	May 24, 1938—Vol. 23, No. 21
Fire Alarm Rules (Interior)	Apr. 5, 1938—Vol. 23, No. 14
Fire Drill Rules	June 21, 1938—Vol. 23, No. 25
Fire Retarding Rules for Garages, etc.	June 21, 1938—Vol. 23, No. 25
Fireproof Wood, Testing of	Apr. 13, 1937—Vol. 22, No. 15
Frame Garages, Ruling for	Jan. 21, 1919—Vol. 4, No. 3
Fusion Welding and Gas Cutting Rules	May 3, 1938—Vol. 23, No. 18
Gas Shut-Off Rules	Apr. 7, 1925—Vol. 10, No. 14
Hatchway Protection	June 5, 1928—Vol. 13, No. 23
Oil Burner Rules	June 7, 1938—Vol. 23, No. 23
Paint, Varnish and Lacquer Spraying Rules	April 26, 1938—Vol. 23, No. 17
Platform Trucks, Specifications for	Nov. 24, 1936—Vol. 21, No. 47
Plumbing Rules	Aug. 3, 1937—Vol. 22, No. 31
Procedure, Rules of	Sept. 7, 1937—Vol. 22, No. 36
Refrigerating Systems, Extract C.O.	June 14, 1938—Vol. 23, No. 24
Smoking in Factories, Rules for	June 14, 1938—Vol. 23, No. 24
Sprinkler Rules	June 29, 1937—Vol. 22, No. 26
Standpipe Fireline Rules	June 8, 1937—Vol. 22, No. 23
Structural Alterations, Reporting	June 7, 1932—Vol. 17, No. 23
Tank Trucks, Fuel Oil, etc.	Nov. 24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc.	Nov. 24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr. 10, 1923—Vol. 8, No. 15

LIST OF APPROVED APPLIANCES

Anti-Siphon Valves	Mar. 5, 1935—Vol. 20, No. 10
Fireline Hose Valves	June 7, 1938—Vol. 23, No. 23
Fuel Oil Burners for Domestic and Commercial Use	Apr. 19, 1938—Vol. 23, No. 16
Fuel Oil Fill Pipe Terminals	June 14, 1938—Vol. 23, No. 24
Fuel Oil Burners for Industrial Use	June 7, 1938—Vol. 23, No. 23
Fuel Oil Pumps	June 7, 1938—Vol. 23, No. 23
Paint, Varnish and Lacquer Spraying Equipment	April 26, 1938—Vol. 23, No. 17
Range Oil Burners and Space Heaters	June 7, 1938—Vol. 23, No. 23

JUNE 21, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning June* 21, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 146-38-BZ—Application, March 8, 1938, under sections 7c and 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Eva Garber, owner, to permit in a business use district the extension of an existing gasoline service station; premises 5366-5368 Kings highway, west side, 234 ft. 1⅛ in. north of Farragut road (Block No. 7948, Lot Nos. 11 and 12), Borough of Brooklyn.

CAL. NO. 331-38-BZ—Application, May 2, 1938, under section 21 of the building zone resolution, of George F. DeZeller, applicant, on behalf of Francis X. O'Connor, owner, to permit in a retail use district the erection and maintenance of a garage for more than five (5) motor vehicles; premises 253-255 West 47th street, north side, 225 ft. east of 8th avenue (Block No. 1019, Lot Nos. 10 and 11), Borough of Manhattan.

CAL. NO. 352-38-BZ—Application, May 11, 1938, under section 21 of the building zone resolution, of Marno Realty Co., applicant, on behalf of Red Top Realty Corporation, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 80-82 East 121st street and 1728-1734 Park avenue, southwest corner (Block No. 1747, Lot Nos. 18 and 19), Borough of Manhattan.

CAL. NO. 482-37-BZ—Application, October 13, 1937, under section 21 of the building zone resolution, of Anthony Waldeier, applicant, on behalf of Apex Garage & Rental Co., owner, to permit in a business use district the extension of an existing garage for more than five (5) motor vehicles; premises 87-38 Lefferts boulevard, west side, 330 ft. south of Jamaica avenue (Block No. 9328, Lot No. 22), Richmond Hill, Borough of Queens.

CAL. NO. 593-37-BZ—Application, December 15, 1937, under section 7h of the building zone resolution, of Jno. B. Snook Sons-Victor C. Farrar, applicants, on behalf of Harlem Savings Bank, owner, to permit, for a temporary period of not more than two (2) years, in a retail use district, the parking and storage of more than five (5) motor vehicles; premises 404-406 West 41st street, south side, 100 ft. west of 9th avenue (Block No. 1050, Lot No. 37), Borough of Manhattan.

CAL. NO. 615-37-BZ—Application, December 23, 1937, under section 7h of the building zone resolution, of Jno. B. Snook Sons-Victor C. Farrar, applicants, on behalf of Beers Trusts, owner; Lucius H. Beers, trustee, to permit, for a temporary period of not more than two (2) years, in a retail use district, the parking and storage of more than five (5) motor vehicles; premises 456-460 West 41st street, south side, 100 ft. east of 10th avenue (Block No. 1050, Lot Nos. 59, 60 and 60½), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

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JUNE 21, 1938, 2 P. M.

Appeals from Administrative Orders

483-38-A—2081-2091 Broadway, northwest corner of West 72nd street (Block No. 1164, Lot No. 26), Borough of Manhattan.

303-38-A—439-441 11th street, north side, 239 ft. 3 in. east of Sixth avenue (Block No. 1018, Lot No. 71,) Borough of Brooklyn.

318-38-A—Northeast corner of 44th avenue and 111th street (Block No. 2015, Lot No. 78), Corona, Borough of Queens.

383-38-A—41-79 Gleane street, east side, 188 ft. south of Elmhurst avenue (Block No. 1555, Lot No. 46), Elmhurst, Borough of Queens.

419-38-A—33-49 East 42nd street and 317-325 Madison avenue, northeast corner and 44-46 East 43rd street (3rd floor), (Block No. 1277, Lot No. 20), Borough of Manhattan.

306-38-A—1602 Avenue J, southeast corner of East 16th street (Block No. 6718, Lot No. 1), Borough of Brooklyn.

382-38-A—116-120 Varick street, east side, 48.2 ft. south of Dominick street (Block No. 491, Lot Nos. 3, 4 and 5 and part of Lot Nos. 11 and 12), Borough of Manhattan.

479-38-A—902-910 East 85th street, southwest corner of Flatlands avenue (Block No. 8021, Lot No. 43), Borough of Brooklyn.

JUNE 28, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, June* 28, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 382-37-BZ—Application, July 27, 1937, under section 7h of the building zone resolution, of Aaron Roth, applicant, on behalf of Stewcan Realty Corporation and George M. Thomson, owners, to permit, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles; premises 43-26 to 43-36 48th street, west side, 100 ft. north of Queens boulevard (Block No. 140, Lot Nos. 40 and 42), Long Island City, Borough of Queens.

CAL. NO. 532-37-BZ—Application, November 10, 1937, under section 7h of the building zone resolution, of Herman R. Josephson and Isaac Josephson, applicants and lessees, on behalf of Ronash Realty Corporation, owner, to permit, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles; premises 136-56 to 136-62 39th avenue (Locust street), south side, 378.30 ft. west of Union street (Block No. 4980, Lot No. 26), Flushing, Borough of Queens.

CAL. NO. 392-38-BZ—Application, May 20, 1938, under section 21 of the building zone resolution, of I. L. Crausman, applicant, on behalf of Townlee Realty Corporation, owner, to permit in a residence use district the elevation of a rear yard above the limit fixed by the building zone resolution; premises 2776 Jerome avenue, east side, 200 ft. north of East 196th street (Block No. 3318, Lot Nos. 15 to 19, inclusive), Borough of The Bronx.

CAL. NO. 73-38-BZ—Application, February 4, 1938, under section 7h of the building zone resolution, of J. J. Gloster, applicant, on behalf of Sears, Roebuck & Co., owner, to permit in a business use district the parking of more than five (5) motor vehicles; premises 2420 Bedford avenue and 2301-2323 Beverly road, northwest corner (Block No. 5133, Lot No. 14), Borough of Brooklyn.

CAL. NO. 27-33-BZ—Application of William E. Kennedy, applicant, on behalf of Joseph Moss, owner, reopened March 15, 1938 under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station (previously dismissed for lack of prosecution); premises 212-31 115th avenue and 114-30 Springfield boulevard, northwest corner (Block No. 1949, part of Lot No. 1), St. Albans, Borough of Queens.

CAL. NO. 315-38-BZ—Application, April 29, 1938, under section 21 of the building zone resolution, of Joel D. Marder, applicant, on behalf of Presbyterian Hospital in The City of New York, owner, to permit partly in a residence use district and partly in a business use district the parking and storage of more than five (5) motor vehicles; premises 601 West 165th street, northwest corner of Broadway (Block No. 2138, part of Lot No. 40), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

JUNE 28, 1938, 2 P. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, June* 28, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 388-37-BZ—Application of Samuel Rosenblum, applicant, on behalf of W.P.A. Realty Corporation, owner, reopened June 7, 1938, for consideration of an amendment to resolution to permit storage of more than five (5) motor vehicles —re Application, previously granted on condition, under section 7h of the building zone resolution, permitting, for a period of not more than two

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(2) years, in a business use district, the parking of more than five (5) motor vehicles; premises 2159 White Plains avenue, west side, 400 ft. south of Pelham parkway south (Block No. 4317, Lot No. 56), Borough of The Bronx.

CAL. NO. 1066-25-BZ—Application of Roland Lievendag, applicant and owner, reopened June 7, 1938, for consideration as to extension of time and amendment of resolution—re Application, previously granted on condition, under section 21 of the building zone resolution, permitting in a business use district the alteration of a garage for more than five (5) motor vehicles (with permit for sale of gasoline) which was granted by the Board on March 30, 1926 (and extended into the residence district under Cal. No. 74-28-BZ), so as to form an alcove gasoline station; premises, northwest corner of 46th (Queens) avenue and 164th (24th) street (Block No. 5442, Lot No. 81), Flushing, Borough of Queens.

CAL. NO. 530-37-BZ—Application, November 3, 1937, under section 21 of the building zone resolution, of Otto F. Semsch, applicant, on behalf of Ernest Flagg, owner, to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use; premises 7202-7224 Ridge boulevard, west side, from 72nd street to 73rd street, 158-190 72nd street and 181-191 73rd street (Block No. 5906, Lot No. 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

Appeals from Administrative Orders

133-38-A—7202-7224 Ridge boulevard, west side, from 72nd street to 73rd street, 158-190 72nd street and 181-191 73rd street (Block No. 5906, Lot No. 1), Borough of Brooklyn.

430-38-A—3081-3091 Avenue T and 2084 Stuart street, northwest corner (Block No. 7518, Lot No. 40), Borough of Brooklyn.

462-38-A—110 80th street, south side, 195 ft. west of Colonial road (Block No. 5985, Lot No. 30), Borough of Brooklyn.

464-38-A—166-170 Hudson street and 48 Laight street, northeast corner (Block No. 220, Lot No. 34), Borough of Manhattan.

466-38-A—34-45 21st street, east side, 410 ft. south of 34th avenue (Block No. 466, Lot No. 25), Astoria, Borough of Queens.

Variation of Labor Law

473-38-S—261 West 42nd street, northeast corner of 8th avenue (Block No. 1014, Lot Nos. 1 to 4½ inclusive), Borough of Manhattan.

JULY 6, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Wednesday morning, July* 6, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 340-38-BZ—Application, May 6, 1938, under section 21 of the building zone resolution, of W. H. and J. F. Dusenbury, applicants, on behalf of Emil Mosbacker, owner, to permit partly in a business use district and partly in a residence nse district the parking and storage of more than five (5) motor vehicles and, also, the erection and maintenance of a gasoline service station; premises 2686-2690 Jerome avenue, east side, 146.76 ft. north of East Kingsbridge road (Block No. 3317, part of Lot No. 6), Borough of The Bronx.

CAL. NO. 311-38-BZ—Application, April 28, 1938, under section 21 of the building zone resolution, of Arnold W. Lederer, applicant, on behalf of J. K. Rasnake and J. B. Fleming, owners, to permit in a residence use district the maintenance of two (2) ground signs; premises 2080-2086 Ocean avenue and 1913 Avenue "P", northwest corner (Block No. 6766, Lot No. 53), Borough of Brooklyn.

CAL. NO. 13-38-BZ—Application, January 11, 1938, under section 21 of the building zone resolution, of Henry Nordheim, applicant, on behalf of M. Boguslawsky, Inc., owner, to permit in a business use district the erection and maintenance of a storage garage for more than five (5) motor vehicles on a plot occupied, in part, as a gasoline service station; premises 2481-2489 Southern boulevard and 757-765 East 189th street, northwest corner (Block No. 3116, Lot No. 37), Borough of The Bronx.

CAL. NO. 266-36-BZ—Application of Lama and Proskauer, applicants, on behalf of Frederick Reiner, owner, reopened December 14, 1937, under section 7c of the building zone resolution, to permit the extension, from an unrestricted use district into a business use district, of an existing gasoline service station (previously withdrawn); premises 90-25 to 90-33 Horace Harding boulevard (Nassau boulevard), northeast corner of Queens boulevard (Block No. 1876, Lot No. 1 and part of Lot No. 21), Elmhurst, Borough of Queens.

CAL. NO. 461-37-BZ—Application, September 27, 1937, under sections 7h and 21 of the building zone resolution, of Manhattan Parking Corporation, applicant and lessee, on behalf of New York Life Insurance Company, owner, to permit partly in a business use district and partly in a residence use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 247-261 Madison avenue, south side, from East 38th street to East 39th street (Block No. 868, Lot Nos. 20, 22, 23, 24, 25, 54, 55 and 56), Borough of Manhattan.

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CAL. NO. 261-38-BZ—Application, April 14, 1938, under section 21 of the building zone resolution, of Saypol and Kotler, applicants, on behalf of Gothard Lowenstein, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 1381-1383 Flatbush avenue, northwest corner of East 26th street (Block No. 5227, Lot No. 1), Borough of Brooklyn.

CAL. NO. 1254-23-BZ—Application of Samuel Rosenblum, applicant, on behalf of 14 Second Avenue Realty Corporation, owner, reopened January 4, 1938, under section 21 of the building zone resolution, to permit in a business use district the installation of gasoline storage equipment in a garage for more than five (5) motor vehicles, previously granted by the Board on condition that no gasoline storage equipment be installed; premises 14 Second avenue, east side, 47 ft. 10 in. south of East First street (Block No. 442, Lot No. 6), Borough of Manhattan.

CAL. NO. 360-38-BZ—Application, May 13, 1938, under sections 7a and 7c of the building zone resolution of Matthew W. Del Gaudio, applicant, on behalf of 356 West 44th Street Corporation, owner, to permit in a residence use and "B" area district the alteration and extension of a building and the extension of an existing business use; also the omission of part of the required rear yard; premises 356 West 44th street, south side, 100 ft. east of Ninth avenue (Block No. 1034, Lot No. 60), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

JULY 6, 1938, 2 P. M.

Appeal from Administrative Order

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

Building Zone Application

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Wednesday afternoon, July* 6, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49 27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No 3004, Lot Nos 28, 40 and 42), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

JULY 12, 1938, 2 P. M.

Appeal from Administrative Order

356-38-A—333 West 83rd street and 110-112 Riverside drive, southeast corner (Block No. 1245, Lot Nos. 47, 49, 54 and part of Lot No. 56), Borough of Manhattan.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, JUNE 14, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

The minutes of the regular meeting of the board held on Wednesday morning, June 1, 1938 and the minutes of the regular meeting of the board held on Wednesday afternoon, June 1, 1938, were approved as printed in Bulletin No. 23, Vol. XXIII; and the minutes of the regular meeting of the board held on Tuesday morning June 7, 1938 and the minutes of the regular meeting of the board held on Tuesday afternoon, June 7, 1938, were approved as printed in Bulletin No. 24, Vol. XXIII.

BUILDING ZONE CASES

530-37-BZ.

APPLICANT—Otto F. Semsch, for Ernest Flagg, owner.

SUBJECT—Application (re decision of the tenement house commissioner) under section 21 of the building zone resolution, to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use.

PREMISES AFFECTED—7202-7224 Ridge boulevard, west side, from 72nd street to 73rd street, 158-190 72nd street and 181-191 73rd street (Block No. 5906, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Otto F. Semsch, Ernest Flagg and Jean Stockwell.

For Opposition: Nathan A. Epstein, Mr. Fellner, James C. Creahan, Emma B. Hoffman, Florence L. Madigan, George C. Keane, Charles Cederholm, Michael Dillon and others.

For Administration: Patrick F. Kelly, Chief Inspector, Samuel B. Mitzner, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to June 28, 1938, at 2 P. M., for report by committee of the board and decision without further argument.

315-38-BZ.

APPLICANT—Joel D. Marder, for Presbyterian Hospital in The City of New York, owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit partly in a residence use district and partly in a business use dis-

trict the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—601 West 165th street, northwest corner of Broadway (Block No. 2138, part of Lot No. 40), Borough of Manhattan.

APPEARANCES—

For Applicant: Cornelius J. Sullivan and Joel D. Marder.

For Opposition: Irwin Stern, Charles Pape, Aaron Rodbell, Leon Merockulk and others.

ACTION OF BOARD—Laid over to June 28, 1938 at 10 A. M. for consideration by the board. No further argument.

100-38-BZ.

APPLICANT—Lama and Proskauer, for Three-Eighty-Three Realty Corporation, owner.

SUBJECT—Application (re decision of the acting borough superintendwent of buildings) under section 7h of the building zone resolution, to permit in a retail use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—11-17 West 35th street, north side, 200 ft. west of Fifth avenue and 12-14 West 36th street, south side, 219 ft. west of Fifth avenue (Block No. 837, Lot Nos. 31, 32, 33, 34, 54 and 55), Borough of Manhattan.

APPEARANCES—

For Applicant: Alfred A. Lama, J. J. Stone, W. G. Morrison and E. M. Derby.

For Opposition: Ruth Goldrich.

ACTION OF BOARD—Placed on reserve calendar, pending the removal of buildings now located on property, when the board will act upon the granting of variation for temporary period under 7-H.

THE VOTE TO PLACE ON RESERVE CALENDAR—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(100-38-BZ)

WHEREAS, Lama & Proskauer, for the Three-Eighty-Three Realty Corporation, owner, filed February 17, 1938, an application with the Board of Standards and Appeals, to permit in a retail use district for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles, premises: 11-17 West 35th street, north side, 200 ft. west of Fifth avenue and 12-14 West 36th street, south side, 219 ft. west of Fifth avenue (Block No. 837, Lot Nos. 31, 32, 33, 34, 54 and 55), Borough of Manhattan; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the buildings on the plot have not been demolished and accordingly section 7, subdivision H, does not provide jurisdiction to the board to grant; and

WHEREAS, the application has been amended to include section 21.

Resolved, that it is the concensus of opinion of the board, that the plot under appeal could be suitably used for parking and storage of more than five (5) motor vehicles of the pleasure-car type as proposed and that a resolution should be adopted *granting such use for a period of two (2) years under section 7-H, when the buildings now on the premises are entirely demolished*, provided demolition is promptly completed and that pending such demolition, this application is placed on the Reserve Calendar.

1481-22-BZ.

APPLICANT—A. S. G. Construction Corporation, owner.

SUBJECT—Application reopened May 17, 1938 (re decision of the acting borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a residence use district the alteration and conversion of occupancy of a bank to stores located on part of the first story of an existing building (the bank use having been previously granted by the board).

PREMISES AFFECTED — 8502-8518 Fourth avenue, southwest corner of 85th street (Block No. 6034, Lot No. 41), Borough of Brooklyn.

APPEARANCES—

For Applicant: Albert J. Appell.

For Opposition: Annie Hennessey, Nils Torresen, G. J. O'Shea, Theo. Schroeder, Jr., and others.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(1481-22-BZ)

WHEREAS, this application affecting premises 8502-8518 Fourth avenue, southwest corner of 85th street (Block No. 6034, Lot No. 41), Borough of Brooklyn, was granted by the board February 20, 1923, permitting stores in the first story of a proposed apartment house, said stores not to extend beyond a point of 12 ft. south of 85th street; and

WHEREAS, the resolution was amended January 6, 1925, permitting a bank to occupy the corner for a frontage of 38 ft. on Fourth avenue; and

WHEREAS, the owner requested a reopening of the case, to permit the occupancy of the portion of the premises formerly occupied by the bank as a restaurant (store); and

WHEREAS, this application was reopened by vote of the board May 17, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 14, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Fourth avenue is in a residence and business use district; 85th street is in a residence use district and 86th street is in a residence and business use district; and

WHEREAS, the decision of the borough superintendent of buildings, dated May 19, 1938, re Application No. 5251-1938, reads:

"1. Proposed alteration is contrary to the provisions of Resolution of Board of Standards and Appeals of January 6, 1925 (Bulletin No. 2, Vol. 10)."

and

WHEREAS, the building is of non-fireproof construction, 5 stories in height, with a frontage of 150 ft. 3 in. on Fourth avenue and 93 ft. on 85th street, to be occupied as a multiple dwelling with stores and a bank on first story; it is proposed to change occupancy of bank to a restaurant; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that inasmuch as a variation was granted by the board in 1923, permitting business use on the first story on the Fourth avenue front of multiple dwelling thereon, under certain conditions and that the amendment now sought is a change in the nature of the business use from bank to restaurant, the resolution should be amended to the substitution under proper conditions for a limited term.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution adopted by the board on February 20, 1923, as amended by resolution adopted January 6, 1925, so that as amended the resolution shall read:

"Resolved that the Board of Standards and Appeals does hereby *make a variation* in the application of the

use district regulations of the building zone resolution and that the application be and it hereby is *granted on condition,* that the entire use of the corner store, an area 38 ft. front on Fourth avenue, shall be restricted to a banking business conducted under the authority of the Banking Department and be restricted to the ground floor on the Fourth avenue front.

"Resolved further, that in the event the owner desires to lease the premises hereinbefore permitted to be occupied by a bank for a restaurant, as indicated on plans marked 'Received June 6, 1938', *such occupancy of the store floor and cellar may be permitted for a period of five* (5) *years from the date of this action on condition that the show windows along Fourth avenue are not altered and the windows along* 85*th street, opening from these premises, shall not be altered and shall be glazed with opaque glass; that there shall be no connection between these premises and any other portion of the multiple dwelling; that no signs shall be erected other than on the Fourth avenue front with no signs above the belt course next above the show windows, and with no signs extending beyond the building line; that in all other respects all laws, rules and regulations applicable to this building and occupancy shall be complied with; and that all permits shall be obtained within three months from the date of this amended resolution and that the resolution of the board shall be complied with in all other respects."*

199-38-BZ.

APPLICANT—William Barker, for Jamaterm Realty Co., Inc., owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under sections 7f and 21 of the building zone resolution, to permit, for a temporary period of not more than two (2) years, in a residence use district, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—Southeast corner of Van Wyck boulevard (137th street) and 85th avenue (Block No. 9647, Lot Nos. 1, 8, 16, 30 and 32), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Banton Moore.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4

Negative 0

Absent 0

THE RESOLUTION—

(199-38-BZ)

WHEREAS, William Barker, for Jamaterm Realty Co., Inc., owner, filed March 24, 1938, an application under the building zone resolution to permit for a temporary period of not more than two (2) years, in a residence use district, the parking and storage of more than five (5) motor vehicles; premises: southeast corner of Van Wyck boulevard (137th street) and 85th avenue (Block No. 9647, Lot Nos. 1, 8, 16, 30 and 32), Jamaica, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 14, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Van Wyck boulevard is in a residence use district; 85th avenue is in a residence and business use district and Queens boulevard is in a business use district; and

WHEREAS, the decision of the borough superintendent of buildings, re No. 367/38, dated March 24, 1938, reads:

"Supplementing my communication of February 4th, regarding application made for issuance of Certificate of Occupancy to cover use of premises situated at the southeast corner of Van Wyck boulevard and Eighty-fifth avenue, Borough of Queens, for parking space purposes (parking and storage of more than five cars) is hereby DENIED, as this location is situated in a RESIDENCE district, and such use or occupancy could be contrary to Section 3 of the Building Zone Resolution of the City of New York."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 352 ft. on Van Wyck boulevard and 127 ft. on 85th avenue. It is proposed to occupy the plot for a temporary period of not more than 2 years for the parking and storage of more than five (5) motor vehicles; and

WHEREAS, in the opinion of the board, this plot can temporarily be considered as in an undeveloped area, and would therefore come under section 7-F of the building zone resolution; and

WHEREAS, in the opinion of the board, a portion of this plot could be advantageously used for transient parking, because of its location adjacent to the subway entrance and because of the sparsely improved condition of the area, and that a temporary variance for such use should be granted under proper conditions.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-F for a temporary period of two years from the date of this action, to permit that portion of the plot under appeal facing Van Wyck boulevard to be used for transient parking of more than five (5) motor vehicles, restricted to the pleasure car type, *on condition* that the plot shall be leveled substantially to the grade of Van Wyck boulevard; that a substantial woven wire fence shall be erected, to enclose the parking plot; that entrance to the plot shall be restricted to two from Van Wyck boulevard (known also as 137th street) and Barrett avenue; these entrances shall be located as indicated on plans filed with this application and not to exceed 25 ft. in width, with curb cuts opposite not exceeding 15 ft. in width; that during the term of this variance, the premises shall be used for no other use than as herein permitted; that no building shall be permitted on the premises, other than a frame office and shelter for the attendant, not to exceed 150 sq. ft. in area and one story in height; that proper aisles shall be maintained at all times for easy exit and entrance; that no sign shall be erected other than neat signs at the entrances, advertising the parking use; such signs not to exceed 15 sq. ft. in area; that such portable fire-fighting appliances shall be maintained on the premises as the commissioner shall direct; that all permits required shall be obtained and all work involved completed within two months from the date of this action.

278-38-BZ.

APPLICANT—Clayton G. Shirkey, for Ethel Scully, owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a business use and "A" area district the alteration and conversion of occupancy of part of an existing building from business use to a dwelling use; the alteration and conversion of occupancy not conforming with the area requirements of the zone resolution.

PREMISES AFFECTED—110-20 to 110-22 Rockaway Beach boulevard, north side, 1242 ft. east of Beach 116th stret (Block No. 598, Lot No. 61), Rockaway Beach, Borough of Queens.

APPEARANCES—

For Applicant: Clayton G. Shirkey and Ethel Scully.

For Opposition: None.

For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(278-38-BZ)

WHEREAS, Clayton G. Shirkey, for Ethel Scully, owner, filed April 18, 1938, an application under the building zone resolution to permit in a business use and "A" area district the alteration and conversion of occupancy of part of an existing building from business use to a dwelling use; the alteration and conversion of occupancy not conforming with the area requirements of the zone resolution; premises, 110-20 to 110-22 Rockaway Beach boulevard, north side, 1,242 ft. east of Beach 116th street (Block 598, Lot No. 61), Rockaway Beach, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 14, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the district maps accompanying the building zone resolution show that Rockaway Beach boulevard is in a business use and "A" and "C" area; Beach 111th street is in a business use and "C" area and Beach 110th street is in a business use and "C" area; and

WHEREAS, the decision of the borough superintendent of buildings, dated April 5, 1938, re Application No. 1790-1938, reads:

"Court or side yard provided both sides are less than 4 ft. as required by section 18-B, Building Zone Resolution. Not further considered."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 40 ft. and a depth of 121 ft. 9 in. Upon the plot there is located a 2 story frame structure (erected in 1907) having stores on the 1st story and dwellings on 2nd story. This building has a frontage of 34 ft.; there is a side court on each side of the building having a width of 3 ft. instead of the required width of 4 ft. It is proposed to alter and convert the 1st story from business to residence use and to subdivide the structure to form two (2) two family dwellings; and

WHEREAS, the board deemed that the applicant had substantiated a basis of appeal under section 21 of the building zone resolution and was, therefore, entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* to permit the side courts to be 3 ft. in width, *on condition* that the building shall comply in all respects with all laws and regulations applicable to the building and occupancy and that the building shall not be further increased in height or area; that all permits shall be obtained and all work completed within one year from the date of this action.

546-37-BZ.

APPLICANT—Michael & Company, for Anna Donnelly, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a residence use district the maintenance of three (3) two-car garages.

PREMISES AFFECTED—36-34 to 36-38 Old Ridge road, west side, 195 ft., 221 ft. and 246 ft. north of 37th avenue (Block No. 342, Lot Nos. 37, 38 and 39), Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Michael Janicki.
For Opposition: Percy B. Prince, Fred Lebart, William Salak and Louis Vancura.
For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative 0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Absent 0

THE RESOLUTION—

(546-37-BZ)

WHEREAS, Michael & Company, for Anna Donnelly, owner, filed November 17, 1937, an application under the building zone resolution to permit in a residence use district the maintenance of three (3) two-car garages; premises: 36-34 to 36-38 Old Ridge road, west side, 195 ft., 221 ft. and 246 ft. north of 37th avenue (Block No. 342, Lot Nos. 37, 38 and 39), Long Island City, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 14, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Old Ridge road is in a residence and business use district; 30th street is in a residence and business use district; 37th avenue is in a business use district and 36th avenue is in a business use district; and

WHEREAS, the decision of the commissioner of buildings, dated November 1, 1937, reads:

"Your applications for certificates of occupancy to occupy garages under application Nos. 1105, 1108, and 1110, affecting premises on the west side of Old Ridge road, 195 ft., 221 ft. and 246 ft. north of 37th avenue, respectively, is hereby DENIED, same being contrary to Art. 2, Sec. 3 of the Zone Law."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 76 ft. 4 in. and a maximum depth of 88 ft. 3 in. This plot is comprised of three lots, 37, 38 and 39 of block 342. There has been erected upon each lot three 2-car garages; the two garages on the front of the plot each being 16 ft. by 18 ft. in area and the garage on the rear of the lot is 9 ft. by 18 ft. in area. It is proposed to rent these garages to persons not residing on the premises in question; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to hearing; and

WHEREAS, the board deemed that the applicant failed to substantiate a basis of appeal under section 21 of the building zone resolution and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed*, and that the application be and it hereby is *denied*.

Adjourned, 2:00 P. M.

EDWARD V. BARTON, Chief Clerk.

Copies of the Official Directory of the City of New York for the year 1938 (The Little Green Book), containing the latest authentic information in relation to City, State and Federal Departments, Bureaus, Offices and Courts, are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50 cents; by mail, three cents per copy must be added for postage.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, JUNE 14, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh.

BUILDING ZONE CASES

17-29-BZ.

APPLICANT—Clara K. Eberhart, owner.

SUBJECT—Application reopened Nov. 23, 1937, under new proposal (re decision of the commissioner of building) under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and also the storage and parking of more than five (5) motor vehicles.

PREMISES AFFECTED—1886-1888 Boston road, southside, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

APPEARANCES—

For Applicant: None.

For Opposition: None.

ACTION OF BOARD—Laid over to July 6, 1938 at 2 P. M. No appearance. Applicant to be notified.

5-28-BZ.

APPLICANT—Paul Friedman, for Parkway Center Building Corporation, owner.

SUBJECT—Application for consideration—reopening and rehearing under new facts—re application (decision of the superintendent of buildings) under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station (previously denied).

PREMISES AFFECTED — 384-388 Hawthorne street, southwest corner of New York avenue (Block No. 4819, Lot No. 39), Borough of Brooklyn.

APPEARANCES—

For Applicant: Paul Friedman.

ACTION OF BOARD—Application reopened, subject to usual procedure. The board deemed that the new facts presented were, in this instance, sufficiently substantial to justify a rehearing and that a rehearing should be granted, in view of the stipulation discontinuing the court reference.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

389-29-BZ.

APPLICANT—Scacchetti and Siegel, for 2356 Concourse Realty Corporation, owner.

SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the superintendent of buildings) under section 21 of the building zone resolution, permitting in a residence use district the alteration and change of occupancy of part of the first story of an apartment house from residence to business use.

PREMISES AFFECTED—2356-2366 Grand Concourse, southeast corner of East 184th street (Block No. 3159, Lot Nos. 40 and 43), Borough of The Bronx.

APPEARANCES—

For Applicant: Max Siegel.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

480-37-BZ.

APPLICANT—Samuels and Samuels, for Wendel Foundation and Phelps Estate, Inc., owners.

SUBJECT—Application (re decision of the commissioner of buildings) under sections 7h and 7c of the building zone resolution, to permit partly in a business use district and partly in an unrestricted use district, for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles.

PREMISES AFFECTED—21-25 Union Square West, west side, 52 ft. north of East 15th street (Block No. 843, Lot Nos. 22 and 25), Borough of Manhattan.

APPEARANCES—

For Applicant: Max Siegel.

For Opposition: J. B. Vandever, Robert Korn and E. Koch.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(480-37-BZ)

WHEREAS, Samuels and Samuels for Wendel Foundation and Phelps Estate, Inc., owners, filed October 11, 1937, an application under the building zone resolution to permit partly in a business use district and partly in an unrestricted use district for a temporary period of not more than two (2) years, the parking of more than five (5) motor vehicles: Premises: 21-25 Union Square west, west side, 52 feet north of East 15th street (Block No. 843, Lot Nos. 22 and 25), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 14, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Union Square west is in a business and residence use district; East 16th street is in an unrestricted and business use district and East 15th street is in an unrestricted and business use district; and

WHEREAS, the decision of the commissioner of buildings, dated October 7, 1937, reads:

"Your application for a certificate of occupancy for use of the above premises as a parking lot for more than five cars, has been disapproved for the reason that the premises are located in a business district and this use is prohibited by section 4 of the building zone resolution."

and

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 89 ft. 6 in. and a depth of 141 ft. 10 in.; the rear portion of the plot extends into an unrestricted use district for a maximum distance of 41 ft. 10 in.; the remainder of the plot is located in a business use district. It is proposed to use the plot for a temporary period of not more than 2 years, for the parking of more than five motor vehicles; and

WHEREAS, the premises under appeal were the subject of an inspection by a committee of the board, which recommends that the use requested should be extended to the

restricted portion of the plot, but with no entrance to Union Square west, for a temporary period of two years under section 7-h of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-h thereof for a temporary period of two years from the date of this action, to permit the plot under appeal to be used for the transient parking of more than five (5) motor vehicles in conjunction with the existing parking lot and gasoline station, to the west located in the unrestricted use district, *on condition* that there shall be no entrance to the plot from Union Square west; that no signs shall be erected on the premises; that for the entire frontage along Union Square west, there shall be erected a substantial woven wire fence not less than six feet in height; that on the interior lot lines to the south and north, where walls of existing buildings do not now exist, there shall be a similar woven wire fence erected; that a similar fence shall be constructed along the rear lot line of the adjoining lot, No. 27; that the entire plot shall be graded and surfaced with steam cinders or similar material properly rolled and bound to prevent dusting and graded to provide surface drainage; that no building shall be erected on this plot during the term of this variance; that proper aisles shall be maintained at all times, to permit ready access and egress through the adjoining parking lot to East 15th street and East 16th street; that all permits required shall be obtained and all work completed within two months from the date of this action.

493-37-BZ.

APPLICANT—Nugent and Nugent for Maude B. Mowry, owner.

SUBJECT—Application (re decision of the commissioner of buildings(under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—71-20 to 71-32 Roosevelt avenue and 40-02 to 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

APPEARANCES—

For Applicant: Daniel F. Nugent, Max Siegel and Maude B. Mowry.

For Opposition: Joseph Smid.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative: Commissioner Savage	1
Negative: Chairman Murdock, Commissioner Blum and Assistant Chief Walsh	3
Absent	0

THE RESOLUTION—

(493-37-BZ)

WHEREAS, Nugent and Nugent, for Maude B. Mowry, owner, filed October 16, 1937, an application under the building zone resolution to permit in a business use district the erection and maintenance of a gasoline service station; premises: 71-20 to 71-32 Roosevelt avenue and 40-02 to 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 14, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Roosevelt avenue is in a business use district; 72nd street is in a business use district; 71st street is in a business use district and Broadway is in a business use district; and

WHEREAS, the decision of the commissioner of buildings, dated September 20, 1937, N.B. Application No. 3932-1937, reads:

"1. Erection of a gasoline selling station in a business district is contrary to Art. 2, Section 4 of the Building Zone Resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 130 ft. on Roosevelt avenue and 72 ft. 6 in. on 72nd street. It is proposed to erect upon the plot a one story building, 55 ft. by 25 ft. in area to be used as office and lubritorium and, also, to install the necessary tanks and pumps for a gasoline service station; and

WHEREAS, the site under appeal was the subject of an inspection by a committee of the board, report of which inspection was read at a previous hearing, but which report will be incorporated in these minutes and reads as follows:

REPORT OF COMMITTEE

June 6, 1938.

Cal. No. 493-37-BZ.

Premises: 71-20 to 71-32 Roosevelt avenue, and 40-02 to 40-06 72nd street, southwest corner (Block No. 1303, Lot Nos. 9, 11, 12 and 14), Jackson Heights, Borough of Queens.

The application for a zoning variance under section 21 is to permit occupancy as a gasoline service station. The plot is in a business use area in which a gasoline station is a prohibited use. New plans designed to overcome the objections raised have been substituted for the plans filed with the application. It is stated that premises have been in the family of the present owner for eighteen years and no conforming profitable business use has been found other than billboards and an ice stand which provide inadequate financial return. It is claimed that the overhead subway structure and the open cut of the Long Island Railroad, which adjoins the plot on the west, are two main factors preventing a profitable use of the plot. Others are the heavy traffic along Roosevelt avenue, the gasoline station opposite and the parking lot diagonally opposite. The open railroad cut isolates this plot from business support from the west.

The gasoline station is there illegally and it and the repair shop and subject to violation. It appears that in 1925 the superintendent of buildings permitted a garage on lot 151 in the rear in an unrestricted district with an access driveway thereto through the business zone from Roosevelt avenue. Alongside this driveway a conforming automobile salesroom has been turned into a motor vehicle repair shop and gas pumps have been erected at Roosevelt avenue without legal sanction. The parking lot at 72-01 to 72-17 is being illegally operated and an application for a zoning variance is pending. The area is generally built up, with relatively few vacant plots. The area along Roosevelt avenue at and east of the intersection of Broadway is the better business portion of the area than the immediate area, but business uses exist. Across Roosevelt avenue and to the west of the railroad cut, there is considerable residential development which is indicated on the plot plan. The business and residential buildings appear to be well occupied.

If the reasoning in the recent decision of the Court of Appeals in Arverne Bay Construction Company vs. Thatcher was applied to this case, it might appear that because of the length of ownership without return and the presence of objectionable features, such as the railroad cut, that the board might be justified in recognizing the existence of unnecessary hardship and granting the variation sought. By the tests, however, as laid down by the Court of Appeals in Fordham Manor Church vs. Walsh, Tillie Levy vs. the Board and Young Women's Hebrew Association vs. the Board, it is impossible to conclude that this plot is so unique and subject to such a degree of unnecessary hardship as to justify favorable action. The board has been warned that variances should be granted sparingly and that a special privilege should not be granted to one owner when there are others similarly located.

Here there are other plots on Roosevelt avenue adjoining the railroad cut and fronting on the overhead railway and in such a condition the Court in the Dowsey Kensington and Tilly Levy decisions advises that it is a matter for a general change of zone by the Legislative authority. If such a change were made, this plot and the illegal gas station across the street and the parking lot would be the beneficiaries as presumably the only general zoning change would be a change to unrestricted use. But would the existing conforming business and residence uses who, by their objections filed, indicate that they oppose a change, consent to such a removal of the zoning protection for the benefit of a few owners who happen to be unfavorably located? It is difficult, however, to reconcile the principle enunciated by the Court in the Dowsey Kensington and Tillie Levy decisions with the decision in 1291 Concourse vs. the Board, where the Board denied a variance sought and was overruled by the Court in a matter clearly demanding under that principle a general change of zone.

There may be many reasons why a plot is permitted to lie vacant. It may have been bought for its speculative value and owing to a depressed real estate market, the expected boom has failed to arrive. Lack of initiative and courage to embark on a building venture or a mortgage condition precluding favorable refinancing or unwillingness to sell at a loss are among other reasons.

In the absence of convincing proof that this plot is so unique as to preclude a conforming use being established, the committee after inspection and study of the area, are of the opinion that a proper basis to warrant favorable action has not been presented and denial is recommended.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,
Committee.

On the basis of additional data offered by applicant in his brief submitted on June 11, 1938, I wish to be recorded as dissenting to this report.

(Sgd.) BERNARD A. SAVAGE.

and

WHEREAS, this report recommended the denial of the application and the board deemed that the applicant failed to substantiate a basis of appeal under section 21 of the building zone resolution and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the commissioner of buildings in acting on N.B. Application 3932-1937 be and it hereby is *affirmed,* and that the application be and it hereby is *denied.*

257-36-BZ.

APPLICANT—Harrison G. Wiseman, for Buckminster Estates, Inc., owner.

SUBJECT—Application for consideration—reopening and extension of time—re application (decision of the commissioner of buildings) under section 7f of the building zone resolution, permitting the erection of a business building (theatre and stores) extending from a business use district to a residence use district.

PREMISES AFFECTED—1713 Church avenue, north side, 105 ft. 9⅞ in. east of East 17th street (Block No. 5078, Lot No. 30), Borough of Brooklyn.

APPEARANCES—
For Applicant: A. Frankel.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—
(257-36-BZ)

WHEREAS, John J. Beatty, for Buckminster Estates, Inc., owner, filed September 4, 1936, an application under the building zone resolution to permit the erection of a business building (theatre and stores) extending from a business use district into a residence use district; premises: 1713 Church avenue, north side 105 ft. 9⅞ in. east of East 17th street (Block No. 5078, Lot No. 30), Borough of Brooklyn; and

WHEREAS, this application was granted by the board December 8, 1936, on certain conditions, request to change these conditions denied April 20, 1937, resolution amended July 13, 1937 and owner now requests an extension of time to complete the work.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution adopted on December 8, 1936, as amended by resolution of July 13, 1937, only so far as it refers to the time of completion of the work, so that as amended this portion of the resolution shall read:

"That in view of statement by the applicant that all required permits have been obtained, that all work shall be completed within one year from the date of this amended resolution; that in all other respects the previous resolutions shall be complied with."

51-30-BZ.

APPLICANT—T. H. Engelhardt, for Cord Meyer Development Company, owner.

SUBJECT—Application for consideration—reopening and amendment (decision of the borough superintendent of buildings) re application, previously granted on condition, under sections 7g and 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles and, also, the installation of a gasoline service station.

PREMISES AFFECTED—112-01 to 112-09 Queens boulevard, 75-01 to 75-09 112th street (Seminole avenue), northeast corner and 112-16 to 112-40 75th avenue (Atom street); (Block No. 1363, Lot No. 79), Forest Hills, Borough of Queens.

APPEARANCES—
For Applicant: Theobald H. Engelhardt.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—
(51-30-BZ)

WHEREAS, this application affecting premises 112-01 to 112-09 Queens boulevard, 75-01 to 75-09 112th street (Seminole avenue) and 112-16 to 112-40 75th avenue (Atom street); (Block No. 1363, Lot No. 79), Forest Hills, Borough of Queens, was granted by the board April 8, 1930, on certain conditions, resolution amended April 6, 1937, May 11, 1937 and February 1, 1938, and owner requested a further amendment of the resolution.

Resolved, that the resolution adopted by the board on April 8, 1930 as amended February 1, 1938, be and it hereby is *amended,* so that as amended the resolution will read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is

granted on condition that the building shall not exceed in height four stories above grade and shall be constructed fireproof, substantially in accordance with the plans, as to design, plan and layout, filed in this appeal; that the exterior of the building on all sides shall be finished with light-colored face brick with dark-colored face brick trim, architectural terra cotta or natural stone trim; that there shall be no vehicular opening on the 75th avenue frontage; that any door openings on the 75th avenue front shall not exceed a width of 3 ft. 8 in.; that no gasoline pumps shall be installed within 10 ft. of any street building line; that there shall be incorporated on the building line at street frontage a concrete curb not less than 12 in. in width and not less than 5 in. in height with rounded top for a distance of not less than 5 ft. from the southerly interior line and for a length of not less than 8 ft. opposite each of the pump islands, permitting the three entrances to the premises not more than 25 ft. in width from Queens boulevard and one entrance not more than 30 ft. in width from Seminole avenue, with curb cuts opposite each such opening not exceeding 35 ft. in width each; that advertising display shall be restricted to the glass globes of the gasoline pumps and to a flat wall sign attached to that portion of the building used as a garage and to one electric sign on the roof over the garage entrance and signs on the street front of the portion of the building used for restaurant purposes as permitted under Cal. No. 31-38-A-WF; and also permitting one post standard erected within the building line toward the easterly side, near the easterly interior lot line, for supporting a sign that may be illuminated, advertising solely the brand of gasoline for sale.

Resolved further, that in the event the owner desires to add additional stories to the existing one story garage erected pursuant to resolution adopted by the board, that such additional stories may be added, not to exceed a total of 4, *as permitted in the resolution adopted on April* 8, 1930 *on condition that all the requirements of this resolution shall be complied with and that no sign shall be erected upon the roof of the building as increased in height without the approval of this board and that all permits for additional construction work shall be obtained and all work completed within one year from the date of this action."*

APPEALS FROM ADMINISTRATIVE ORDERS

280-38-A.

APPLICANT—Sheppard Glucroft, for B. Gertz, Inc., lessee, for Benar Holding Corporation, owner.
SUBJECT—Appeal from an order and a decision of the fire commissioner.
PREMISES AFFECTED—162-10 Jamaica avenue, south side, 70 ft. east of 162nd street, 92-15 Union Hall street and 92-14 New York boulevard (Block No. 1052, Lot Nos. 4-6-13-79), Jamaica, Borough of Queens.
APPEARANCES—
For Applicant: Sheppard Glucroft.
ACTION OF BOARD—Placed on reserve calendar on request of applicant; to be heard when other cases having similar order are heard.

133-38-A.

APPLICANT—Otto F. Semsch, for Ernest Flagg, owner.
SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED — 7202-7224 Ridge boulevard, west side, between 72nd street and 73rd street, 158-190 72nd street and 181-191 73rd street (Block No. 5906, Lot No. 1), Borough of Brooklyn.
APPEARANCES—
For Applicant: Otto F. Semsch, Ernest Flagg and A. Andersen.
For Opposition: Evelyn Martocci, Nathan A. Epstein, James J. Creahan, and others.
For Administration: S. Cohen and Samuel B. Mitzner, Department of Housing and Buildings.
ACTION OF BOARD—Laid over to June 28, 1938, at 2 P. M. for final decision without further argument.

430-38-A.

APPLICANT—Paul Friedman, for Isidor Skolnik, owner.
SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—3081-3091 Avenue T and 2084 Stuart street, northwest corner (Block No. 7518, Lot No. 40), Borough of Brooklyn.
APPEARANCES—
For Applicant: Paul Friedman and Herman Skolnik.
For Opposition: A. M. Perkus and Sen. William M. Caulder.
For Administration: S. Cohen, Department of Housing and Buildings.
ACTION OF BOARD—Laid over to June 28, 1938, at 2 P. M., for inspection by a committeee of the board.

462-38-A.

APPLICANT—Edmund J. McCormick, for Louise E. McCormick, owner.
SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—110 80th street, south side, 195 ft. west of Colonial road (Block No. 5985, Lot No. 30), Borough of Brooklyn.
APPEARANCES—
For Applicant: Edmund J. McCormick.
For Administration: S. Cohen, Department of Housing and Buildings.
ACTION OF BOARD—Laid over to June 28, 1938 at 2 P. M. for inspection by a committee of the board.

464-38-A.

APPLICANT—Victor Mayper, for Nick Costello, lessee.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—166-170 Hudson street and 48 Laight street, northeast corner (Block No. 220, Lot No. 34), Borough of Manhattan.
APPEARANCES—
For Applicant: Victor Mayper.
For Administration: Fred Dahlem, Department of Housing and Buildings.
ACTION OF BOARD—Laid over to June 28, 1938, at 2 P. M. for inspection by a committee of the board.

466-38-A.

APPLICANT—Philip J. Riley, lessee.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—34-45 21st street, east side, 410 ft. south of 34th avenue (Block No. 466, Lot No. 25), Astoria, Borough of Queens.
APPEARANCES—
For Applicant: Philip J. Riley.
For Administration: David Stone, Department of Housing and Buildings.
ACTION OF BOARD—Laid over to June 28, 1938 at 2 P. M. for inspection by a committee of the board.

483-38-A.

APPLICANT—G. W. Haight, for The Newsreel Theatres, Inc., lessee.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—2081-2091 Broadway, northwest corner of West 72nd street (Block No. 1164, Lot No. 26), Borough of Manhattan.

APPEARANCES—
For Applicant: G. W. Haight and F. C. Wood, Jr.
For Administration: Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to June 21, 1938, at 2 P. M., for further consideration by the board.

600-37-A.

APPLICANT—Hyman Fried, for Crawford Clothes, Inc., lessee.

SUBJECT—Appeal from an order of the commissioner of buildings.

PREMISES AFFECTED—841-843 Broadway and 53-63 East 13th street, northwest corner (Block No. 565, Lot No. 17), Borough of Manhattan.

APPEARANCES—
For Applicant: Hyman Fried.
For Administration: Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Absent	0

THE RESOLUTION—

(600-37-A)

WHEREAS, Hyman Fried, for Crawford Clothes, Inc., lessee, filed December 18, 1937, an appeal from an order of the commissioner of buildings, affecting premises 841-843 Broadway and 53-63 East 13th street, northwest corner (Block No. 565, Lot No. 17), Borough of Manhattan; and

WHEREAS, the order of the commissioner of buildings, reads as follows:

"You are hereby notified to immediately remove the following property:

Electric Sign at 841 Broadway,—permit of same having been revoked,—from the sidewalk in front of the above premises, as the said property is encumbering or obstructing the sidewalk in violation of the city ordinances. Unless the property be removed therefrom immediately after the receipt of this notice, it will be taken to a corporation yard and disposed of as directed by the city ordinances. If the sidewalk in front of said premises be again obstructed, the goods, property or obstruction will be removed to a corporation yard without further notice and disposed of as aforesaid."

and

WHEREAS, the building is 9 stories, 100 ft. in height, 124 ft. by 123.9 ft. in area, of non-fireproof construction, equipped with a standpipe and a sprinkler system, located in an unrestricted use district and erected in 1910 and occupied as follows: Cellar—boiler room, 3 persons; 1st floor—store, 10 persons; 2nd to 9th floors inclusive—storage of dresses with the following occupancy; 2nd floor—25 persons; 3rd, 4th and 5th floors—15 persons each; 6th, 7th, 8th and 9th floors—10 persons each; and

WHEREAS, electric sign application No. 2942, for 847 Broadway, was approved November 6, 1933 for the erection of a sign 5 ft. 6 in. in height by 17 ft. in length, to hang at 1st floor parallel to building and to project 1 ft. beyond the building line and to be at least 10 ft. above the sidewalk. The application was made by Douglas Shoe Company, as lessee of entire building; electric sign permit No. 1008 was issued to premises 841 Broadway April 5, 1935, for permission to erect a sign 15 ft. 6 in. high by 3 ft. 6 in. long and a sign 3 ft. 6 in. high by 3 ft. 6 in. long at right angles to building between 1st and and 2nd floors to extend 8 ft. beyond the building line and be 10 ft. above the sidewalk level. Permit was issued to Crawford Clothes Co., as lessee of entire building; electric sign permit No. 2584 was issued to premises 841 Broadway, August 21, 1935, for permission to hang a sign 7 ft. 6 in. high by 47 ft. 6 in. long and a sign 7 ft. 6 in. high by 24 ft. long to hang at 1st floor parallel to building and extend 1 ft. beyond the building line and to be 10 ft. above the sidewalk level. The applicant was Crawford Clothes, Inc., as lessee of entire building. Electric sign permit No. 339, approved March 4, 1935, to permit the erection of a sign 7 ft. 6 in. high by 47 ft. 6 in. long and a sign 7 ft. 6 in. high by 24 ft. long—corner belt sign parallel to building wall between 1st and 2nd stories, sign to extend 2 ft. beyond the building line and to be 10 ft. above the sidewalk. The owner of the building is given as Crawford Clothes Company and the tenant is given as Crawford Clothes Company. Electric sign permit No. 677 approved March 12, 1936 for the erection of a sign 4 ft. 6 in. high by 22 ft. long, to extend 1 ft. beyond the building line and be 10 ft. above sidewalk level. Owner of the building is given as Broadway Improvement Company and the tenant as Orbach's Affiliated Stores. Attached to this permit is a consent of the owner of the building. Electric sign application No. 678, filed March 10, 1936, for a sign 17 ft. high by 23 ft. long, to be located at the 1st floor, parallel to the building to extend 1 ft. beyond the building line and be 10 ft. above the sidewalk level. The owner of the building is given as Broadway Improvement Corporation and the application is made by an agent of the Orbach's Affiliated stores. There is a notation on this application which reads "For owners consent see application No. 676-36" and "amendment dated 3-31-36 not approved. Windows not shown," and

WHEREAS, the applicant contends that permits for the signs were issued by the department of buildings about three years ago; that the signs were erected pursuant to said permits and comply in every respect with all the rules and regulations pertaining to the construction of signs; that the maintenance of the signs was undisturbed by the former lessees of the upper floors of the building of which the premises in question, is a part; that the signs do not constitute an encumbrance or encroachment on the sidewalk in front of and immediately adjoining these premises; that the lessee is engaged in the retail clothing business and said signs are necessary in the conduct of its business; and

WHEREAS, it appears that the permits had been rescinded both by the Department of Housing and Buildings and the city clerk because of the application having been improperly made.

Resolved, that the order of the Commissioner of Buildings be and it hereby is *affirmed,* and that the appeal be and it hereby is *denied.*

307-38-A.

APPLICANT—Robert W. Rodman, for Board of Education, City of New York, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—220-230 East 64th street, south side, 255 ft. east of Third avenue (Block No. 1418, Lot No. 11), Borough of Manhattan.

APPEARANCES—
For Applicant: Charles Tilgner.
For Administration: Inspector Maher, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(307-38-A)

WHEREAS, Robert W. Rodman, for Board of Education, City of New York, owner, filed on April 26, 1938, an appeal from an order and a decision of the fire commis-

sioner, affecting premises 220-230 East 64th street, south side, 255 ft. east of Third avenue (Block No. 1418, Lot No. 11), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, No. 32984-F, dated February 1, 1938, reads:

"1. Provide adequate heating apparatus for standpipe tank to prevent water in same room from freezing."

and

WHEREAS, the said order was repeated in a decision of the fire commissioner, dated April 21, 1938; and

WHEREAS, the building is four and six stories in height, 175 ft. by 100 ft. in area; located in a business use district; equipped with a standpipe system and occupied since February 1, 1935 on a five-year lease as the Baron DeHirsch Annex of the Manhattan High School for Aviation Trades; occupancy: basement—shops, 55 persons; 1st floor—office and shop, 106 persons; 2nd floor—shops, 250 persons; 3rd floor—shops, 250 persons; 4th floor—shops, 246 persons; 5th floor—shops, 100 persons; 6th floor—class and office, 106 persons, for which no certificate of occupancy has been issued; and

WHEREAS, the applicant contends that the building is equipped with a low pressure vacuum plant, which is operated only 8 hours out of 24; that a steam connection with a standpipe tank would therefore be of very little use; that the roof tank is of 6,000 gallons capacity, hooked to the house supply and filled by an automatic pump; that during the three years in which the Board of Education has occupied the building there has been no freezing of the standpipe lines.

Resolved, that the order of the fire commissioner No. 32984-F be and it hereby is *modified* and the appeal be and it hereby is *granted,* waiving the requirements for heating standpipe tank, *on condition* that the tank be continued as a combination tank for standpipe and house water supply, fed by an approved automatic pump; that during freezing weather, care shall be taken that the water is kept in circulation to prevent freezing.

193-38-A.

APPLICANT—Arthur H. Haaren, for Seventh Avenue Realty Company, owner.

SUBJECT—Appeal from an order of the commissioner of buildings and decisions of the acting borough superintendent of buildings.

PREMISES AFFECTED—17 East 54th street north side, 110 ft. west of Madison avenue (Block No. 1290, Lot No. 13), Borough of Manhattan.

APPEARANCES—

For Applicant: Arthur H. Haaren.

For Administration: Fred Dahlem, Department of Housing and Buildings and Inspector Maher, Fire Department.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(193-38-A)

WHEREAS, Arthur H. Haaren, for Seventh Avenue Realty Company, owner, filed on March 10, 1938, an appeal from an order of the commssioner of buildings and decisions of the acting borough superintendent, Department of Housing and Buildings, affecting premises 17 East 54th street, north side, 110 ft. west of Madison avenue (Block No. 1290, Lot No. 13), Borough of Manhattan; and

WHEREAS, Order No. 35443-F, issued by the commissioner of buildings on May 10, 1937, reads as follows:

"1. Provide iron shutters at all openings in the exterior wall above 1st story which are distant in a direct line less than 30 ft. from any opening in any other building and not in the same plane with said openings and which are not more than 50 ft. above a neighboring roof at east side of building or other approved protection, as per Sec. 375, Art. 18, Ch. 5, Code of Ordinances."

and

WHEREAS, the decision of the acting borough superintendent, Department of Housing and Buildings, dated February 4, 1938, reads as follows:

"In reply to your communication dated February 2nd wherein you request rescindment of Order 35443-F, affecting the above premises, you are advised that your request must be denied for the reason that this order is mandatory and therefore cannot be cancelled by this department."

and

WHEREAS, the decision of the acting borough superintendent, Department of Housing and Buildings, dated February 11, 1938, reads as follows:

"The following is a copy of Order No. 35443-F, issued on May 10, 1937, against premises 17 East 54th street, Manhattan, and pending in this department:

1. Provide iron shutters at all openings in the exterior wall above 1st story which are distant in a direct line less than 30 ft. from any opening in any other building and not in the same plane with said openings and which are not more than 50 ft. above a neighboring roof at east side of building or other approved protection. Sec. 375, Art. 18, Chap. 5, Code of Ordinances."

and

WHEREAS, the building is 5 stories (60 ft.) in height, 20 ft. 10 in. by 100 ft. 5 in. in area on 1st story and 20 ft. 10 in. by 57 ft. 8 in. in area above; of non-fireproof construction, erected in 1900 and located in a business use district; occupied as follows: 1st floor—dress store, 3 persons; 2nd floor—book shop, 2 persons; 3rd floor—ladies' tailor, 3 persons; 4th floor—dress store, 5 persons; 5th floor—ladies' tailor, 3 persons, for which Certificate of Occupancy No. 11472 was issued October 4, 1926, permitting the following use and occupancy; Basement—stores and factory, 30 persons; 1st to 4th floors—(inclusive)—showrooms and factory, 12 persons per floor; and

WHEREAS, the applicant contends that the windows in question are wood frames, glazed with ½-in. plate glass; that the windows in adjoining building, 19 East 54th street, are equipped with steel shutters; that said building is equipped with a standpipe system; that the premises in questions are used only for light manufacturing; that an attempt is now being made to assemble a sufficiently large plot, taking in this building, on the assembling of which this building will be demolished and a modern building erected.

Resolved, that the order of the commissioner of buildings, No. 35443-F, be and it hereby is *modified,* and the appeal be and it hereby is *granted,* waiving the requirements for fireproofing the most westly window on the main 4th floor overlooking the rear extension and waiving the requirements for fireproofing the windows in the extension opening from toilet room enclosures, *on condition* that in all other respects all other windows shall be made fireproof and self closing, and as required by the resolution adopted by the board on June 22, 1936, under Cal. No. 28-35-S.

384-38-A-WF.

APPLICANT—Austin W. Magee, for Forster Bros., lessee.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—38-15 Prince street, east side, 75 ft. north of Roosevelt avenue (Block No. 4976, Lot No. 27), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Austin W. Magee.
For Administration: David Stone, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(384-38-A-WF)

WHEREAS, Austin W. Magee, for Forster Bros., lessee, filed May 19, 1938, an application for approval of the erection of a sign within the World's Fair area, as cited in a decision of the borough superintendent of buildings, affecting premises 39-15 Prince street, east side, 75 ft. north of Roosevelt avenue (Block No. 4976, Lot No. 27), Flushing, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated May 11, 1938, re. Alt. Applic. No. 3209/38, reads:

"The erection of a sign exceeding 30 sq. ft. in area within the World's Fair area is contrary to section 4 of the World's Fair Resolution."

and

WHEREAS, the building is one-story, 16 ft. 6 in. in height, 50 ft. by 65.63 ft. in area, of non-fireproof construction, located in an unrestricted use district and occupied for automobile repairing and painting, a certificate of occupancy No. 51091 was issued on October 11, 1934, permitting the building to be occupied as a garage; it is proposed to erect a sign 24 ft. wide by 9 ft. high, located 7 ft. 6 in. above sidewalk level on the southerly wall of the building, facing Roosevelt avenue; and

WHEREAS, the applicant contends that the sign will be non-illuminated; will advertise the business conducted on the premises and will not be visible from the Fair site.

Resolved, that the decision of the borough superintendent, in acting on Application No. 3209-38, be and it hereby is *modified,* and the appeal be and it hereby is *granted on condition* that the proposed sign shall comply with all requirements as to height above sidewalk and in all other respects, and that in no event shall the sign be greater in area than that shown on plans filed with this appeal; that this approval shall not become effective until the outstanding orders of the fire commissioner as to violations in connection with motor vehicle repair shop have been complied with or have been rescinded; and that the sign shall not carry any advertising of any uses not legally permitted.

429-38-A.

APPLICANT—Modern Cement Co., Inc., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—1091-1095 Metropolitan avenue, northeast corner of Vandervoort avenue (Block No. 2927, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Larry Meltzer, A. G. D'Antonio and Fred Heimbuch.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(429-38-A)

WHEREAS, Modern Cement Co., Inc., lessee, filed May 31, 1938, an appeal from an order of the fire commissioner, affecting premises 1091-1095 Metropolitan avenue, northeast corner of Vandervoort avenue (Block No. 2927, Lot No. 1), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, dated May 16, 1938, re Order No. 75419-LC, reads as follows:

"1. Provide a compartment for the mixing tank, said compartment to be built upon suitable foundations, having the walls, floor and roof constructed of Portland cement concrete at least 6 in. thick, or of brick masonry at least 8 in. in thickness. C-19-59-O.H. Administrative Code.

2. Provide self-closing fireproof windows in compartment where mixing tank is located. C-19-59. O.H. Administrative Code."

and

WHEREAS, the building is one story, 12 ft. in height, 25 ft. by 40 ft. in area, of non-fireproof construction, located in the unrestricted use district and occupied as manufacture of rubber cement—2 persons; and

WHEREAS, the applicant contends that the premises is situated in an outlying district of Brooklyn in the vicinity of Newtown Creek; that the Churn room, or mixing room, is located within this one story building and has a solid concrete floor and a ceiling completely covered with ½ inch plaster boards and 26 gauge metal; that the four churns rest on a built up concrete platform; that all openings from this churn room are provided with fireproof self-closing doors; that this room is provided with an exhaust system constructed as shown on plans submitted; that since this building is so small in size and only two male employees are engaged in this rubber cement manufacturing, and since the mixing room is of brick, having fire retarded ceiling, and doors from mixing room are fireproof self-closing, it is respectfully asked that a modification be made from the requirements of the order.

Resolved, that the order of the fire commissioner No. 75419-LC be and it hereby is *modified,* and the appeal be and it hereby is *granted on condition* that there shall be a metal vent pipe not less than 3 in. in diameter, extending through the top cover of each churn directly and without bends through the roof at least 10 ft. above and terminating with a goose-neck; that such vent may be closed during the day while the churns are engaged in mixing operation but shall be opened and shall remain open at all other times of the day or night; that the dampers with these vents shall be so constructed as to be spark-proof; that at each churn there shall be installed a foam-type extinguisher with not less than 5 gallons capacity, so arranged with a fusible link that the contents will be discharged automatically into the churn in the event of fire; that the fusible link on Underwriters' fire doors shall be on the mixing room side; that the storage tanks for volatile inflammable oil shall be in accordance with the requirements of the Administrative Code therefor; that the skylights over mixing rooms shall be arranged with openable louvres or sash; that such additional fire-fighting appliances shall be installed as the fire commissioner shall direct; that in all other respects all laws, rules and regulations applicable to the building and its occupancy shall be complied with; that at the end of each working day all churns shall be emptied of cement and the churns thoroughly purged; that all electrical equipment shall be of spark-proof type throughout for use in explosive atmospheres; that the amount of cement packaged for delivery to users shall at no time exceed a total of 500 gallons; and shall be stored in fireproof enclosure, vented to the outer air, to the satisfaction of the fire commissioner.

439-38-A.

APPLICANT—D. A. Collins Mfg. Co., Inc., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—148 39th street (Bush Bldg. No. 19—4th floor), southwest corner of Second avenue (Block No. 706, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Harry Dimin and Henry Steinman.

ACTION OF BOARD—Appeal granted on condition.

MINUTES

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(439-38-A)

WHEREAS, D. A. Collins Mfg. Co., Inc., lessee, filed June 1, 1938, an appeal from an order of the fire commissioner, affecting premises 148 39th street (Bush Building No. 19—4th floor), southwest corner of 2nd avenue (Block No. 706, Lot No. 1), Borough of Brooklyn; and

WHEREAS, the order of the fire commissioner, filed May 2, 1938, re. Order No. 75193-C, reads:

"1. Surrender to the bearer Fire Department Permit No. 182115, expiring June 1, 1938, authorizing the storage and use of varnoline, essential oils, etc., in the manufacture of combustible and inflammable mixtures, at 146-148 39th street, Brooklyn, as it is revoked for the reason that a recent inspection of the premises shows that the containers (bottles) in use for the "Parkay-Lac" and Liquid Polishing Wax are of 16 ounce and 32 ounce size. This is a violation of C-19-59-c of the Administrative Code, which reads as follows:

'Inflammable mixtures (Parkay-Lac) for commercial or business use in the city shall be packed and shipped in cans of a capacity not exceeding 5 gallons each, or steel barrels or drums of a capacity not exceeding 55 gallons each. For shipment outside of the city, containers must conform to the regulations of the Interstate Commerce Commission. For domestic or household use or for sale for domestic or household use such mixtures shall be put in glass bottles of a capacity not exceeding four ounces each, or in metal cans or other approved containers of a capacity not exceeding one gallon each, fitted with a tight fitting, replaceable top, cap or other device so made that the can or container will be air-tight when closed.'

3. Combustible Mixtures (Liquid Polishing Wax) for commercial or business use in the city shall be packed and shipped in cans of a capacity not exceeding 5 gallons each, or steel barrels or drums of a capacity not exceeding 55 gallons each. For shipment outside the city containers must conform to the regulations of the Interstate Commerce Commission. For domestic or household use or for sale for domestic or household use such mixture shall be put up only in glass bottles of a capacity not exceeding 8 ounces each, or in cans of a capacity not exceeding 2 gallons each, fitted with a tight fitting replaceable top, cap or other device so made that the can or container shall be air tight when closed.

4. You are, therefore, ordered to discontinue the practice of distributing inflammable mixture (Parkay-Lac) in bottles of 16 ounce and 32 ounce capacity and confine the distribution of said inflammable mixture to glass bottles of 4 ounce capacity or metal cans or other approved containers of a capacity not exceeding one gallon each, fitted with a tight fitting replaceable cap or other device so made that the can or container shall be air tight when closed.

5. Discontinue the practice of distributing combustible mixture (Liquid Polishing Wax) in bottles of 16 ounce and 32 ounce capacity and confine the distribution of said combustible mixture to glass bottles of 8 ounce capacity or in cans of a capacity not exceeding 2 gallons each, fitted with a tight replaceable top, cap or other device so made that the can or container shall be air tight when closed."

and

WHEREAS, the building is 8 stories, 110 ft. in height, 218 ft. by 440 ft. in area, located in an unrestricted use district, of non-fireproof construction, erected in 1912 and occupied as follows: 1st floor—manufacturing chewing gum and candy, 25 persons; 2nd floor—manufacturing chewing gum and candy, 20 persons; 3rd floor—warehouse, 0 persons; 4th floor—manufacturing furniture polishes and waxes, 38 persons, and manufacturing toilet preparations, 15 persons; talcum powder, 5 persons; 5th floor—warehouse, 6 to 30 persons; 6th floor—manufacturing chewing gum and candy, 175 persons; 7th floor—coffee packing, 35 persons; 8th floor—coffee roasting, 30 persons; and

WHEREAS, the applicant contends that for many years they have manufactured a Liquid Polishing Wax and Parkay-Lac, made of shellac, gum and alcohol, in cans and in bottles not exceeding thirty-two ounces, as described in the order; that these products are substantially the same as products manufactured and distributed by the applicant's competitors within the City of New York and elsewhere in one gallon cans and in bottles not exceeding thirty-two ounces; that in order to meet the requirements of the trade and competition, it is essential that the applicant be permitted to continue manufacturing and distributing said products in their present form.

Resolved, that the order of the fire commissioner, No. 75193-C, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* permitting the manufacture of "Parkay-Lac" and "Liquid Polishing Wax," *on condition* that all packages shall be properly labeled inflammable mixtures with the Fire Department permit number; that these preparations shall consist mainly of shellac, gum and alcohol and permitting the packaging of these products in one gallon cans and 16 oz. and 32 oz. bottles; that in all other respects all laws, rules and regulations shall be complied with.

441-38-A.

APPLICANT—Samuel Roth, for Argyle House, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—36 East 67th street, south side, 120 ft. east of Madison avenue (Block No. 1381, Lot No. 47), Borough of Manhattan.

APPEARANCES—

For Applicant: Henry G. Harris.
For Administration: Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affimative 0
Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Absent 0

THE RESOLUTION—

(441-38-A)

WHEREAS, Samuel Roth, for Argyle House, Inc., owner, filed June 2, 1938, an appeal from a decision of the borough superintendent of buildings affecting premises 36 East 67th street, south side, 120 ft. east of Madison avenue (Block No. 1381, Lot No. 47), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent on Alteration Application 1163-38, dated May 31, 1938, reads as follows:

"11. Provide (2) means of egress or sprinklers as per section 187 MDL. Section 13 MDL does not apply. Reconsideration denied."

and

WHEREAS, the building is 5 stories, 60 ft. in height, 40 ft. by 81 ft. 6 in. in area, of fireproof construction, located in a residence use district, erected in 1905 and occupied since 1928 as a Class B multiple dwelling; and

WHEREAS, the applicant contends that plans were filed in the Department of Housing and Buildings on April 18, 1938 and approved May 26, 1938; that these plans were filed as a basis for the issuance of a certificate of occu-

pancy; that plans filed were a copy of the original new building plans (N.B. 25-1905); that in order to obtain approval of these plans, it was necessary to show the fireproof enclosure around the stairs from the cellar to first story and an approved sprinkler system in all stairs and public halls and to provide access from the boiler room to the street; that on May 27, 1938, the date under which plans were approved, an amendment was filed to omit the sprinkler system, it being the applicant's contention that Section 13 of the Multiple Dwelling Law does not require any change in construction of an existing fireproof multiple dwelling; that there is no alteration proposed that would invoke article 6, section 187 of the Multiple Dwelling Law, as cited in the decision of the borough superintendent; that the application of article 6 of the Multiple Dwelling Law by the borough superintendent is evidently under section 8, subdivision 6, which simply states that no dwelling shall be altered so as to be in violation of the Multiple Dwelling Law, except that it shall be sufficient that a converted dwelling comply with article 6, which does not apply, since the building is not being altered; that section 13 should not be construed to require that fireproof multiple dwellings comply with the requirements for non-fireproof multiple dwellings; and

WHEREAS, in the opinion of the board, the building is subject to the requirements of section 187 of the Multiple Dwelling Law and that a sprinkler system is required unless an approved second means of exit is provided.

Resolved, that the decision of the borough superintendent in acting on Alteration Application 1163-38, be and it hereby is *affirmed,* and that the appeal be and it hereby is *denied.*

442-38-A.

APPLICANT—Fresh Meadow Homes, Inc., owner.
SUBJECT—Appeal from decisions of the borough superintendent of buildings.
PREMISES AFFECTED—69-77 and 69-81 179th street, northeast corner of 73rd avenue (E. S. 179th street, 44 ft. north of 73rd avenue); (Block No. 7132, Lot No. 16), Flushing, Borough of Queens.
APPEARANCES—
For Applicant: William Adelman and John E. Cahill.
For Administration: David Stone, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(442-38-A)

WHEREAS, Fresh Meadow Homes, Inc., owner, filed on June 2, 1938, an appeal from decisions of the Borough Superintendent, Department of Housing and Buildings, affecting premises 69-77 and 69-81 179th street, northeast corner of 73d avenue (Block No. 7132, Lot No. 16), Flushing, Borough of Queens; and

WHEREAS, the decision of the Borough Superintendent, dated May 19th, 1938, on Applic .No. 3111-38, reads as follows:

"1.—The erection of a frame building within the fire limits is contrary to sec. C26-247.0 (4.1.2) of the building code."

and

WHEREAS, the decision of the Borough Superintendent, dated May 19, 1938, on Applic. No. 3112-38, reads, as follows:

"1.—The erection of a frame building within the fire limits is contrary to sec. C26-247.0 (4.1.2) of the building code."

and

WHEREAS, it is proposed to erect two buildings of frame construction, each 1½ stories, 17 feet, in height; 24 feet by 42 feet in area, on a lot 84 feet by 100 feet deep; located in a business use "D" area district; to be occupied as one family dwellings; and

WHEREAS, it is proposed to surface the buildings on the ends with 4 inches of brick veneer on the first story and cement stucco on the 2nd story; the roofs of the building will be covered with slate and buildings will be at least 11 feet apart; and

WHEREAS, the applicant contends that the use of the street for business purposes is impractical and to leave same not built upon would constitute an eyesore; that the applicant owns insufficient property so that he is unable to apply for rezoning; that the proposed buildings will be in conformity with existing developments in this city.

Resolved, that the decision of the borough superintendent, on Applic. No. 3111-38, be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that the requirements of the "F" zone of the building zone resolution shall be substantially complied with, except that one side yard need not be more than 5 ft. in width in which the ornamental vestibule shown on plans filed with this appeal, may be permitted to encroach for a distance of not over 4 ft. 6 in.; that any permitted garage built on the premises may be constructed on the rear and may interrupt the side yard; that the building shall be occupied for the residential use of one family only; that the decision of the borough superintendent in acting on Applic. No. 3112-38 be and it hereby is *granted,* permitting the erection of a frame building, as indicated on plans filed with this appeal, *on condition* that the requirements of the "F" zone shall be substantially complied with except that one side yard need not exceed 4 ft. in width and the distance back from 73rd avenue need not exceed 10 ft. in width; that any permitted garage built on this plot may encroach upon either one of these side yards; *on the further condition* that the building shall be constructed of brick veneer from the curb to the plate, with slate roof; that any private garage constructed on either lot shall be of brick veneer construction with slate roof, not nearer to any lot line than 1 ft. and that all windows opening on lot lines shall be fireproof, glazed with wire glass.

467-38-A.

APPLICANT—Ansonia Fire Prevention Engineering Co., Inc., for Jacob Finkelstein, owner.
SUBJECT—Appeal from an order of the acting borough superintendent of buildings.
PREMISES AFFECTED—91-109 Ingraham street, north side, 100 ft. west of Porter avenue .(Block No. 2992, Lot No. 43), Borough of Brooklyn.
APPEARANCES—
For Applicant: George E. Green.
For Administration: S. Cohen, Department of Housing and Buildings and Inspector Maher, Fire Department.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(467-38-A)

WHEREAS, Ansonia Fire Prevention Engineering Co., Inc., for Jacob Finkelstein, owner, filed June 7, 1938, an appeal from an order of the acting borough superintendent of buildings, affecting premises 91-109 Ingraham street, north side, 100 ft. west of Porter avenue (Block No. 2992, Lot No. 43), Borough of Brooklyn; and

WHEREAS, the order of the acting borough superintendent, dated May 9, 1938, re Violation No. 2634/38, reads:

"You will please take notice that there exists a vio-

lation of the Building Code at the premises hereinafter described in that

"Violation of Art. 10.7.1 of the Building Code. Unprotected window openings against spread of fire.

"You are required to provide approved fireproof windows or iron shutters at all openings within 30 ft. of any neighboring building not in the same plane or less than 50 ft. above any non-fireproof roof adjoining."

and

WHEREAS, the building is 4 stories, 52 ft. 6 in. in height, 183 ft. by 88 ft. in area, of non-fireproof construction, equipped with a standpipe and a sprinkler system, erected in 1923, located in an unrestricted use district and occupied as follows: 1st floor—repairing, laundry, machinery, manufacturing cardboard boxes—12 persons; 2nd floor—manufacturing dresses—100 persons; 3rd floor—vacant at present; 4th floor—manufacturing men's pants and ladies coats—100 persons; and

WHEREAS, the applicant contends that the exposures on the north and east sides are from 4 story brick buildings which are equipped with sprinkler systems, and the windows in these buildings are also of steel, glazed with plain glass; that the exposure on the north and east sides are the roofs of one story extensions whose ceilings under are fire-retarded and equipped with sprinklers; that the distance away from these exposures vary from 16 ft. 6 in. to 23 ft. 2 in.; that the exposure on the west consists of a one story brick building which is also equipped with a sprinkler system; that this exposure is 21 ft. 7 in. away from the windows which it affects; that the windows in question are of steel frames, divided into small lights of plain glass approximately 20 in. by 14 in. in size; that these windows are also protected by sprinklers which are 3 to 4 ft. away.

Resolved, that the order of the acting borough superintendent, re Violation No. 2634/38, be and it hereby is *modified*, and that the appeal be and it hereby is *granted*, waiving the requirements for protecting window openings, *on condition* that the sprinkler system shall be maintained in compliance with the rules of the Board of Standards and Appeals and that at each window facing the exposure buildings there shall be a sprinkler head not further than 4 ft., and *granted* only so long as the exposure buildings are not erected closer or increased in height from what is shown on the plans filed with this appeal and that the building under appeal shall not be increased in height or area and *granted* only so long as conditions remain substantially the same.

468-38-A.

APPLICANT—Norfolk Bed Spring Co., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—275 East 140th street, north side, 100 ft. west of Third avenue (Block No. 2321, Lot Nos. 70 and 71), Borough of The Bronx.

APPEARANCES—

For Applicant: Jacob Nemirow and Herman P. Ruf.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(468-38-A)

WHEREAS, the Norfolk Bed Spring Co., lessee, filed on June 7, 1938, an appeal from an order of the fire commissioner, affecting premises 275 East 140th street, north side, 100 ft. west of Third avenue (Block No. 2321, Lot Nos. 70 and 71), Borough of The Bronx; and

WHEREAS, the order of the fire commissioner, dated May 9, 1938, No. 12722-LC, reads:

"With reference to your application dated April 19th, 1938, for a permit to store and use paints, etc., at above location, I regret to inform you that this department is without power to grant such a permit for the reason:

That Rule 1.3 of the rules governing the use of equipment for spraying of paints, varnishes, lacquers and other flammable surface coatings, adopted by the Board of Standards and Appeals, prohibits the 'Spraying, dipping or immersing of any article or thing with any flammable paints, etc.' in any premises or portion thereof, which is occupied as a dwelling.

YOU ARE THEREFORE, HEREBY, ORDERED TO

(1) Discontinue the spraying, dipping or immersing of any article or thing with or in any flammable paint, varnish, lacquer or any other flammable substance, mixture or compound commonly used for painting, varnishing, staining or similar purpose on these premises.

(2) Discontinue the storage of more than twenty gallons of paints, etc., on these premises.

NOTE: Application for permit will receive further consideration on final disposition of item No. 1."

and

WHEREAS, the building is one and two stories, 12 ft. and 23 ft. in height, 50 ft. by 100.7 ft. in area, of non-fireproof construction, erected in 1919, located in an unrestricted use district and occupied since 1936 as follows: 1st floor—manufacturing bed springs, 2 persons; 2nd floor—apartment, 1 person; for which certificate of occupancy No. 80-37 was issued April 1, 1937 for the following occupancy: 1st floor—factory, office, storage and garage for one car; 2nd floor—1 family; and

WHEREAS, the applicant contends that paint spraying and paint storage has been permitted on the premises since 1936; that the apartment in question has been used for dwelling purposes since 1920 and is located on the front of the building, whereas, the spraying machine is enclosed in a fireproof room in the rear of the first story, 50 ft. from the rear of the dwelling above; that the first story ceiling is fire-retarded with asbestos and metal throughout.

Resolved, that the order of the fire commissioner, No. 12722-LC, be and it hereby is *modified*, and that the appeal be and it hereby is *granted on condition* that the spraying, dipping and immersing shall be restricted to the rear portion of the premises within the two spaces indicated and separated from the balance of the building by walls or partitions of fireproof or fire-retarded material; that the ceiling under the floor of the front portion of the building used for residential occupancy, shall be fire-retarded, including the soffit of the stair; that in all other respects all laws, rules and regulations applicable to this building and its occupancy shall be complied with.

399-38-A-WF.

APPLICANT—Taylor & Roberts, for Queens County Savings Bank, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—37-39 103rd street,— northeast corner of 39th avenue (Sacket street); (Block No. 1769, Lot No. 58), Corona, Borough of Queens.

APPEARANCES—

For Applicant: Gilbert W. Roberts.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(399-38-A-WF)

WHEREAS, Taylor & Roberts, for Queens County Sav-

ings Bank, owner, filed May 23, 1938, an appeal for approval of the erection of a sign within the World's Fair area, as cited in a decision of the borough superintendent, affecting premises 37-97 103rd street, northeast corner 39th avenue (Sacket street); (Block No. 1769, Lot No. 58), Corona, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated May 17, 1938, re N.B. Applic. No. 1181-38, reads:

"1.—The erection of a roof structure within the World's Fair area is contrary to sections 1 and 4 of the World's Fair Resolution."

and

WHEREAS, the building is 4 stories, 50 ft. in height, 50 ft. by 100 ft. in area, of non-fireproof construction, located in a business use district, erected in 1928 and occupied as a bank and office building throughout, for which certificate of occupancy No. 58474 was issued May 3, 1938; and

WHEREAS, it is proposed to erect a roof sign extending 18 ft. above the roof to be 54 ft. in length by 10 ft. in height, located 8 ft. above the roof level and to advertise the banking business conducted on the premises by means of two rows of neon lettering attached to the sign. The sign will face southwest; and

WHEREAS, the applicant contends that the building is located approximately one mile from the World's Fair site; that the proposed sign will face away from the Fair grounds and under no circumstances will it be visible to persons within the Fair grounds, especially due to the fact that taller buildings intervene between the building in question and the Fair grounds; that the sign is for the purpose of calling attention of the residents of the community to the applicant's business, that of a saving bank and it is not a temporary expedient to be removed at the conclusion of the Fair, but is a permanent display and its erection has been contemplated for a considerable period of time.

Resolved, that a decision of the borough superintendent in acting on N.B. Applic. No. 1181-38 be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that the sign shall not exceed the area indicated on plans filed with this appeal; that the advertising matters shall be solely that pertaining to the Queens County Savings Bank and that the sign shall structurally comply with all requirements of the building code and all other rules and regulations relating to the same, other than as modified herein.

470-38-A.

APPLICANT—Achilles Construction Co., Inc., for Sam S. Glauber, Inc., owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—521-529 East 79th street, north side, 198 ft. west of East End avenue (Block No. 1576, Lot No. 14), Borough of Manhattan.

APPEARANCES—

For Applicant: B. Kempner.

For Administration: Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(470-38-A)

WHEREAS, Achilles Construction Co., Inc., applicant, for Sam S. Glauber, Inc., owner, filed on June 6, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, affecting premises 521-529 East 79th street, north side, 198 ft. west of East End avenue (Block No. 1576, Lot No. 14), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, in acting on Alt. Applic. No. 1593-38, dated June 1, 1938, reads:

"1. The roof of the new story must be fireproof construction as the present building is over 7,500 sq. ft. in area and is of fireproof construction."

and

WHEREAS, the building is fireproof, erected in June, 1924, two stories, 29 ft. in height, 135 ft. by 102 ft. 6 in. in area; located in a business district and occupied as follows: Cellar—boiler room and storage; 1st floor, office and storage, 10 persons; 2nd floor, storage of plumbing supplies, 5 persons; it is proposed to erect an additional story 48 ft. by 135 ft. in area of metal construction, to be used for storage of plumbing supplies, 5 persons; and

WHEREAS, the applicant contends that the construction of this story is necessitated by the fact that the owners of the building are being forced by the City of New York to remove their present warehouse, now located on the East River at 80th street, because of the extension of the East River drive; that this warehouse is a 50 ft. by 250 ft. standardized steel building, manufactured by the Blaw-Knox Co., and erected under a permit from the Dock Department; that inasmuch as the steel work of this building can be readily dismantled, the owners wish to use it for the construction of the proposed roof structure.

Resolved, that the decision of the borough superintendent in acting on Alt. App. No. 1593-38, be and it hereby is *modified* and that the appeal be and it hereby is *granted* so as to permit the erection of the proposed third-story for a period of five years, not to exceed the size indicated on plans, namely 48 ft. in width by 135 ft. in length; that this additional story shall be constructed of incombustible materials and used solely for the storage of plumbing supplies by the present owner, Sam S. Glauber, Inc.; that the exterior walls shall be of 8-in. structural tile; that in all other respects the requirements of the Building Code as to structure, shall be complied with, except that the members of the roof trusses need not be fireproofed; that all permits required shall be obtained and all work completed within one year from the date of this action.

472-38-A.

APPLICANT—Erwin Rebafka, for The Children's Aid Society, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—301-307 East 52nd street, north side, 71 ft. east of Second avenue (Block No. 1345, Lot Nos. 4½, 4¾, 5 and 6), Borough of Manhattan.

APPEARANCES—

For Applicant: Erwin Rebafka.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(472-38-A)

WHEREAS, Erwin Rebafka, applicant, for The Children's Aid Society, owner, filed on June 8, 1938, an appeal from an order of the fire commissioner, affecting premises, 301-307 East 52d street, north side, 71 ft. east of Second avenue (Block No. 1345, Lot Nos. 4½, 4¾, 5 and 6), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, No. 12889-LC, dated May 26, 1938, reads as follows:

"1. Discontinue the storage and use of liquefied chlorine on these premises. Art. C-19-90.0 Title C, Part 1, N. Y. C. Administrative Code."

and

WHEREAS, the building is fireproof, four stories and pent-

house, 61 feet, in height, 73 ft. by 90 feet, in area, irregular; erected in 1931; located in business and residence use districts; OCCUPIED throughout as a Boy's Club, with a swimming pool; and

WHEREAS, the applicant contends that the chlorine for the pool has a chlorinator, manufactured by the Wallace & Tiernan Co., Inc., manually controlled, feed type MSPM, bearing the serial number 25216; that the unit is operated by George Casatuta, who is in possession of Certificate of Fitness No. M-87293 issued 4-28-38; that the chlorine is purchased in 105 pound tanks and is re-ordered when approximately 5 pounds (about 3-days' supply) are left in the container, so that the maximum amount of chlorine never exceeds 110 pounds; that although the chlorinator room is located in the sub-basement, its position is completely remote and isolated from any of the space in which public activities take place; that it is ventilated to the outer air by an approximately 30 in. by 50 in. wood and glass sash through a vault opening directly into the rear yard; that access to this opening can be had very readily by the fire department through the easterly basement entrance; that it is proposed to extend the 4 in. pool fill line (directly connected to the City main) with a 1¼ in. pipe line to the chlorinator room; that at its termination in the chlorinator room, it is proposed to install either a jumbo sprinkler head or a standard shower head; that a manually controlled valve will be installed outside of the chlorinator room as indicated on the diagram, and that a 3 in. drain line is now located in the cement floor of this room.

Resolved, that the order of the fire commissioner, No. 12889-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted*, permitting the use of one 105 lb. tank of liquefied chlorine, *on condition* that such tank shall be stored in the room in the sub-basement, constructed of fireproof materials as indicated on plans filed with this appeal; that the door to this room shall be tight-fitting and kept closed; that the window to the areaway in this room shall also be made tight-fitting; that there shall be used with this equipment a Wallace & Tiernan or similar approved distributing chlorinator apparatus; that the equipment shall at all times be under the supervision of a person, holding a certificate of fitness, from the fire commissioner; that there shall be installed over the chlorine tank, an open head or shower head type of sprinkler, which may be fed from the water supply line of the building through a pipe not less than one inch in diameter, controlled outside the chlorinator room by means of a valve properly marked to indicate its use; that the cylinder shall at all times be secured in an upright position by means of substantial metal straps, so as to prevent dislocation; that there shall be a gas mask, as approved by the U. S. Bureau of Mines for use with liquefied chlorine, maintained in a cabinet on the exterior of the chlorine compartment so as to be avalable for immediate use.

482-38-A.

APPLICANT—Henry V. Murphy, for Very Rev. Msgr. J. Jerome Reddy, Director, Catholic Charities, Diocese of Brooklyn, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—105-107 Greene avenue, north side, 40 ft. east of Vanderbilt avenue (Block No. 1943, Lot Nos. 41 and 42), Borough of Brooklyn.

APPEARANCES—

For Applicant: Franklin M. Tomlin and Henry V. Murphy.

For Administration: Samuel Cohen, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(482-38-A)

WHEREAS, Henry V. Murphy, for the Catholic Charities, Diocese of Brooklyn, owner, filed on June 10, 1938, an appeal from a decision of the acting superintendent of buildings affecting premises 105-107 Greene avenue, northside, 40 ft. east of Vanderbilt avenue (Block No. 1943, Lot Nos. 41 and 42), Borough of Brooklyn; and

WHEREAS, the decision of the acting borough superintendent on Application No. 2766-1938, dated June 6, 1938, reads as follows:

> "Proposition to convert 3 story and basement brick residence to public use as a home for the blind is contrary to Section 4.2.1 (3) Sec. C26-254.0 of the Building Code."

and

WHEREAS, these buildings are 3 stories and basement 40 ft. in height, 40 ft. by 43.2 ft. in total area of non-fireproof construction, located in a residence use B area district, erected in 1908, to be occupied as a home for the blind as follows: Basement—dining room, kitchen and laundry and caretaker's room, 2 persons; 1st floor—parlor, library and residence room; 2nd floor—bed rooms, 14 persons; 3rd floor—bedrooms, 14 persons; and

WHEREAS, the applicant contends that the premises involved have been occupied since 1934 and still are occupied as a home for the blind who are under the care of persons whose faculties of sight are normal, and who always are present to assist the other occupants; that it is proposed to provide new sprinklers in all hall ceilings; a new stair bulkhead to the roof; fireproof self-closing doors at all openings to hall; fireproof self-closing doors between buildings; a fireproof enclosure for cellar stairs; to fire retard the entire cellar ceiling and to provide necessary fire apparatus.

Resolved, that the decision of the acting borough superintendent as to App. No. 2766-38 be and it hereby is *modified* and that the appeal be and it hereby is *granted* so as to permit the continuation of occupancy of these two buildings as proposed, *on condition* that the sprinkler system shall be installed throughout in both main stairhalls; that each stair shall be continued through a bulkhead to the roof; that all halls shall be fully enclosed, with fireproof self-closing doors at all openings; that the stairs to the cellar shall be enclosed in fireproof or fire-retarded enclosure; that the entire cellar ceiling shall be fire-retarded; that such portable fire-fighting equipment shall be installed as the commissioner shall direct; that the walls separating the building at 105 Greene avenue from 103 Greene avenue shall be unpunctured from level of the lower cellar floor to the party-wall parapet above the roof, except for such service piping as is required to pass through such wall and provided that any openings therefor are made reasonably close-fitting; that any screens on the windows to fire escapes shall be so arranged as to be readily openable; that a door in the fence on the lot line between 105 and 103 Greene avenue shall be constructed so as to permit ready access to Vanderbilt avenue; that the person in charge of this institution shall give instructions to all inmates as to the means and location of exits; that the existing fire escape shall be extended on the rear so as to take in the window on all floors from the rear bedroom at No. 105 Greene avenue; that the passage to the stairways and fire escape shall be kept clear for ready access at all times; that the building and occupancy shall comply with all legal requirements in all other respects, and that this modification shall continue only so long as the buildings are used as herein proposed.

VARIATIONS OF LABOR LAW

473-38-S.

APPLICANT—Subway Arcade Foods, Inc., lessee.

SUBJECT—Variation of the labor law as cited in a deci-

sion of the Board of Health of the Department of Health.

PREMISES AFFECTED—261 West 42nd street, northeast corner of Eighth avenue (Block No. 1014, Lot Nos. 1 to 4½ inclusive), Borough of Manhattan.

APPEARANCES—

For Applicant: None.

For Administration: A. E. Abrahamson, Department of Health.

ACTION OF BOARD—Laid over to June 28, 1938, at 2 P. M. on request of representative of Department of Health.

395-38-S.

APPLICANT—Walter S. Schneider, for Nom Wah Restaurant & Baking Co., lessee.

SUBJECT—Variation of the labor law as cited in an order and a decision of the Commissioner of Department of Health.

PREMISES AFFECTED—15 Doyers street, west side, 89.5 ft. south of Pell street (Block No. 162, Lot No. 26), Borough of Manhattan.

APPEARANCES—

For Applicant: Walter S. Schneider and Jay Abram Darwin.

For Administration: A. E. Abrahamson, and E. Kushel, Department of Health.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(395-38-S)

WHEREAS, Walter S. Schneider, for Nom Wah Restaurant & Baking Co., lessee, filed May 24, 1938, an application for a variation of the requirements of the labor law as cited in an order and a decision of the commissioner of the Department of Health, affecting premises 15 Doyer street, west side, 89.5 ft. south of Pell street (Block No. 162, Lot No. 26), Borough of Manhattan; and

WHEREAS, the decision of the Department of Health, dated May 19, 1938, reads as follows:

"This is in reply to your letter of May 13, 1938, in which you request a confirmation of a violation left at the premises of Choy Bo Yee, 15 Doyers street, New York City.

"Please be advised that an inspection made on Wednesday, May 11, 1938, in reference to an application for a sanitary certificate has indicated that the cellar premises are being operated in violation of Section 338, Subdivision 2, of the Labor Law."

and

WHEREAS, the building is 6 stories, 60 ft. in height, 20 ft. by 51 ft. in area, erected over 60 years ago, and occupied as follows: Cellar, bakery, 6 persons; 1st floor, restaurant, 40 persons; 2nd to 6th floors inclusive—apartments; and

WHEREAS, the cellar bakery ceiling is located 6 in. below the curb level and the floor is located 18 in. below yard level; the bakery is 10 ft. in the clere and is ventilated by a window and door at the front and a window to yard at rear, as well as by a vent duct with motor fan at rear; and

WHEREAS, the applicant contends that the bakery has been conducted for a number of years (not prior to 1913) in conjunction with the restaurant owned and operated by the same company; that the bakery is adequately lighted and ventilated, having 63 sq. ft. of ventilation area, in addition to the motor driven fan which extends into a 30 in. by 30 in. metal duct to the outer air; that the Department of Health has from time to time, issued certain orders with which the tenant has complied.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the requirements of the labor law and that the application be and it hereby is *granted*, modifying the decision of the Department of Health and permitting the issuance of a certificate of exemption *on condition* that the bakery shall not be increased in size; that the ventilating system now installed shall be maintained in good working condition and kept in operation at all times while the bakery is in operation; that the rear wall shall be thoroughly repaired and made waterproof against seepage from the rear yard; that the existing sink shall be enlarged to sufficient capacity; that the floor shall be repaired and any flooring replaced shall be of cement; that the bakery walls and ceiling shall be kept well painted at all times.

APPLIANCES SUBMITTED FOR APPROVAL

21-36-SA.

APPLICANT—Herco Oil Burner Corporation, owner.

SUBJECT—Herco Oil Burner, Models F, P15, P35, P50, J5, J10, S20 and S40, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh	4
Negative	0
Absent	0

THE RESOLUTION—

(21-36-SA)

WHEREAS, Herco Oil Burner Corporation, owner, filed January 28, 1936, an application with the Board of Standards and Appeals, for approval of the device known as the Herco Oil Burner, Models R-15 and R-35; and

WHEREAS, the device was submitted to the engineer of the board for test and report; and

WHEREAS, the report of the engineer of the board was substantially as follows:

This burner is of the mechanical draft pressure atomizing gun type and consists of the following assembly:

A Century ⅙ H.P. motor, a Sirocco type fan and a Monarch nozzle.

Either a Viking Monarch fuelstat consisting of a Viking Pump, Monarch strainer and regulating valve or a Tuthill fuel unit, which has already been approved by the board.

Ignition—electric, Jefferson transformer.

Controls—Minneapolis - Honeywell Protecto - Relay Type R-114-A and Minneapolis-Honeywell Aquastat.

With the oil supply shut off in the cold combustion chamber the burner was operated and the controls on two successive tests shut off the burner in 83 and 88 seconds, respectively. The burner was then put into operation under normal conditions for approximately 45 minutes. Controls were again tested and found to function properly. During the period of test there were no flarebacks and the flame was clean and free of smoke and soot. Examination of the combustion chamber showed no undue carbon deposits.

The models submitted differ only as to capacity, R-15 using 3½ gals. per hour and R-35 eight gals. per hour.

As a result of this inspection and test, it is recommended that these burners, Models R-15 and R-35, be approved for domestic, industrial and commercial uses, when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals, for fuel oil not heavier than No. 3; and

WHEREAS, the device was approved by the board March 31, 1936, and the owner, through its agent, David Kaufman

requested the addition of the name Shur-Heat, and now requests the addition of names Paragon Oil Burner Models R-15 and R-35, and Public Service Oil Burner, Models R-15 and R-35; and

WHEREAS, the owner requested an amendment of the resolution to include Models F, P-15, P-35, P-50, J-5, J-10, S-20, and S-40; and

WHEREAS, this application was reopened by vote of the board and referred to the engineer of the board for test and report; and

WHEREAS, the report of the engineer of the board,, supplemented by that of the Division of Combustibles of the Fire Department was substantially as follows:

This oil burner is of the pressure atomizing gun type and the various models submitted for approval consist of the following assembly:

MODEL P-15.—Consists of an Ohio motor; ⅛ H.P. Sirocco type fan; Tuthill fuelstat consisting of pump; strainer and pressure regulating valve; nozzle, Monarch 1.65 to 3½ gallons per hour. Ignition; Jefferson transformer.

MODEL F.—Same as Model P-15 except that parts are differently located.

MODEL P-35.—Is identical with Model P-15, with the exception that the Motor is ⅙ H.P. and the nozzle has a capacity of 3⅛ to 8 gallons per hour.

MODEL P-50.—This burner is of the atomizing gun type, consisting of the following assembly; ⅓ H.P. motor; a Tuthill pump, a Detroit lubricator; pressure regulating valve; cuno strainer; Monarch nozzle of 10 to 18 gallons per hour.

MODEL J-5.—Is identical in assembly and construction as the P-15, the only difference being in the assembling of the parts.

MODEL J-10.—Is identical with the P-35, the only difference being in the location and assembly of the transformer and motor.

MODEL S-20.—The only difference in the Model S-20 is that a Webster Pump Unit is used in place of the Tuthill Fuelstat.

MODEL S-40.—Consists of Webster Pump set consisting of pump, pressure regulating valve; strainer; monarch nozzle having a capacity of 8 gallons.

Model P-15 was tested and during the period of the test there was no flareback due to faulty ignition, and examination of the combustion chamber showed no undue carbon deposits.

The controls operated and shut the burner down on two tests in 70 and 72 seconds respectively.

As a result of this inspection and test it is recommended that the HERCO OIL BURNERS, MODELS F, J-5, J-10, P-15, P-35, P-50, S-20 and S-40, be approved for domestic, commercial and industrial installations with fuel oil not heaver than No. 3, U. S. Dept. of Commerce Standards and when installed in accordance with the Oil Burner Rules, adopted by the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Herco Oil Burner, Models R-15, R-35, *F, P*-15, *P*-35, *P*-50, *J*-5, *J*-10, *S-20, and S*-40, for use in domestic, commercial and industrial installations, with fuel oil not heavier than No. 3 when installed in accordance with the Oil Burner Rules of the Board of Standards and Appeals, that this burner Models R-15 and R-35, may also be marketed under the names of Shur-Heat Burner, Models R-15 and R-35, Paragon Oil Burner, Models R-15 and R-35 and Public Service Oil Burner, Models R-15 and R-35, on condition that under whichever name marketed this oil burning device shall bear a label permanently attached thereto reading as follows:

NOTICE
Approved by the
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. No. 21-36-SA.

438-38-SA.

APPLICANT—Keystone Oil Burner Company, owner.

SUBJECT—Keystone Oil Burner, Models LP and WP, approval of.

APPEARANCES—
For Applicant: None.

ACTION OF BOARD—Appliance approved in accordance with report of engineer of the board.

THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Walsh 4
Negative 0
Absent 0

THE RESOLUTION—

(438-38-SA)

WHEREAS, the Keystone Oil Burner Company, owner, filed June 2, 1938, an application with the Board of Standards and Appeals for approval of the device known as the Keystone Oil Burner, Models LP and WP; and

WHEREAS, the device was submitted to the engineer of the board for test and report; and

WHEREAS, this device was inspected and tested by the engineer of the board, with representatives of the Division of Combustibles of the Fire Department; and

WHEREAS, the report of the engineer of the board supplemented by that of the Division of Combustibles of the Fire Department was substantially as follows:

This oil burner comes in two (2) models, LP and WP—one having a pump mounted directly on the burner and the other model using an approved type pump set located at some distance from the burner itself. The burner is of the horizontal, rotary type, mounted on a cast iron plate with hinges for the purpose of swinging the burner to either open or closed position.

The burner consists of the following assembly: A Westinghouse 1 H. P. motor; a horizontal spinning cup; a centrifugal type fan; a baystone pump; a manually operated oil valve and a Wells Electric preheater.

Controls: The controls consist of Minneapolis Honeywell vaporstat, which, in case of fan-failure, shuts off the supply of oil; a reversed aquastat in the preheater for controlling the temperature of the oil in same; either an Asco or General Control electric oil valve with Minneapolis Honeywell magnetic gas valve; Minneapolis Honeywell pyrostat, pressuretrol and relay R157.

Ignition: Dual—gas and electric. The oil is passed from the pump through the electric preheater, which is set at a temperature of 120° F. When this temperature is reached the electric oil valve is opened and permits the oil then to flow to the spinning cup, where the air is mixed with it and the oil is atomized.

The burner was tested and it was found that the controls functioned and shut the burner down in 30 and 32 seconds respectively, when the oil supply had been shut off. The burner was then put into normal operation and during the period of the tests there were no puff backs due to faulty ignition and an examination of the combustion chamber showed same to be free of carbon deposits.

These burners are designed for use of No. 6 oil when same is preheated or for lighter oils when the oil is not preheated.

As a result of this inspection and test it is therefore recommended that the Keystone Oil Burner, Models LP and WP be approved for commercial and industrial installations, when installed in aceordance with the Oil Burner Rules adopted by the Board of Standards and Appeals, to be used with fuel oil not heavier than No. 5 cold and with fuel oil not heavier than No. 6 preheated.

Resolved, that the Board of Standards and Appeals does

hereby *approve* the device known as the Keystone Oil Burner, Models LP and WP, for use in industrial and commercial installations with fuel oil not heavier than No. 5 U. S. Dept. of Commerce standards, cold, and with No. 6 U. S. Dept. of Commerce standards, preheated, when installed and operated in accordance with the Oil Burner Rules of the Board of Standards and Appeals and with the above report, *on condition* that the device shall bear a label permanently affixed thereto, reading:

Approved by the
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. No 438-38-SA.

Adjourned, 6.00 P. M. to June 15, 1938 at 10 A. M.
Convened June 15, 1938, 10 A. M. Adjourned 10.55 A. M.
EDWARD V. BARTON, Chief Clerk.

*CORRECTION.

The minutes of the meeting of the Board of Standards and Appeals held Wednesday, June 1, 1938, as they appeared in Bulletin No. 23, Vol. 23, are hereby corrected to read as follows:

THE RESOLUTION—

(289-38-BZ)

WHEREAS, Shreve, Lamb and Harmon and Harrison and Fouilhoux, for Board of Higher Education of the City of New York, owner, filed April 20, 1938, an application under the building zone resolution to permit partly in a residence use district and partly in a business use district "B" area and one and one-half times height district, the erection of the street walls of a building (Hunter College) not conforming with the height requirements of the building zone resolution; premises, 657-699 Park avenue, 924-942 Lexington avenue, 57 East 68th street and 54 East 69th street (Block No. 1403, Lot No. 1), Borough of Manhattan; and,

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 1, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the district maps accompanying the building zone resolution show that Park avenue is in a residence use, "B" area and 1½ times height district; Lexington avenue is in a business use, "B" area and 1½ times height district; East 68th street is in a residence and business use, "B" area and 1½ times height district and East 69th street is in a residence and business use, "B" area and 1½ times height district; and

WHEREAS, the decision of the borough superintendent of buildings dated April 12, 1938—N. B. Applic. 211-1937, reads:

"1. Comply with building zone resolution for height regulations section 8 as indicated on sketches. Refers to 68th street and 69th street fronts."

and

WHEREAS, the proposed building is to be of fireproof construction 16 stories in height, with a frontage of 200 ft. 10 in. on Park avenue, 305 ft. on East 68th street, irregular in area, to be occupied by Hunter College; and

WHEREAS, the proposed school building (Hunter College) does not conform with the height requirements of the building zone resolution in re the height of the street walls of the building on East 68th street and on East 69th street. On both these streets, the building sets back 3½ in. from the building line. East 68th street and East 69th street are respectively 60 ft. wide and Park avenue is 140 ft. wide. The excess in height on East 68th street is that portion of the East Wing (having a frontage of 58 ft. 4 in.) above the permissable dormer allowance; the base of this dormer is (legally) 90 ft. 10½ in. above mean curb. The excess area is triangular in shape (in a vertical plane) having a height of 9 ft. 9½ in. and a base of 19 ft. 11 in. at the east and west sides of the east wing. The excess in height on East 69th street is that portion of the east wing (having a frontage of 58 ft. 4 in.) above the permissable dormer allowance; the base of this dormer is (legally) 90 ft. 10½ in. above mean curb. The excess area is triangular in shape (in a vertical plane) having a height of 9 ft. 9½ in. and a base of 19 ft. 11 in. at the east and west sides of the east wing. The excess area on this street also includes that portion of the street wall which sets back 22 ft. from the building line, above the permissable dormer allowance; the base of this dormer is (legally) 156 ft. 0 in. above the mean curb. The excess (in a vertical plane) is an irregular shaped area having a length of 68 ft. 9 in. and a height of approximately 17 ft. The excess in this street also includes that portion of the street wall (which sets back 22 ft. from the building line) which is within 150 feet of the Park avenue building line and which is within the influence of Park avenue (which is considered a 100 ft. wide street); this excess area is wedge shaped—having a vertical height of approximately 11 ft. and a base of 3 ft. 11 in.; and

WHEREAS, the board deemed that the applicant was entitled to relief under section 21 of the building zone resolution on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the height district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 21 thereof, *on condition* that the requirements of the zoning law as to height and bulk shall not be exceeded beyond the points indicated on plans filed with this application and that in all other respects the requirements of the zoning resolution shall be complied with; that all permits required shall be obtained and all work involved completed with two years from the date of this action.

* Correction—"3½ ft." changed to "3½ in." in line 40 of resolution.

NOTICE

FORMS FOR NOTICES TO PROPERTY OWNERS

Applicants, under the building zone resolution, are entitled to one copy of Form 7NO.

If they desire additional copies, for their own convenience in notifying property owners, they may obtain such copies at the office of the Board of Standards and Appeals, Room 1018, Municipal Building, Manhattan, at three cents each—postage to be added if the forms are forwarded by mail.

There is now on display in one of the rooms in this Board a set of seven maps of the City of New York, covering the real property inventory report, prepared by the Mayor's Committee on City Planning. If interested, these maps may be seen any week day and up to 12 o'clock on Saturdays.

MINUTES

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, May 24, 1938, as they appeared in Bulletin No. 22, Vol. 23, are hereby corrected to read as follows:

THE RESOLUTION—

(273-34-BZ)

WHEREAS, this application affecting premises 1314-1332 Ocean avenue, west side, 100 ft. south of Avenue H (Block No. 6703, Lot No. 55), Borough of Brooklyn, was granted by the board March 26, 1935, on certain conditions and applicant requested an amendment of the resolution; and

WHEREAS, the case was reopened by vote of the board April 5, 1938; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting, May 24, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *amend* resolution adopted by the board on March 26, 1935, so far as it has reference to width of entrances to the premises, so that as amended the resolution shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted,* under section 21, permitting the continuation of the use as a gasoline service station of the premises as indicated on plans filed with this application, with a total frontage not exceeding 162 feet 6 inches, *on condition* that the existing buildings shall be entirely removed and the premises shall be arranged as shown on plans marked 'Received March 26, 1935'; that the accessory building shall be located toward the rear centre as indicated and shall not exceed one story in height and shall be constructed of fireproof materials except that the roof beams, roof board, door and door frames, window frames and sash may be of wood, provided the ceilings throughout are fire-retarded in accordance with the rules of the Board of Standards and Appeals and the roof weather surfacing is of non-inflammable material; that there shall be no open excavation under these buildings except for hydraulic lifts; that the boiler room shown on these plans as located in cellar shall be located above ground in the office section or in an addition thereto as may be necessary for the accommodation of the heating equipment and enclosed in fireproof partitions; that there shall be erected on the northerly lot line a fence not less than 6 feet in height as indicated on plan; that the pumps shall be located not nearer than 20 feet from the building line; that there shall be constructed along the street frontage of Ocean avenue a curbed area not less than 6 feet in width, *continuously, except for two* (2) *openings, one toward the south,* 55 *ft. in width, one toward the north,* 46 *ft.* 6 *in. in width, with curb cuts opposite, each not exceeding* 43 *ft. in width; that the curbed area between such openings on the building line shall not be less than* 40 *ft. in length; that these curbed areas and the curbed area all along the entire length of the interior lot line and adjacent to the accessory building, as shown, shall be planted with shrubbery and other appropriate planting, which shall be maintained at all times; that no parking or storage of automobiles shall be permitted on the plot other than those being serviced;* that the plot from street building line to the front of the accessory building shall be either cement or asphalt paved and that the balance of the plot to the rear may be covered with cracked bluestone provided the bluestone is bound with tarvia or other suitable binder; that there shall be no portable gasoline tanks used on or from the property; that there shall be no automobile repairing carried on; that such trees as now exist within the area shall be maintained as far as practicable; that advertising shall be limited to the illuminated globes of the pumps and to signs on the windows of accessory building, eliminating all roof signs and signs of a temporary nature; that the exterior of the accessory building shall be constructed of face brick and stone or terra cotta trimmings and of the architectural design shown on plans marked 'Received March 26, 1935'; and that all permits shall be obtained within three months and all work shall be completed within one year from the date of this resolution."

*Correction—Numerals "42" changed to "40" in line 55 of resolution.

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, May 3, 1938, as they appeared in Bulletin No. 19, Vol. XXIII, are hereby corrected to read as follows:

THE RESOLUTION—

(205-38-SA)

WHEREAS, Abraham Semless, agent for The Philadelphia Drying Machinery Co., owner, filed March 28, 1938, an application with the Board of Standards and Appeals for approval of the device known as the P.D.M. Low Pressure Oil Burner; and

WHEREAS, the device was submitted to the engineer of the board and the division of combustibles of the fire department for test and report; and

WHEREAS, the report of the engineer of the board, supplementary to that of the representatives of the division of combustibles, was substantially as follows:

This oil burner is of the low pressure air atomizing type and was installed in a bake oven.

The burner is of the manual operated type and consists only of a burner head. The burner head is of a specially L shaped iron casting. The lower leg of the L is connected to the air supply line and the oil is admitted to an inner chamber of the casting on the outer side of the burner.

The air and oil mixed in the head is expelled from the orifice of the burner in a fine mist.

This burner is of the fully manual type and has an expanding gas pilot light for ignition purposes.

The air is supplied by means of a blower and the oil pressure by means of an approved Viking pump set.

This burner was operated and tested and was found to operate as designed. It is therefore recommended that the P.D.M. Low Pressure Oil Burner be approved for manual operation only in commercial and industrial installations when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals, when used with fuel oil not heavier than No. 5 U. S. Department of Commerce standards.

Resolved, that the Board of Standards and Appeals does hereby approve the device known as the P.D.M. Low Pressure Oil Burner for use in commercial and industrial installations for manual operation with fuel oil not heavier than No. 5 U. S. Department of Commerce standards when installed in accordance with above report and the Oil Burner Rules of the Board of Standards and Appeals, *on condition* that the device shall bear a label permanently affixed thereto, reading as follows:

APPROVED BY THE

BOARD OF STANDARDS AND APPEALS

For Use in New York City

UNDER CAL. No. 205-38-SA.

* Correction—The word "brass" changed to "iron" in line 16 of resolution.

RULES

Fire Drill Rules, Adopted By the Board of Standards and Appeals, October 5, 1923.

(593-23-SR)

NOTE—*In republishing these Rules, no corrections have been made as to departmental jurisdiction, as such may be affected by the McCall Bill known as Chapter 764 of the Laws of* 1933.

DEFINITION OF "FIRE DRILL."

The method and practice of the systematic and orderly vacating of a building by its occupants in case of emergency, panic or fire in the least possible time—by the nearest safe means of exit—and the use of fire appliances which shall be provided for the extinguishing or retarding of fire and the safeguarding of human life.

Rule 1

In all buildings as defined in Article 1, Section 10 of the Labor Law in which fire drills are required pursuant to Section 279 and in any other building in which the Fire Commissioner may be directed pursuant to the power conferred in section 775-B of the Greater New York Charter, it shall be the duty of the owners, lessees or tenants to conduct fire drills monthly and at such other times as the Fire Commissioner may direct.

For the purpose of conducting such fire drills the owner or tenant shall appoint from among their employees such responsible and dependable persons, male or female, who shall efficiently perform the duties of the various positions of the fire drill organization, as specified on the accompanying chart.

It shall be the duty of the owner or tenant to enter in the blank spaces provided for that purpose in said chart the names of persons so selected and post said chart and copies of the rules in a conspicuous place.

FIRE DRILL ORGANIZATION.

Premises .....
Name of concern.....
Building No.....**Story**.....

FOREMAN OR PERSON IN CHARGE

Regular	Substitute
.....	.....

WATCHMAN

.....	.....
.....	.....

MALE SEARCHER

.....	.....

FEMALE SEARCHER

.....	.....

STREET ALARM BOX RUNNER

.....	.....

FIRE BRIGADE

....	.....
....	.....
.....	.....

EXIT GUARDS

.....	Exit.....	.....
.....	"	.....
.....	"	.....
.....	"	.....
.....	"	.....
.....	"	.....

SQUAD MONITORS

.....Squad	No. 1	.....
..... "	" 2	.....
..... "	" 3	.....
..... "	" 4	.....
..... "	" 5	.....
..... "	" 6	.....

Rule 2. Duties of Foreman.

The Foreman or Person in Charge shall direct, enforce and have full charge of the "Fire Drill" in every factory on each floor. Each day before work is begun he shall see that extinguishers, fire hose, fire buckets, etc., are in readiness for use, exit doors are unlocked, aisles are free from obstruction, that stairways, halls, etc., are properly lighted, and shall remedy any dangerous condition found to exist. Immediately after work is commenced he shall check up the Fire Drill Organization list and note if the regularly assigned persons are present; if any are found to be absent, he shall assign other employees (if practicable) to perform their duties.

He shall immediately notify new employees of the existence of the Fire Drill Organization an give them the necessary instructions as to the duties they are to perform, etc.

He shall be familiar with the operation and location of the interior alarm signal box on his floor.

He shall listen for the test signal each morning at the appointed hour and in the event of the test signal not being heard he shall communicate with the superintendent or other person in charge of the building and advise him of the fact. The (Floor Captains) Foreman's orders are final as to the carrying out of the fire drill on his particular floor.

Rule 3. Duties of Watchmen.

The WATCHMEN shall see that all doors and windows are closed so as to prevent the spread of fire. The WATCHMEN shall be the only persons permitted to remain on the floor during the progress of a fire drill and do so at their own risk. For ordinary purposes only one watchman and a substitute shall be designated. In special cases, however, extra watchmen may be assigned by consent in writing from Fire Commissioner.

Rule 4. Duties of Searchers.

The MALE AND FEMALE SEARCHERS shall search all toilets, dressing rooms and emergency rooms used and frequented by their sex and all other portions of the floor and order all persons, except those authorized to remain, to leave the premises. They are to take care of and assist all persons who may faint or be disabled.

SEARCHERS shall leave the floor immediately after the last squad leaves.

Rule 5. Duties of Street Alarm Box Runner.

The STREET ALARM BOX RUNNER shall be familiar with the location of the nearest city fire alarm box and know how it is operated.

In ordinary practice fire drills the STREET-ALARM-BOX-RUNNER shall report to the Foreman for orders, and if his services are not required he shall promptly file out of the premises with the other occupants.

Only when a fire actually occurs on his floor, or when ordered to do so by the Foreman, shall the STREET-ALARM-BOX-RUNNER proceed to the street alarm box and send in the fire alarm.

RULES

Rule 6. Duties of Fire Brigade.

The fire brigade shall have full charge of the operation of all auxiliary fire fighting apparatus and shall endeavor to extinguish, or at least hold in check until the arrival of the fire department, any fire that may occur. When it is necessary for the fire brigate to respond to different floors in the building they shall not use the stairways or fire escapes while the occupants are escaping from the premises.

Rule 7. Duties of Exit Guards.

The EXIT GUARDS shall station themselves at all exit doors leading to fire escapes, stairways and other means of escape immediately upon the sounding of the alarm. There shall be two guards for each exit, if practicable; one to stand in the hallway holding back the door and the other directly inside on the floor. They are to keep the exit doors open and direct the movements of the persons using these exits and prevent congestion.

EXIT GUARDS shall remain at their stations until all of the occupants of the building have passed their station. Then close their doors and pass out of the building. Upon signal for the occupants to return, EXIT GUARDS shall take their designated stations and remain there until all persons have returned to their respective floors.

Rule 8. Duties of Squad Monitors.

The SQUAD MONITORS, as soon as the alarm is sounded, shall see that the employees under their charge quickly form into line, two abreast, and numbering not more than thirty to each squad. They shall see that all aisles and passageways are cleared of obstructions.

Note: Chairs, stools, baskets, etc., should be pushed under or placed on top of work benches.

MONITORS shall proceed at the head of their respective squads to the exit assigned, and then march up or down the stairs or to other exits as directed by the EXIT GUARDS.

On reaching the sidewalk MONITORS shall keep their squads in order and lead them a reasonable distance from the building, so as not to cause congestion and interference with fire apparatus. When the proper signal is given they shall return to their respective floors at head of their squads.

MONITORS will at all times see that those under their charge conduct themselves in a respectable and orderly manner.

Rule 9. Holding of Drills.

FIRE DRILLS shall be held at least once each month at varied hours of the day, and all of the occupants shall participate therein simultaneously. Such drills shall conduct all occupants to a place of safety.

Where dual operation interior fire alarm systems are installed as permitted under Rule 11 of the interior fire alarm rules of the Board of Standards and Appeals, the fire drill conducted each month shall include all of the persons on the premises engaged at work for a factory, and drills shall be conducted at least twice each year in which all of the persons on the premises shall participate simultaneously.

Rule 10. Duties of Owner.

It shall be the duty of the OWNER, LESSEE OR TENANT OF THE BUILDING or his authorized agent or their representatives to personally observe that the "Fire Drill" is held simultaneously on every floor of the building and the participation therein of every occupant of such building. Any FIRE DRILL in which all of the occupants do not particpate shall not be considered as complying with the LAW, except as otherwise provided in these rules.

The person or persons representing the OWNER, LESSEE OR TENANT who supervises the FIRE DRILL at the building shall submit to an examination by the Bureau of Fire Prevention as to their experience and general fitness for such duties, and shall be so certified in writing by the FIRE COMMISSIONER.

Rule 11. Duties of Engineer.

It shall be the duty of the ENGINEER, SUPERINTENDENT or other PERSON IN CHARGE of a building having an interior fire alarm system to test such system daily immediately after the beginning of business, and to see that all apparatus operated by springs requiring winding are rewound after each alarm and kept in normal condition for operation.

Whenever it is necessary to test the fire alarm system at any other time of the day, owing to repairs, etc., being made, the PERSON IN CHARGE OF BUILDING will first notify all Foremen of the several floors of the intended test and likewise notify them when the repairs, etc., are completed. This precaution is taken to prevent confusion and excitement, also misunderstanding of the alarm signals.

It shall also be the duty of the PERSON IN CHARGE OF BUILDING to sound the interior alarm system at irregular intervals, but not less than once each calendar month, for the purpose of holding practice fire drills. He shall keep on the premises a record of such drills showing the date when held and the required time for all occupants to reach the street or a point of safety outside the building.

The PERSON IN CHARGE OF BUILDING must immediately acquaint new tenants of the existence of the "Fire Drill" Organization and its purport.

Rule 12. Registration.

The name and address of every person, corporation or co-partnership, that will, under professional service, carry on the trade, business or calling of establishing, maintaining or supervising the "Fire Drill" shall be registered in the Fire Department, which Department shall, upon evidence of fitness, grant a certificate to that effect.

NOTICE

MULTIPLE DWELLING LAW ON SALE

Copies of the Multiple Dwelling Law are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 50c; by mail 54c.

Copies of the Supplemental Rules and Regulations of the Tenement House Department on Fire Retarding, Fire Escapes, Fire Stairs and Fire Towers are now on sale at the Distribution Division of the City Record Office, Room 2213, Municipal Building, Manhattan. Price 10c; by mail 12c.

RULES

FIRE RETARDING RULES FOR GARAGES, ETC.

Adopted by the Board of Standards and Appeals Aug. 30, 1917; Amended Nov. 1, 1917, and Feb. 3, 1922.

Rule 1. Fire Retarding Materials for Garages, Motor Vehicle Repair Shops and Oil Selling Stations. In garages, motor vehicle repair shops and oil selling stations any material or form of construction shall be deemed fire-retarding within the meaning of §73, subdivision 3, of the building code, that resists the action of flame and heat when subjected to a continuous fire for one hour at an average temperature of seventeen hundred (1700) degrees Fahrenheit without the passage of flame, and with a maximum temperature rise to four hundred (400) degrees Fahrenheit on the side away from the fire. The point at which the temperature of transmitted heat is measured shall be protected from external air and weather conditions.

When the test specimen is in the form of partition construction, the area under test shall be not less than one hundred (100) square feet and least dimension shall be not less than nine (9) feet. When in the form of floor construction, the area under test shall be not less than two hundred (200) square feet and the least dimension shall be not less than fourteen (14) feet.

During the fire, the floor construction shall support the live load for which it is designed, and after the fire shall safely sustain twice the designed live load with a maximum deflection of not more than one two-hundredth (1/200) part of the span.

Rule 2. Wood Joisted Floor Construction. Wood jointed floor construction shall be accepted as fire-retarding construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations when the beams are protected on the upper and under sides with the fire-retarding materials specified in rules for floor and ceiling coverings.

Rule 3. Floor Covering. Any one of the following forms of construction shall be accepted as fire-retarding for the covering of the upper sides of wood floor beams in joisted floor construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations.

(a) Seven-eighths (⅞) inch wood underflooring protected with a membrane of two-ply waterproofing covered with not less than two and one-half (2½) inches of 1:2½:5 concrete or better, reinforced with not less than one-fourth (¼) of one (1) per cent of steel mesh;

(b) Two and one-half (2½) inches of 1:2:4 concrete applied directly to the top of the joists, with or without temporary support, reinforced with not less than one-fourth of one per cent steel rods, mesh or steel lath, and having the tops of the joists coated with approved waterproof paint or protected by tar paper on the top and on the sides for a distance of three inches from the top.

Rule 4. Ceiling Covering. Any one of the following forms of construction shall be accepted as fire-retarding for the covering of the undersides of wood floor beams in joisted floor construction in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations:

(a) One-half (½) inch plaster boards, or three-eighths (⅜) inch gypsum wall boards weighing not less than 16 pounds per square yard with pointed joints covered with No. 26 U. S. gauge sheet metal with one (1) inch lapped seams nailed to the wood beams when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are spaced more than sixteen (16) inches on centers;

(b) Two thicknesses of one-quarter (¼) inch asbestos board laid with tight staggered joints and nailed to the beams, when spaced not more than sixteen (16) inches on centers, or nailed to furring strips when the floor beams are more than sixteen (16) inches on centers;

(c) Metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) inch thick.

Rule 5. Attachment to Ceiling. Fire-retarding ceilings in non-fireproof buildings used as garages, motor vehicle repair shops or oil selling stations shall be attached to wood floor beams and girders in such manner as to maintain an air space between the wood beams and all wood beams shall be seasoned before applying the protective coat.

Rule 6. Openings in Fire-Retarding Floors. Pipes or conduits which pass through floors shall be fitted with metal thimbles and made watertight for a height of three (3) inches above the floor.

Rule 7. Columns. All structural posts and columns in non-fireproof buildings required to be fire-retarded shall be protected with fire-retarding materials specified for ceiling coverings in these rules, or with any of the materials accepted in fireproof construction; except that an air space shall not be required around steel or cast iron columns.

Where necessary for protection against mechanical injury, the fire-retarding protection on columns shall be jacketed to a height of five (5) feet from the ground with No. 4 U. S. gauge metal.

Rule 8. Girders. All girders in non-fireproof buildings required to be fire-retarded shall be protected with the fire-retarding materials specified for ceiling coverings in these rules, or with any of the materials acceptable in fireproof construction; except that an air space need not be provided around steel girders.

Rule 9. Shaft Enclosures. Existing stairways and vertical shafts in non-fireproof business buildings hereafter converted to be used as garages, motor vehicle repair shops or oil selling stations shall be enclosed in fire-retarding partitions continued through the non-fireproof floor construction, and when unfilled wood stud partitions are used, the space between the floor beams shall be fire-stopped with incombustible materials. All openings in such partitions shall be protected with accepted metal-covered fire doors or windows. Wherever necessary for protection against mechanical injury, the partition shall be jacketed to a height of five (5) feet on the garage side with No. 4 U. S. gauge metal. Any one of the following forms of partitions shall be accepted for the enclosure:

(a) Two by four inch wood studs, spaced not more than sixteen (16) inches on centers, covered both sides with metal lath weighing not less than three pounds per square yard, attached to furring strips and plastered with Portland cement mortar at least three-quarters (¾) of an inch thick;

(b) Two by four inch wood studs placed not more than sixteen (16) inches on centers, covered both sides with seven-eighths (⅞) inch wood sheathing, one-half (½) inch plaster boards with pointed joints and No. 26 U. S. gauge sheet metal with one-inch lapped seams;

(c) Two by four inch wood studs spaced not more than sixteen (16) inches on centers, covered both sides with seven-eighths (⅞) inch wood sheathing, two thicknesses of one-quarter (¼) inch asbestos boards laid with tight staggered joints and jacketed with No. 16 U. S. gauge metal on the garage side to a height of five (5) feet;

(d) Two by four inch wood studs spaced not more than sixteen (16) inches on centers, filled in solidly between the studs with four inches of approved fireproof materials and covered on both sides with No. 26 U. S. gauge metal;

(e) Existing wood stud, lath and plaster partitions covered on the garage side with No. 26 U. S. gauge sheet metal with one inch lapped seams.

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UNIVERSITY OF ILLINOIS

BULLETIN
OF THE
BOARD OF STANDARDS AND APPEALS
CITY OF NEW YORK

Issued under authority of Chapter 27, Section 665 of the Charter of the City of New York.

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DIRECTORY

BOARD OF STANDARDS AND APPEALS
HARRIS H. MURDOCK, Chairman

BERNARD A. SAVAGE
CHARLES M. BLUM
CHIEF JOHN J. MCELLIGOTT
EDWARD V. BARTON, *Chief Clerk*

OFFICE—Municipal Building, Rooms 1001 to 1018.
TELEPHONE—WOrth 2-0184.
OFFICE HOURS FOR PUBLIC—9 a. m. to 4 p. m. daily except Saturdays during July and August.

All communications should be addressed to the chairman of the board

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Minutes of Regular Meeting, June 21, 1938, at 2 P. M., Affecting Calendar Numbers 665-28-BZ, 413-20-BZ, 275-25-BZ, 114-36-BZ, 265-28-BZ, 47-34-BZ, 298-36-BZ, 483-38-A, 318-38-A, 383-38-A, 306-38-A, 460-38-A, 303-38-A, 419-38-A, 382-38-A, 479-38-A, 498-38-A, 500-38-A, 511-38-A, 287-38-A, 311-37-A, 136-34-SA, 259-25-SA, 166-33-SA, 176-36-SA, 172-37-SA, 281-38-SA, 393-38-SA, 28-38-SM, 124-38-SM, 136-38-SM, 163-38-SM and 191-38-SM.

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All hearings are held in Room 1013, Municipal Building, Borough of Manhattan.

HOURS FOR CONSULTATION
10 A. M. to 1 P. M.

Any person desiring to consult the chairman or the engineers, pertaining to the work of the board, will be seen only between the hours of ten in the morning and one in the afternoon—Saturdays excepted.

NOTICE TO APPELLANTS AND APPLICANTS

No appeal or application will be entertained in connection with which court proceedings are pending or in progress, unless exception is granted by the chairman, nor accepted which is not filed within thirty days from the date of the action of the Administrative Official.

Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is filed on the form required by the rules of this board.

Upon receipt of any such communication the writer will be supplied with the official forms for presenting his appeal or application.

At the time of filing an appeal or application, the appellant or applicant shall forward a signed notice of appeal addressed to the administrative official (either commissioner of buildings or fire commissioner) and file with this board a duplicate of said notice.

Appellants and applicants are advised that their plans must indicate the points of the compass so as to establish the true location and position of the property, the subject of the appeal or application.

Appeals and applications will be simplified and disposition of same expedited by conforming to these directions.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

DOCKET

New Cases Filed up to June 21, 1938

Cal. No. *Department* *Premises Affected*

492-38-SA.....F.D.....Milburn Spray Painting Equipment. manufactured by The Alexander Milburn Company, Appliance.

493-38-SA.....F.D.....Preway Circulating and Radiating Type Oil Burning Space Heaters, Models 906-P, 907P, 300P, 918P, 920P, 930P and 933P, Appliance.

494-38-A.....H.B.M.....721-729 Lenox avenue, west side, from West 146th street to West 147th Street, 101-165 West 146th Street and 100-164 West 147th street (Block 2015, Lot 6), Borough of Manhattan, N.B. 99-38 & F.P. 254-38.

495-38-A.....F.D.....104 Lexington avenue, west side, 100 ft. north of East 27th street (Block 883, Lot 22), Borough of Manhattan, 12843-L.C.

496-38-S.....H.B.B.....250 Myrtle avenue, south side, 90 ft. east of Ashland place, 99-113 Ashland place and 47-57 Bolivar street, northeast corner (Block 2068, Lots 1, 26 and 12), Borough of Brooklyn, Viol. 2738-38.

497-38-SA.....F.D.....Timken Wall Flame Oil Burner, Model F, Appliance.

498-38-A.....H.B.B.....2-26 Linden boulevard and 833-835 Flatbush avenue, southeast corner (Block 5086, Lot 13), Borough of Brooklyn, Applic. 6456-38.

499-38-SA.....F.D.....Carrier Oil Burner, Model 62C2, Appliance.

500-38-A .....H.B.Q.....153-155 Beach 72nd street, west side, 420 ft. south of Rockaway Beach boulevard (Block 608, Lot 89), Rockaway Beach, Borough of Queens, Applic. 4568-38.

501-38-A.....F.D.....Barge, 1,500 ft. off shore, Pleasant Bay Park on Baxter Creek, foot of Ferris avenue (Ferris lane), Unionport, Borough of The Bronx, Decision.

502-38-A.....F.D.....120 East 27th street, south side, 183.4 ft. east of Fourth avenue (Block 882, Lot 76), Borough of Manhattan, 13052-L.C.

503-38-BZ.....H.B.Bx.....2327-2331 Bathgate avenue, west side, 25 ft. south of East 185th street and 2326-2330 Bassford avenue (Block 3053, Lots 28, 31, 32 and 49), Borough of The Bronx, Decision.

504-38-A.....H.B.B.....207-209 Hudson avenue, southeast corner of Nassau street (Block 111, Lots 11 and 12), Borough of Brooklyn, Decision re Permit 14-38.

505-38-A.....F.D.....625 Lexington avenue, east side, 100 ft. south of East 54th street (Block 1308, Lot 21), Borough of Manhattan, 12865-L.C.

506-38-S.....H.B.M.....500-512 Eighth avenue, east side from West 35th street to West 36th street, 269 West 35th street and 268 West 36th street (Block 785, Lot 1), Borough of Manhattan, Alt. 1793-38.

507-38-S.....H.B.B.....329 Myrtle avenue, north side, 79 ft. west of Carlton avenue (Block 2043, Lot 89), Borough of Brooklyn, Applic. 7189-38.

508-38-SM.....H.B.....Walsh Waterproofing Method manufactured by Edward J. Walsh, Material.

509-38-BZ.....H.B.Q.....202-01 Rocky Hill road, north side, 62.19 ft. east of 202nd street (Block 5561, Lots 10, 13 and 62), Bayside, Borough of Queens, N.B. 3678-38.

510-38-A.....H.B.Bx.....394 East 170th street, south side, 30.78 ft. west of Clay avenue (Block 2782, Lot 108½), Borough of The Bronx, N.B. 771-06.

511-38-A.....H.B.Bx.....3240 Henry Hudson parkway, east side, 217.8 ft. north of West 232nd street, running through to Arlington avenue, west side, 277.12 ft. north of West 232nd street (Block 3409, Lot 24), Borough of The Bronx, N.B. 549-37.

512-38-BZ.....H.B.M.....109-111 West 31st street, north side, 100 ft. west of Sixth avenue (Block 807, Lots 34 and 35), Borough of Manhattan, Decision.

513-38-A .....H.B.Q.....123-14 103rd avenue, south side, 115 ft. east of 123rd street (Block 8560, Lot 7), Richmond Hill, Borough of Queens, Alt. 3086-38.

514-38-A.....H.B.Q.....1297 Far Rockaway boulevard (Central avenue), south side, 200 ft. east of Nielson

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avenue .(Block 35, Lot 7), Far Rockaway, Borough of Queens, Alt. 4371-38.

515-38-A.....H.B.Q.....133-135 Beach 72nd street, west side, 660 ft. south of Rockaway Beach boulevard (Block 608, Lot 89), Arverne, Borough of Queens, Alt. 4143-38.

Restored to Calendar

665-28-BZ.....H.B.B.....2022-2034 Bedford avenue and 99-103 Clarkson avenue, northwest corner (Block 5055, Lot 59), Borough of Brooklyn, Decision.

DESIGNATIONS: H.B.—Department of Housing and Buildings; **H.B.B.**—Department of Housing and Buildings, Brooklyn; **H.B.M.**—Department of Housing and Buildings, Manhattan; **H.B.Q.**—Department of Housing and Buildings, Queens; **H.B.R.**—Department of Housing and Buildings, Richmond; **H.B.Bx.**—Department of Housing and Buildings, Bronx; **H.D.**—Health Department and **F.D.**—Fire Department.

(Effective January 1, 1938.)

CERTIORARI ORDERS SERVED ON THE BOARD OF STANDARDS AND APPEALS

On June 20, 1938, Hyman Fried, attorney, served on board petition and order of certiorari, on behalf of Crawford Clothes, Inc., lessee in re decision of board of June 14, 1938, affirming decision of building superintendent in re signs, Cal. No. 600-37-A, premises 841-843 Broadway and 53-63 East 13th street, Borough of Manhattan.

* * *

On June 22, 1938, Jerome N. Wanshel, attorney, served on board order of certiorari on behalf of Enid Holding Corporation, objector, in re decision of board on May 17, 1938, granting permission for parking and storage of more than five motor vehicles under section 7-h, under Cal. No. 497-37-BZ, at premises 1203-1235 East New York avenue, Borough of Brooklyn.

* * *

On June 23, 1938, Harold J. Sherman, attorney, served on board order of certiorari on behalf of William Loesak and others, owners, in re decision of board on May 17, 1938, granting permission for parking and storage of more than five motor vehicles on part of premises under appeal, Cal. No. 497-37-BZ, under section 7-h, at premises 1203-1235 East New York avenue, Borough of Brooklyn.

COURT DECISION

In re Flynn (Murdock)—On March 15, 1938, board granted to the Department of Water Supply, Gas & Electricity, permission to erect a laboratory building in a residence district, under section 7-d, Cal. No. 598-37-BZ, at premises 349-367 Park place, northeast corner of Underhill avenue, Brooklyn. Mr. Justice Riegelman sustained board (N. Y. L. J., June 16, 1938), stating: "When the application is made under section 7 and the appropriate subdivision thereof the field of inquiry is restricted. It is not necessary to allege or prove the facts required when application is made under section 21 nor for the board to make a decision thereon. The board must in each case act on some reasonable basis in harmony with the general purpose of the resolution. Nothing more is required. . . ."

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Concrete Flat Slabs, Rules	July 13, 1937—Vol. 22, No. 28
Concrete Rules (Hydrated Lime)	Aug. 3, 1937—Vol. 22, No. 31
Elevator Rules	Mar. 3, 1936—Vol. 21, No. 9
Exit Rules (Revolving Doors)	June 15, 1937—Vol. 22, No. 24
Factory Exit Rules	May 24, 1938—Vol. 23, No. 21
Fire Alarm Rules (Interior)	Apr. 5, 1938—Vol. 23, No. 14
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Structural Alterations, Reporting	June 7, 1932—Vol. 17, No. 23
Tank Trucks, Fuel Oil, etc.	Nov. 24, 1936—Vol. 21, No. 47
Tank Trucks, Gasoline, etc.	Nov. 24, 1936—Vol. 21, No. 47
Wire Glass Rules (Amendment to Rule 505 of Industrial Code)	Apr. 10, 1923—Vol. 8, No. 15

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Anti-Siphon Valves	Mar. 5, 1935—Vol. 20, No. 10
Fireline Hose Valves	June 28, 1938—Vol. 23, No. 26
Fuel Oil Burners for Domestic and Commercial Use	Apr. 19, 1938—Vol. 23, No. 16
Fuel Oil Fill Pipe Terminals	June 28, 1938—Vol. 23, No. 26
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Range Oil Burners and Space Heaters	June 7, 1938—Vol. 23, No. 23

JUNE 28, 1938, 10 A. M.

Building Zone Applications.

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, June* 28, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 382-37-BZ—Application, July 27, 1937, under section 7h of the building zone resolution, of Aaron Roth, applicant, on behalf of Stewcan Realty Corporation and George M. Thomson, owners, to permit, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles; premises 43-26 to 43-36 48th street, west side, 100 ft. north of Queens boulevard (Block No. 140, Lot Nos. 40 and 42), Long Island City, Borough of Queens.

CAL. NO. 532-37-BZ—Application, November 10, 1937, under section 7h of the building zone resolution, of Herman R. Josephson and Isaac Josephson, applicants and lessees, on behalf of Ronash Realty Corporation, owner, to permit, for a temporary period of not more than two (2) years, in a business use district, the parking and storage of more than five (5) motor vehicles; premises 136-56 to 136-62 39th avenue (Locust street), south side, 378.30 ft. west of Union street (Block No. 4980, Lot No. 26), Flushing, Borough of Queens.

CAL. NO. 392-38-BZ—Application, May 20, 1938, under section 21 of the building zone resolution, of I. L. Crausman, applicant, on behalf of Townlee Realty Corporation, owner, to permit in a residence use district the elevation of a rear yard above the limit fixed by the building zone

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resolution; premises 2776 Jerome avenue, east side, 200 ft. north of East 196th street (Block No. 3318, Lot Nos. 15 to 19, inclusive), Borough of The Bronx.

CAL. NO. 73-38-BZ—Application, February 4, 1938, under section 7h of the building zone resolution, of J. J. Gloster, applicant, on behalf of Sears, Roebuck & Co., owner, to permit in a business use district the parking of more than five (5) motor vehicles; premises 2420 Bedford avenue and 2301-2323 Beverly road, northwest corner (Block No. 5133, Lot No. 14), Borough of Brooklyn.

CAL. NO. 27-33-BZ—Application of William E. Kennedy, applicant, on behalf of Joseph Moss, owner, reopened March 15, 1938 under section 21 of the building zone resolution, to permit in a business use district the erection and maintenance of a gasoline service station (previously dismissed for lack of prosecution); premises 212-31 115th avenue and 114-30 Springfield boulevard, northwest corner (Block No. 1949, part of Lot No. 1), St. Albans, Borough of Queens.

CAL. NO. 315-38-BZ—Application, April 29, 1938, under section 21 of the building zone resolution, of Joel D. Marder, applicant, on behalf of Presbyterian Hospital in The City of New York, owner, to permit partly in a residence use district and partly in a business use district the parking and storage of more than five (5) motor vehicles; premises 601 West 165th street, northwest corner of Broadway (Block No. 2138, part of Lot No. 40), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

JUNE 28, 1938, 2 P. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday afternoon, June* 28, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matters, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 388-37-BZ—Application of Samuel Rosenblum, applicant, on behalf of W.P.A. Realty Corporation, owner, reopened June 7, 1938, for consideration of an amendment to resolution to permit storage of more than five (5) motor vehicles —re Application, previously granted on condition, under section 7h of the building zone resolution, permitting, for a period of not more than two (2) years, in a business use district, the parking of more than five (5) motor vehicles; premises 2159 White Plains avenue, west side, 400 ft. south of Pelham parkway south (Block No. 4317, Lot No. 56), Borough of The Bronx.

CAL. NO. 1066-25-BZ—Application of Roland Lievendag, applicant and owner, reopened June 7, 1938, for consideration as to extension of time and amendment of resolution—re Application, previously granted on condition, under section 21 of the building zone resolution, permitting in a business use district the alteration of a garage for more than five (5) motor vehicles (with permit for sale of gasoline) which was granted by the Board on March 30, 1926 (and extended into the residence district under Cal. No. 74-28-BZ), so as to form an alcove gasoline station; premises, northwest corner of 46th (Queens) avenue and 164th (24th) street (Block No. 5442, Lot No. 81), Flushing, Borough of Queens.

CAL. NO. 530-37-BZ—Application, November 3, 1937, under section 21 of the building zone resolution, of Otto F. Semsch, applicant, on behalf of Ernest Flagg, owner, to permit in a residence use district the conversion of occupancy of part of an existing multiple dwelling to business use; premises 7202-7224 Ridge boulevard, west side, from 72nd street to 73rd street, 158-190 72nd street and 181-191 73rd street (Block No. 5906, Lot No. 1), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

Appeals from Administrative Orders

133-38-A—7202-7224 Ridge boulevard, west side, from 72nd street to 73rd street, 158-190 72nd street and 181-191 73rd street (Block No. 5906, Lot No. 1), Borough of Brooklyn.

430-38-A—3081-3091 Avenue T and 2084 Stuart street, northwest corner (Block No. 7518, Lot No. 40), Borough of Brooklyn.

462-38-A—110 80th street, south side, 195 ft. west of Colonial road (Block No. 5985, Lot No. 30), Borough of Brooklyn.

464-38-A—166-170 Hudson street and 48 Laight street, northeast corner (Block No. 220, Lot No. 34), Borough of Manhattan.

466-38-A—34-45 21st street, east side, 410 ft. south of 34th avenue (Block No. 466, Lot No. 25), Astoria, Borough of Queens.

318-38-A—Northeast corner of 44th avenue and 111th street (Block No. 2015, Lot No. 78), Corona, Borough of Queens.

476-38-A—1750 East 53rd street, west side, 340 ft. south of Avenue O (Block No. 8492, Lot No. 57), Borough of Brooklyn.

490-38-A—255-24 147th road, south side, 220 ft. west of Weller avenue (Block No. 4896, Lot No. 42), Rosedale, Borough of Queens.

494-38-A—721-729 Lenox avenue, west side, from West 146th street to West 147th street, 101-165 West 146th street and 100-164 West 147th street (Block No. 2015, Lot No. 6), Borough of Manhattan.

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501-38-A—Barge, 1,500 ft. off shore, Pleasant Bay Park, on Baxter Creek, foot of Ferris avenue (Ferris lane), Unionport, Borough of The Bronx.

505-38-A—625 Lexington avenue, east side, 100 ft. south of East 54th street (Block No. 1308, Lot No. 21), Borough of Manhattan.

513-38-A—123-14 103rd avenue, south side, 115 ft. east of 123rd street (Block No. 8560, Lot No. 7), Richmond Hill, Borough of Queens.

Variations of Labor Law

473-38-S—261 West 42nd street, northeast corner of 8th avenue (Block No. 1014, Lot Nos. 1 to 4½ inclusive), Borough of Manhattan.

506-38-S—500-512 Eighth avenue, east side, from West 35th street to West 36th street, 269 West 35th street and 268 West 36th street (Block No. 785, Lot No. 1), Borough of Manhattan.

507-38-S—329 Myrtle avenue, north side, 79 ft. west of Carlton avenue (Block No. 2043, Lot No. 89), Borough of Brooklyn.

JULY 6, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Wednesday morning, July* 6, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 340-38-BZ—Application, May 6, 1938, under section 21 of the building zone resolution, of W. H. and J. F. Dusenbury, applicants, on behalf of Emil Mosbacker, owner, to permit partly in a business use district and partly in a residence use district the parking and storage of more than five (5) motor vehicles and, also, the erection and maintenance of a gasoline service station; premises 2686-2690 Jerome avenue, east side, 146.76 ft. north of East Kingsbridge road (Block No. 3317, part of Lot No. 6), Borough of The Bronx.

CAL. NO. 311-38-BZ—Application, April 28, 1938, under section 21 of the building zone resolution, of Arnold W. Lederer, applicant, on behalf of J. K. Rasnake and J. B. Fleming, owners, to permit in a residence use district the maintenance of two (2) ground signs; premises 2080-2086 Ocean avenue and 1913 Avenue "P", northwest corner (Block No. 6766, Lot No. 53), Borough of Brooklyn.

CAL. NO. 13-38-BZ—Application, January 11, 1938, under section 21 of the building zone resolution, of Henry Nordheim, applicant, on behalf of M. Boguslawsky, Inc., owner, to permit in a business use district the erection and maintenance of a storage garage for more than five (5) motor vehicles on a plot occupied, in part, as a gasoline service station; premises 2481-2489 Southern boulevard and 757-765 East 189th street, northwest corner (Block No. 3116, Lot No. 37), Borough of The Bronx.

CAL. NO. 266-36-BZ—Application of Lama and Proskauer, applicants, on behalf of Frederick Reiner, owner, reopened December 14, 1937, under section 7c of the building zone resolution, to permit the extension, from an unrestricted use district into a business use district, of an existing gasoline service station (previously withdrawn); premises 90-25 to 90-33 Horace Harding boulevard (Nassau boulevard), northeast corner of Queens boulevard (Block No. 1876, Lot No. 1 and part of Lot No. 21), Elmhurst, Borough of Queens.

CAL. NO. 461-37-BZ—Application, September 27, 1937, under sections 7h and 21 of the building zone resolution, of Manhattan Parking Corporation, applicant and lessee, on behalf of New York Life Insurance Company, owner, to permit partly in a business use district and partly in a residence use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 247-261 Madison avenue, south side, from East 38th street to East 39th street (Block No. 868, Lot Nos. 20, 22, 23, 24, 25, 54, 55 and 56), Borough of Manhattan.

CAL. NO. 261-38-BZ—Application, April 14, 1938, under section 21 of the building zone resolution, of Saypol and Kotler, applicants, on behalf of Gothard Lowenstein, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 1381-1383 Flatbush avenue, northwest corner of East 26th street (Block No. 5227, Lot No. 1), Borough of Brooklyn.

CAL. NO. 1254-23-BZ—Application of Samuel Rosenblum, applicant, on behalf of 14 Second Avenue Realty Corporation, owner, reopened January 4, 1938, under section 21 of the building zone resolution, to permit in a business use district the installation of gasoline storage equipment in a garage for more than five (5) motor vehicles, previously granted by the Board on condition that no gasoline storage equipment be installed; premises 14 Second avenue, east side, 47 ft. 10 in. south of East First street (Block No. 442, Lot No. 6), Borough of Manhattan.

CAL. NO. 360-38-BZ—Application, May 13, 1938, under sections 7a and 7c of the building zone resolution of Matthew W. Del Gaudio, applicant, on behalf of 356 West 44th Street Corporation, owner, to permit in a residence use and "B" area district the alteration and extension of a building and the extension of an existing business use; also the omission of part of the required rear yard; premises 356 West 44th street, south side, 100 ft. east of Ninth avenue (Block No. 1034, Lot No. 60), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

CALENDAR

JULY 6, 1938, 2 P. M.

Appeals from Administrative Orders

27-38-A—346 Carroll street, south side, 72 ft. 4 in. west of Bond street and 37-53 First street (Block No. 451, Lot No. 25), Borough of Brooklyn.

383-38-A—41-79 Gleane street, east side, 188 ft. south of Elmhurst avenue (Block No. 1555, Lot No. 46), Elmhurst, Borough of Queens.

483-38-A—2081-2091 Broadway, northwest corner of West 72nd street (Block No. 1164, Lot No. 26), Borough of Manhattan.

Building Zone Application

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Wednesday afternoon, July* 6, 1938, at 2 o'clock, in Room 1013, Municipal Building, on the following matter, except cases which have been heard and on which decision has been reserved without further argument, pending an inspection and a report with recommendation by the committee of the board:

CAL. NO. 17-29-BZ—Application of Clara K. Eberhart, applicant and owner, reopened under new proposal November 23, 1937, under section 21 of the building zone resolution, to permit partly in a business use district and partly in a residence use district the erection and maintenance of a gasoline service station and, also, the storage and parking of more than five (5) motor vehicles; premises 1886-1888 Boston road, south side, 49.27 ft. east of Bryant avenue and 1901-1907 Longfellow avenue (Block No. 3004, Lot Nos. 28, 40 and 42), Borough of The Bronx.

HARRIS H. MURDOCK, *Chairman.*

JULY 8, 1938, 10 A. M.

SPECIAL MEETING

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Friday morning, July* 8, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 633-26-BZ—Application of Miriam Young, applicant and owner, reopened April 26 1938, under section 21 of the building zone resolution, to permit in a residnce use district the change of occupancy of part of an existing building from residence to business use (Beauty Parlor); (previously denied by the board re use of premises for business purposes—five (5) stores); premises 1883 Marmion avenue, west side, 100 ft. north of East 176th street (Block No. 2954, Lot No. 34), Borough of The Bronx.

CAL. NO. 16-38-BZ—Application, January 13, 1938, under section 21 of the building zone resolution, of Herman Kron, applicant, on behalf of Greenwood Cemetery Corporation, owner, to permit in a residence use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 240-246 East 35th street, south side, 100 ft. west of 2nd avenue (Block No. 915, Lot Nos. 38 and 41), Borough of Manhattan.

CAL. NO. 288-38-BZ—Application, April 19, 1938, under section 7h of the building zone resolution, of Paul Friedman, applicant, on behalf of Brooklyn Trust Company, owner, to permit in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 602-622 Brightwater court, 601-643 Riegelman boardwalk, 3153-3173 East 6th street and 3288-3310 Coney Island avenue (Block No. 7284-10, Lot Nos. 2271 and 2275), Borough of Brooklyn.

CAL. NO. 344-38-BZ—Application, May 9, 1938, under section 7h of the building zone resolution, of Lama and Proskauer, applicants, on behalf of The Borden Company, owner, to permit partly in a business use district and partly in an unrestricted use district, for a temporary priod of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 942-958 DeKalb avenue, southwest corner of Lewis avenue (Block No. 1601, Lot No. 24), Borough of Brooklyn.

CAL. NO. 374-38-BZ—Application, May 17, 1938, under section 21 of the building zone resolution, of Henry Nordheim, applicant, on behalf of Frances Pitroniro, owner, to permit in a business use district the erection and maintenance of a gasoline service station; premises 860-866 East 222nd street and 3863-3867 Bronxwood avenue, southwest corner (Block No. 4680, Lot No. 69), Borough of The Bronx.

CAL. NO. 612-37-BZ—Application, December 22, 1937, under section 21 of the building zone resolution, of Joseph B. Lynch, applicant, on behalf of Miriam Blumenthal, owner, to permit in a residence use district the erection and maintenance of a gasoline service station; premises 524-534 East 121st street, southwest corner of East River drive (Block No. 1817, Lot Nos. 19 to 25 inclusive), Borough of Manhattan.

HARRIS H. MURDOCK, *Chairman.*

JULY 12, 1938, 10 A. M.

Building Zone Applications

NOTICE IS HEREBY GIVEN by the Board of Standards and Appeals of a public hearing under the provisions of the building zone resolution, *Tuesday morning, July* 12, 1938, at 10 o'clock, in Room 1013, Municipal Building, on the following matters:

CAL. NO. 338-38-BZ—Application, May 5, 1938, under section 21 of the building zone resolution,

CALENDAR

of Samuels and Samuels, applicants, on behalf of Grace F. Boardman, owner, to permit in a residence use district the maintenance of a stable for more than five (5) horses; premises 193-12 to 193-20 Salerno avenue and 194-02 to 194-08 Dunton avenue, southwest corner (Block No. 1431, Lot No. 159), Holliswood, Borough of Queens.

CAL. NO. 463-38-BZ—Application, June 7, 1938, under section 21 of the building zone resolution, of Lama and Proskauer, applicants, on behalf of Preferred Estates, Inc., owner, to permit in a business use district the reconstruction of an existing gasoline service station; premises 172-02 Hillside avenue, southeast corner of 172nd street (Block No. 9829, Lot No. 37a), Jamaica, Borough of Queens.

CAL. NO. 186-30-BZ—Application of Ethel Quasman, applicant and owner, reopened May 24, 1938, under section 21 of the building zone resolution, to permit partly in a residence use district and partly in a business use district the erection and maintenance of a gasoline service station (previously withdrawn); premises 74-02 to 74-10 Jamaica avenue and 1 Elderts lane, southeast corner (Block No. 8899, part of Lot No. 1), Woodhaven, Borough of Queens.

CAL. NO. 425-38-BZ—Application, May 28, 1938, under section 21 of the building zone resolution, of 1215 Concourse Realty Corporation, applicant, on behalf of Bowery Savings Bank, owner, to permit in a business use district the erection and maintenance of a gasoline service station for a temporary period of five (5) years; premises 100 East 107th street and 1455 Park avenue, southeast corner (Block No. 1634, Lot No. 71), Borough of Manhattan.

CAL. NO. 420-37-BZ—Application, August 27, 1937, under sections 21 and 7h of the building zone resolution, of J. Bert Miller, applicant and lessee, on behalf of Mainrose Realty Corporation, owner, to permit, in a business use district, for a temporary period of not more than two (2) years, the parking and storage of more than five (5) motor vehicles; premises 136-30 Roosevelt avenue, south side, 295 ft. east of Main street (Block No. 5019, Lot No. 16), Flushing, Borough of Queens.

CAL. NO. 42-38-BZ—Application, January 21, 1938, under sections 7b, 7c and 21 of the building zone resolution, of Thomas W. Golding, applicant, on behalf of Henry Pape, owner, to permit, partly in a business use district and partly in an unrestricted use district, the maintenance of a garage for more than five (5) motor vehicles; premises 22-36 Caton place, south side, 182 ft. 10 in. east of Ocean parkway (Block No. 5320, Lot No. 55), Borough of Brooklyn.

HARRIS H. MURDOCK, *Chairman.*

JULY 12, 1938, 2 P. M.

Appeals from Administrative Orders

356-38-A—333 West 83rd street and 110-112 Riverside drive, southeast corner (Block No. 1245, Lot Nos. 47, 49, 54 and part of Lot No. 56), Borough of Manhattan.

306-38-A—1602 Avenue J, southeast corner of East 16th street (Block No. 6718, Lot No. 1), Borough of Brooklyn.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, JUNE 21, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan.

BUILDING ZONE CASES

146-38-BZ.

APPLICANT—Lama and Proskauer, for Eva Garber, owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under sections 7c and 21 of the building zone resolution, to permit in a business use district the extension of an existing Gasoline service station.

PREMISES AFFECTED—5366-5368 Kings highway, west side, 234 ft. 1⅛ in. north of Farragut road (Block No. 7948, Lot Nos. 11 and 12), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.
For Opposition: None.
For Administration: Assistant Engineer Cohen, Department of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(146-38-BZ)

WHEREAS, Lama & Proskauer, for Eva Garber, owner, filed March 8, 1938, an application under the building zone resolution to permit in a business use district the extension of an existing gasoline service station; premises 5366-5368 Kings highway, west side, 234 ft. 1⅛ in. north of Farragut road (Block No. 7948, Lot Nos. 11 and 12), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 21, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Kings highway is in a business and residence use district; East 53rd street is in a residence and business use district; East 52nd street is in an unrestricted, business and residence district; and

WHEREAS, the decision of the borough superintendent of buildings, dated February 23, 1938, re Application No. 17649-1937, reads:

"Proposed extension of a gasoline selling station to include adjoining lot at the north and the erection of new building to be used as an automobile laundry and office in conjunction with a gasoline service station in a business use district is contrary to Art. II, Sec. 4(a) of the Building Zone Resolution, and is, therefore, denied."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 40 ft. and a depth of 100 ft.; upon the southerly portion of the plot there is located an existing gasoline service station having a frontage of 20 ft. and a depth of 100 ft. It is proposed to re-locate the pumps and to erect upon the plot a one-story office, auto laundry and lubritorium building 40 ft. by 24 ft. in area and to extend this gasoline service station use so as to cover the entire plot, as shown upon filed plans; and

WHEREAS, the plot and surrounding area was inspected by a committee the board prior to the hearing; and

WHEREAS, the board deemed that the provisions of section 7, subdivision c of the building zone resolution, under which this application was made, empowered the board to exercise its discretion to grant an extension of area.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under section 7c to permit the extension of the existing gasoline station so as to occupy the entire plot known as 5366-5368 Kings highway, lot numbers 11 and 12, block 7948, with a frontage of 40 ft. and a depth of 100 ft. and to permit the reconstruction of the accessory buildings and relocation of pumps, as indicated on plans filed with this application, *on condition* that the plot shall be leveled substantially to the grade of East 53rd street and that the accessory buildings shall not exceed one story in height, constructed of fireproof materials, except that the wood beams and wood boarding, door frames and doors, window frames and sash may be of wood, provided the ceiling throughout is fire-retarded in accordance with the rules of the Board of Standards and Appeals and the roof surfaced with non-inflammable material; that the building shall be arranged for office, laundry and lubritorium; that there shall be no excavation under the buildings, except for the pits for the greasing racks; that the area between the accessory building and the street building line, shall be paved with concrete of Colprovia or similar material; that there shall be no windows on the interior lot line walls opening upon adjoining premises; that gasoline pumps erected shall not be nearer than 10 ft. to the building line of East 53rd street; that there shall not be more than two curb cuts, each 15 ft. in width from East 53rd street; that the area in the rear of the accessory buildings shall be leveled and substantial woven wire fences not less than 6 ft. in height shall be constructed on the interior lot lines; that signs shall be restricted to the illuminated globes of the pumps and to a permanent sign attached to the facia of the building, excluding all temporary signs and roof signs, except that there may be erected within the building line, one post standard for carrying a sign advertising solely the brand of gasoline sold, which sign may be illuminated and may extend over the building line for a distance of not more than 4 ft.; that these premises shall be used for no other use other than as herein permitted; that no portable gasoline tanks shall be used on or from the premises; that all permits shall be obtained and all work completed within one year from the date of this action.

331-38-BZ.

APPLICANT—George F. DeZeller, for Francis X. O'Connor, owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under sections 7-A, 7-E and 21 of the building zone resolution, to permit in a retail use district the erection and maintenance of a garage for more than five (5) motor vehicles.

PREMISES AFFECTED—253-255 West 47th street, north side, 225 ft. east of Eighth avenue (Block No. 1019, Lot Nos. 10 and 11), Borough of Manhattan.

APPEARANCES—

For Applicant: George F. DeZeller and Francis X. O'Connor.

For Opposition: Thomas K. O'Brien, John P. O'Brien, Herman Levine, Adolph Lund and A. Taggard.

ACTION OF THE BOARD—Application denied.

Affirmative	0
Negative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Absent	0

THE RESOLUTION—

(331-38-BZ)

WHEREAS, George F. DeZeller, for Francis X. O'Connor, owner, filed May 2, 1938, an application under the building zone resolution to permit in a retail use district the erection and maintenance of a garage for more than five motor vehicles; premises 253-255 West 47th street, north side, 225 ft. east of Eighth avenue (Block No. 1019, Lot Nos. 10 and 11), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 21, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that West 47th street is in a retail use district; West 48th street is in a retail use district; Eighth avenue is in a retail use district and Seventh avenue is in a retail use district; and

WHEREAS, the decision of the borough superintendent of buildings, dated April 18, 1938, re N.B. Application No. 68-1938, reads:

"Contrary to Sec. 4, Building Zone Resolution in a retail district to use premises or construct a building for storage of more than five motor vehicles or a garage for more than five motor vehicles."

and

WHEREAS, the proposed building is to be of fireproof construction, four (4) stories in height, with a frontage of 50 ft. and a depth of 96 ft. 5 in. on 1st story and 90 ft. 5 in. above; and to be occupied as a garage for more than five motor vehicles; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to the hearing; and

WHEREAS, the board deemed that sections 7-A and 7-E were not applicable to the conditions presented; and

WHEREAS, the board deemed that the applicant failed to substantiate a basis of appeal under section 21 of the building zone resolution and was, therefore, not entitled to relief on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the decision of the borough superintendent in acting on N.B. Application 68-1938, be and it hereby is *affirmed*, and that the application be and it hereby is *denied*.

352-38-BZ.

APPLICANT—Marno Realty Co., for Red Top Realty Corporation, owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under section 21 of the building zone resolution, to permit in a business

use district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—80-82 East 121st street and 1728-1734 Park avenue, southwest corner (Block No. 1747, Lot Nos. 18 and 19), Borough of Manhattan.

APPEARANCES—

For Applicant: John Kadel.

For Opposition: Charles M. Early, Walter Wreder, Edward P. Scanlon, G. J. Demos. Benedict Franchina, Mr. Rosenkampff and Thomas J. McKevitt.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan 4

Absent 0

THE RESOLUTION—

(352-38-BZ)

WHEREAS, Marno Realty Co., for Red Top Realty Corporation, owner, filed May 11, 1938, an application under the building zone resolution to permit in a business use district the erection and maintenance of a gasoline service station; premises 80-82 East 121st street and 1728-1734 Park avenue, southwest corner (Block No. 1747, Lot Nos. 18 and 19), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 21, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Park avenue is in a business use district; East 121st street is in a residence and business use district and East 120th street is in a residence and business use district; and

WHEREAS, the decision of the borough superintendent of buildings, dated April 14, 1938, re N.B. Application No. 63-1938, reads:

"1. Location of proposed use as lubritorium and gasoline selling station is contrary to Sec. 4, Building Zone Resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 100 ft. 11 in. on Park avenue and 40 ft. on East 121st street. It is proposed to demolish the buildings now on the site and to erect a one story accessory building 26 ft. by 28 ft. in area, and, also, to install the necessary tanks and pumps for a gasoline service station; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to the hearing; and

WHEREAS, the board deemed, that the applicant had failed to substantiate his basis of appeal under section 21 of the building zone resolution, practical difficulties and unnecessary hardship and was therefore not entitled to relief.

Resolved, that the decision of the borough superintendent of buildings, in acting on N.B. Application 63-1938, be and it hereby is *affirmed*, and that the application be and it hereby is *denied*.

482-37-BZ.

APPLICANT—Anthony Waldeier, for Apex Garage & Rental Co., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business use district the extension of an existing garage for more than five (5) motor vehicles.

PREMISES AFFECTED—87-38 Lefferts boulevard, west side, 330 ft. south of Jamaica avenue (Block No. 9328, Lot No. 22), Richmond Hill, Borough of Queens.

APPEARANCES—

For Applicant: Stanley Rapaport.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan 4

Negative 0

Absent 0

THE RESOLUTION—

(482-37-BZ)

WHEREAS, Anthony Waldeier, for Apex Garage & Rental Co., owner, filed October 13, 1937, an application under the building zone resolution to permit in a business use district the extension of an existing garage for more than five (5) motor vehicles; premises 87-38 Lefferts boulevard, west side, 330 ft. south of Jamaica avenue (Block No. 9328, Lot No. 22), Richmond Hill, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 21, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Lefferts boulevard is in a business use district; 118th street is in a business use district; Jamaica avenue is in a business and unrestricted use district and 120th street is in an unrestricted use district; and

WHEREAS, the decision of the commissioner of buildings, dated September 30, 1937, re Permit No. 4775, reads:

"The extension of a public garage in a business district is contrary to Art. 2, Section 4 of the Zone Resolution."

and

WHEREAS, the existing building is of non-fireproof construction, one story in height, with a frontage of 40 ft., depth of 80 ft., occupied as a garage for more than five motor vehicles. It is proposed to erect on the rear, an extension 13 ft. by 40 ft. in area, to be occupied in conjunction with the existing garage; and

WHEREAS, the board deemed that applicant was entitled to relief under section 21 on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted*, under section 21, to permit the proposed reconstruction of rear extension of the existing garage, *on condition* that the extension shall be constructed of fireproof materials, except that the roof beams and roof boarding may be of wood, provided the ceiling throughout the extension is fire-retarded in accordance with the Rules of the Board of Standards and Appeals and the roof surfaced with non-inflammable surfacing; that there shall be no windows in the rear wall opening on adjoining premises but permitting a skylight to be erected in the roof of extension, provided the skylight is constructed of fireproof materials and glazed with wire glass; that no portable gasoline pumps shall be used on or from the premises; that the building shall not be further increased in height or area; and that all permits shall be obtained and all work shall be completed within one year from the date of this action.

593-37-BZ.

APPLICANT—Jno. B. Snook Sons-Victor C. Farrar, for Harlem Savings Bank, owner.

SUBJECT—Application (re decision of the borough superintendent of buildings) under section 7h of the building zone resolution, to permit, for a temporary period of not more than two (2) years, in a retail use district, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—404-406 West 41st street, south side, 100 ft. west of Ninth avenue (Block No. 1050, Lot No. 37), Borough of Manhattan.

APPEARANCES—

For Applicant: H. C. Boardman and Thomas E. Stanley.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(593-37-BZ)

WHEREAS, Jno. B. Snook Sons-Victor C. Farrar, for Harlem Savings Bank, owner, filed December 15, 1937, an application under the building zone resolution to permit for a temporary period of not more than two (2) years, in a retail use district, the parking and storage of more than five (5) motor vehicles; premises 404-406 West 41st street, south side, 100 ft. west of Ninth avenue (Block No. 1050, Lot No. 37), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 21, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that West 41st street is in a retail and unrestricted use district; West 40th street is in a retail and unrestricted use district and Ninth avenue is in a retail use district; and

WHEREAS, the decision of the borough superintendent of buildings, dated March 31, 1938, reads:

> "Your application for a Certificate of Occupancy for the above premises for the storage and parking of more than 5 motor vehicles has been denied as the premises is located in a retail district and the use of same for this purpose is prohibited by Article 11, Section 4-A, Subdiv. 15 of the Zone Resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 41 ft. 8 in. and a depth of 98 ft. 9 in. It is proposed to use the plot for a temporary period of not more than two (2) years for the parking and storage of more than 5 motor vehicles; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to the hearing; and

WHEREAS, the board deemed that this was a proper case in which to exercise its discretion under section 7, subdivision H of the building zone resolution for a temporary period of two years.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that the application be and it hereby is *granted* under section 7-H thereof, for a temporary period of two years from the date of this action, to permit the premises under appeal to be used for the storage and parking of more than five motor vehicles, *on condition* that only motor vehicles of the pleasure car type shall be so stored and parked; that the plot shall be leveled substantially to the grade of West 41st street and shall be surfaced with steam cinders or similar material, properly rolled and bound to prevent dusting and graded so as to provide surface drainage, that there shall be erected on the interior lot lines, where walls of adjacent buildings do not occur and on the street line, a substantial woven wire fence not less than six feet in height with no openings therein except to 41st street, which opening shall not exceed 15 ft. in width with curb cut opposite of similar width; that during the term of this variance, this plot shall be used for no other use than as herein permitted and no building erected hereon, except there may be erected a building not over one story in height and 150 sq. ft. in area as an office and shelter for the attendant; that no sign shall be erected on the premises other than a neat sign at the entrance advertising the parking and storage use; that no lights shall be maintained on the plot for illumination; that an ample driveway shall be maintained at all times for easy ingress and exit; that such portable fire extinguishing equipment shall be installed as the fire commissioner may direct; and that all permits shall be obtained and all work completed within three months from the date of this action.

615-37-BZ.

APPLICANT—Jno. B. Snook Sons-Victor C. Farrar, for Beers Trusts, owner; Lucius H. Beers, trustee.

SUBJECT—Application (re decision of the borough superintendent of buildings) under section 7h of the building zone resolution, to permit, for a temporary period of not more than two (2) years, in a retail use district, the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—456-460 West 41st street, south side, 100 ft. east of Tenth avenue (Block No. 1050, Lot Nos. 59, 60 and 60½), Borough of Manhattan.

APPEARANCES—

For Applicant: H. C. Boardman and Thomas E. Stanley.

For Opposition: Mrs. Walthausen.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(615-37-BZ)

WHEREAS, Jno. B. Snook Sons-Victor C. Farrar, for Beers Trusts, owner, Lucius H. Beers, trustee, filed December 23, 1937 an application under the building zone resolution to permit for a temporary period of not more than two (2) years, in a retail use district the parking and storage of more than five (5) motor vehicles; premises 456-460 West 41st street. south side, 100 ft. east of Tenth Avenue (Block No. 1050, Lot Nos. 59, 60 and 60½), Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 21, 1938, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that West 41st street is in a retail and unrestricted use district; West 40th street is in an unrestricted use district and Tenth avenue is in a retail and unrestricted use district; and

WHEREAS, the decision of the borough superintendent of buildings, dated March 31, 1938, reads:

> "Your application for a certificate of occupancy for the above premises for the storage and parking of more than 5 motor vehicles has been denied as the premises is located in a retail district and this occupancy is prohibited by Article 11, Section 4a, Subdivision 15 of the Zone Resolution."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 50 ft. and a depth of 98 ft. 9 in. It is proposed to use this plot for a temporary period of not more than two (2) years for the parking and storage of more than five (5) motor vehicles; and

WHEREAS, the plot and surrounding area were inspected by a committee of the board prior to the hearing; and

WHEREAS, the board deemed that this was a proper case in which to exercise its discretion under section 7, subdivision H of the building zone resolution for a temporary period of two years.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution and that

the application be and it hereby is *granted* under section 7-H thereof, for a temporary period of two years from the date of this action, to permit the premises under appeal to be used for the storage and parking of more than five motor vehicles, *on condition* that only motor vehicles of the pleasure car type shall be so stored and parked; that the plot shall be leveled substantially to the grade of West 41st street and shall be surfaced with steam cinders or similar material, properly rolled and bound to prevent dusting and graded so as to provide surface drainage; that there shall be erected on the interior lot lines where walls of adjacent buildings do not occur and on the street line, a substantial woven wire fence not less than six feet in height with no openings therein except to 41st street, which opening shall not exceed 15 ft. in width with curb cut opposite of similar width; that during the term of this variance, this plot shall be used for no other use than as herein permitted and no building erected hereon, except there may be erected a building not over one story in height and 150 sq. ft. in area as an office and shelter for the attendant; that no sign shall be erected on the premises other than a neat sign at the entrance advertising the parking and storage use; that no lights shall be maintained on the plot for illumination; that an ample driveway shall be maintained at all times for easy ingress and exit; that such portable fire extinguishing equipment shall be installed as the fire commissioner shall direct; and that all permits shall be obtained and all work completed within three months from the date of this action.

Adjourned, 11:50 A. M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, JUNE 21, 1938

Present: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan.

BUILDING ZONE CASES

665-28-BZ.

APPLICANT—Corner, Bell, Russell and McNulty, for George Hochschwender, owner.

SUBJECT—Application for consideration—reopening and amendment—re Application (decision of the superintendent of buildings) under section 21 of the building zone resolution, permitting in a residence use district the erection and maintenance of a business building for store occupancy.

PREMISES AFFECTED—2022-2034 Bedford avenue and 99-103 Clarkson avenue, northwest corner (Block No. 5055, Lot No. 59), Borough of Brooklyn.

APPEARANCES—

For Applicant: R. A. McNulty.

ACTION OF BOARD—Application reopened, subject to usual procedure.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

413-20-BZ.

APPLICANT—Maxwell A. Cantor, for John Giannattasio, owner.

SUBJECT—Application for consideration—reopening and amendment—re Application (decision of the superintendent of buildings) under sections 7c and 7e of the building zone resolution, permitting the extension from an unrestricted use district into a business use district of a proposed two-story garage for more than five (5) motor vehicles.

PREMISES AFFECTED—872-880 Fulton street, southwest corner of Waverly avenue (Block No. 2011, Lot No. 30), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

ACTION OF BOARD—Application for reopening withdrawn.

THE VOTE TO WITHDRAW REQUEST TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

275-25-BZ.

APPLICANT—John J. Beatty, for Mary T. Beatty, owner.

SUBJECT—Application for consideration—reopening and extension of permit—re Application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a business use district the alteration of a garage for more than five (5) motor vehicles (permission to erect which was previously granted by the board) so as to provide a vehicular opening at rear with passageway across the rear lot to Montgomery street.

PREMISES AFFECTED—88-110 Crown street, south side, 220 ft. west of Bedford avenue (Block No. 1294, Lot No. 22), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application reopened and permit extended.

THE VOTE TO REOPEN AND EXTEND PERMIT—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(275-25-BZ)

WHEREAS, Leo Sheridan, owner, filed, March 11, 1925, an application, under the building zone resolution, to permit in a business district the erection and maintenance of a garage for the storage of more than five motor vehicles; premises 88-110 Crown street, south side, 220 ft. west of Bedford avenue (Block No. 1294, Lot No. 22), Borough of Brooklyn; and

WHEREAS, the resolution adopted December 23, 1930, reads as follows:

"*Resolved*, that the Board and Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted on condition* that the building shall be restricted to a one-

story structure in height above grade, subdivided into three areas by walls of approved masonry, running above the roof, with not more than two openings in each partition, equipped with self-closing fireproof doors and one opening not exceeding 4 ft. in width from the centre section of building to the office; that the two sections of the basement story shall not exceed 66 ft. on the street fronts, the structure, at the centre of the premises to be maintained without any cellar; that the rear and gable walls shall be unpierced throughout their entire height and length; that the entire premises shall be equipped with an approved one-source sprinkler system with not less than 4 in. connection to the city main; that the garage shall be erected fireproof, other than the roof construction, which shall be of flat design and fire retarded on the under side with sheet rock plaster board; that a 2½-inch fire line connected to the city main shall be provided on the interior, at the front of the building, at each opening, equipped with not less than 100 ft. of 2½-inch hose; that all required permits shall be obtained within ninety days and the work completed within six months from the date of this action; that the business conducted on the premises be confined to that commonly known as service station for automobiles."

and

WHEREAS, on March 20, 1936, John J. Beatty, applicant for Mary T. Beatty, owner, requested an amendment to the application and to the resolution adopted December 23, 1930, so as to permit the construction of new windows and a door through the cellar wall opening upon adjoining premises to the rear known as Lot No. 68, Block No. 129, in the ownership of Ebbetts-McKeever Exhibition Company, Inc., to permit access across this lot, through a temporary right-of-way 20 ft. in width to Montgomery street for passage of motor vehicles consisting of snow removal machinery belonging to the department of sanitation of the City of New York; and

WHEREAS, the resolution of December 23, 1930, was amended May 19, 1936 and applicant now requests an extension of the period of the permit.

Resolved, that the resolution adopted December 23, 1930, as amended May 19, 1936, be and it hereby is further *amended* by adding the following:

"that an exterior door and windows may be constructed in the rear cellar wall toward the easterly portion of the building as indicated on plans marked 'Received May 19, 1936', and passage 20 ft. in width may be maintained across Lot No. 68, as indicated on said plans, to permit entrance to and exit from the cellar of the garage for snow removal machinery of the department of sanitation of the City of New York *so long as the garage is under lease to the City of New York for the Department of Sanitation for the storage of equipment.*"

114-36-BZ.

APPLICANT—Eadie, Nunley and Eadie, for Maxon and Hossler, lessees.

SUBJECT—Application for consideration—reopening and amendment—re Application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a business use district the alteration and change of occupancy of an existing building to a garage for more than five (5) motor vehicles, motor vehicle repair shop, automobile show room and also the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—330 Bay street, southwest corner of St. Julian place (Block No. 503, Lot No. 32), Stapleton, Borough of Richmond.

APPEARANCES—

For Applicant: Thomas Nunley, M. Francis Bravman, Arthur C. Buhlmann, and others.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(114-36-BZ)

WHEREAS, this application affecting premises 330 Bay street, southwest corner of St. Julian place (Block No. 503, Lot No. 32), Stapleton, Borough of Richmond, was granted by the board May 26, 1936, on certain conditions, resolution amended March 16, 1937, and applicant requested a further amendment of the resolution; and

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of March 16, 1937, so that as amended the resolution shall read:

"Granted, to permit the building under appeal to be used for more than five cars, salesroom for automobiles and gasoline selling alcove, and permitting the portion of the building toward the rear to be used as a motor vehicle repair shop; that in the event it is desired to rent this rear portion for two repair shops, such use may be permitted, provided there is constructed continuously through the building from east to west, a masonry wall not less than 12 inches in thickness, extending from the main floor to at least three (3) feet above the roof; that if any openings are constructed in this wall, such shall comply with the requirements of the Building Code as to size, and protection, underwriters' self-closing fire doors; that a door not less than three (3) feet in width shall be provided in the rear wall, to provide a second means of exit from all enclosed spaces; that the portion of the building used as a car salesroom or for sale of automobile accessories or any other use, shall be separated from the adjoining area used as a repair shop, by a similar masonry wall not less than 8 inches thick constructed from grade to the underneath side of the roof boarding, with fireproof doors in any openings, constructed as hereinbefore required; that the gasoline selling area at the corner of Bay street and St. Julian place shall be constructed in accordance with plans approved by the board on June 29, 1937, as complying with the resolution of the board adopted March 16, 1937, insofar as such plans relate to this gasoline selling alcove and that there shall be no superstructure over this gasoline selling alcove; that the new walls of enclosed garage building shall be constructed of approved masonry; that gasoline pumps shall be erected not nearer than ten (10) feet to the building line of Bay street and no pump shall be erected nearer than three (3) feet to the garage wall, unless there are no windows constructed in such wall nearer than five feet from the pump; that throughout the garage, the ceiling shall be constructed of sheet metal not less than 26 gauge, attached to plaster board or equivalent material; that other than as herein modified, all laws, rules and regulations applicable to the construction and use of these premises shall be complied with; that the curb cut openings to the premises shall not exceed those now existing; that all permits required shall be obtained and all work completed within one year from the date of this amended resolution."

265-28-BZ.

APPLICANT—Lawrence M. Rothman, for Flostrand Realties, Inc., owner.

SUBJECT—Application for consideration—reopening and amendment—re Application (decision of the superintendent of buildings) under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use

district, the erection and maintenance of a garage for the storage of more than five (5) motor vehicles.

PREMISES AFFECTED—West side of Westchester avenue, 161.41 ft. south of Wilkinson avenue (Block No. 4235, Lot No. 43), Borough of The Bronx.

APPEARANCES—

For Applicant: Lawrence M. Rothman.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan 4
Negative 0
Absent 0

THE RESOLUTION—

(265-28-BZ)

WHEREAS, this application affecting premises, west side of Westchester avenue, 161.14 ft. south of Wilkinson avenue (Block No. 4235, Lot No. 43), Borough of The Bronx, was granted by the board October 2, 1928, on certain conditions, resolution amended March 31, 1931, November 4, 1936 and October 26, 1937, and owner requests a further amendment.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulations of the building zone resolution and that the application be and it hereby is granted, *on condition* that the structure shall not exceed in height one story above grade that the rear and side walls shall be unpierced throughout their entire height and length; that the building shall be constructed *of fireproof materials, except that the roof may be constructed of wood beams and wood boarding, supported on steel girders and steel columns, on condition that a one-source sprinkler system shall be installed in the building and that the columns and main girders are protected with fire-resistant construction rated for one hour; that in the event it is decided to install a sprinkler system using one-inch heads, such system shall be installed in accordance with the sprinkler requirements of the Building Code but not requiring more than one line between girders;* that the exterior of the building on Westchester avenue front shall be finished with light-color face brick with architectural terra cotta or natural stone trimmings; that there shall be no advertising display of any nature or description other than one projecting electric sign, located approximately at the center of the building on street front, and that all permits required shall be obtained and any work involved shall be completed within one year from the date of this action, on further condition that plans shall be submitted to this board and approved by the chairman in behalf of the board as complying with this resolution and the resolution of March 31, 1931, before same are filed with the commissioner of buildings.

47-34-BZ.

APPLICANT—Edgar J. Moeller, for Abrem Cohen, owner.

SUBJECT—Application for consideration—reopening and amendment—re Application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting partly in a business use district and partly in a residence use district the replacement of a frame lumber shed with a concrete structure (previously granted on condition for a temporary period).

PREMISES AFFECTED—East side of 95th street, 100 ft. north of Northern boulevard (Block No. 1425, Lot Nos. 44 and 45), Corona, Borough of Queens.

APPEARANCES—

For Applicant: Edgar J. Moeller.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan 4
Negative 0
Absent 0

THE RESOLUTION—

(47-34-BZ)

WHEREAS, Crescent L. Varrone, for Abrem Cohen, owner, filed February 17, 1934, an application under the building zone resolution to permit partly in a business district and partly in a residence district the replacement of a frame lumber shed with a concrete structure; premises: East side of 95th street, 100 ft. north of Northern boulevard (Block No. 1425, Lot Nos. 44 and 45), Corona, Borough of Queens; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, July 3, 1934, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Northern boulevard is in a business district; that 95th street is in a residence district; that Junction boulevard is in a business district; and that 96th street is in a residence district; and

WHEREAS, the decision of the commissioner of buildings, rendered January 30, 1934, re: Plan No. 466, reads:

> "1. The 'replacement' of a frame shed for the purpose of storing lumber within a residence district is contrary to section 3 of the Zone Resolution. This objection is based on the assumption that by 'replacement' is meant the construction of a new building. Not further considered."

and

WHEREAS, the premises consist of a plot of ground having a frontage of 80 ft. on Northern boulevard and 140 ft. on 95th street; the northerly portion of the plot extends into the residence district for a distance of 40 ft., the remainder of the plot is in the business district; on the north portion of the plot (lots 44 and 45), there were some old wooden sheds which were demolished and in place of these there was erected a shed having 8-in. thick concrete walls, 14 ft. in height. The entire plot is used as a lumber yard; and

WHEREAS, this application was the subject of an inspection by a committee of the board, which inspection was made and report of same read at this hearing; and

WHEREAS, this report recommended the granting of this variation for a temporary period under section 21; and

WHEREAS, this application was granted by the board July 3, 1934, on certain conditions and owner requested an amendment of the resolution; and

WHEREAS, affidavits filed indicated that the premises in the residential use district had been in continuous use as a part of the lumber yard now occupying the business area adjoining, since prior to the adoption of the Zoning Resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* the resolution of July 3, 1934 so that as amended it shall read:

> *"Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is *granted* under Section 21, *for a period of two* (2) *years* from the date of this action, permitting the erection of a concrete block wall on the interior lot lines as indicated on plans filed with this appeal marked 'Received February 17, 1934,' *on condition* that this wall shall not exceed 14 ft. in height at the lot lines and that there shall be no openings in this wall along the interior lot lines; that there may be constructed against this wall a lumber shed with open front *on condition* that the highest point of the roof shall not exceed 11 ft. 6

in. in height, so as to provide a parapet not less than 2 ft. 6 in. in height at all points along the interior lot lines; that this roof shall be surfaced with incombustible roof surfaeing and shall be so pitched as to lead roof water away from the adjoining premises to a hung gutter and through a leader connected to street sewer; that this plot within the residential area may be used for the storage of lumber provided such lumber is at all times stored under the shed roof and not in open piles, and that this plot within the residential area shall not be used for other uses during the term of this variance.

Resolved further, that this variance shall continue only so long as these premises are used for the present occupaney, i.e., a lumber yard, without any increase in area of the plot or additional building within the residential area."

298-36-BZ.

APPLICANT—Fred B. McDuffee, Director, Bureau of Architecture, for Department of Publie Works, City of New York, owner.

SUBJECT—Applieation for eonsideration—reopening and amendment—re Applieation (decision of the eommissioner of buildings) under section 21 of the building zone resolution, permitting in a residence use distriet the erection and maintenance of a section station for the Department of Sanitation.

PREMISES AFFECTED—18-15 124th street, east side, 150 ft. south of 18th avenue (Block No. 4130, Lot No. 13), College Point, Borough of Queens.

APPEARANCES—

For Applicant: Fred B. MeDuffee.

ACTION OF BOARD—Applieation reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(298-36-BZ)

Whereas, Fred B. MeDuffee, Assistant Chief Engineer, Department of Sanitation, for the City of New York, owner, filed October 7, 1936, an applieation under the building zone resolution to permit in a residence use distriet the erection and maintenanee of a Seetion Station for the Department of Sanitation; premises: 18-15 124th street, east side, 150 ft. south of 18th avenue (Bloek No. 4130, Lot No. 13), College Point, Borough of Queens; and

Whereas, this application was granted by the board, Deeember 1, 1936, on certain conditions and applieant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby *amend* its resolution of Deeember 1, 1936, so that as amended, it shall read:

"*Resolved,* that the Board of Standards and Appeals does hereby *make a variation* in the application of the use distriet regulations of the building zone resolution, and that the application be and it hereby is *granted* under seetion 21 to permit the ereetion of the two-story brick building, as indieated on plans filed with this application, to replace an existing one-story frame building on the same plot *on condition* that the departmental uses of the new building shall be similar to the legal non-conforming uses that have been carried on in the one-story frame building; that there shall be erected aeross the entire front of the plot along 124tth street, where not oeeupied by the building, a brick wall with gates, as indieated on plans filed, this wall to be construeted of faee brick similar to that used for the faeade of the building; that along the side lot line of the adjoining plot to the north there shall be erected a tight board fenee *or substantial woven wire fence*, not less than *four* (4) ft. in height; that a similar fenee shall be erected along the southerly lot line, where not occupied by the proposed building; that there shall be no windows in the lot line wall of the building opening southerly to the adjoining property; and that all permits shall be obtained and the work completed within one year from the date of this action."

APPEALS FROM ADMINISTRATIVE ORDERS

483-38-A.

APPLICANT—G. W. Haight, for The Newsreel Theatres, Ine., lessee.

SUBJECT—Appeal from a deeision of the borough superintendent of buildings.

PREMISES AFFECTED—2081-2091 Broadway, northwest corner of West 72nd street (Bloek No. 1164, Lot No. 26), Borough of Manhattan.

APPEARANCES—

For Applieant: G. W. Haight and F. C. Wood.

For Administration: Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to July 6, 1938, at 2 p.m., pending aetion by the Mayor on Building Code relative to size of signs permitted on marquises.

318-38-A.

APPLICANT—Henry A. Macearo, for F. P. Casella, Inc., lessee.

SUBJECT—Appeal from an order of the aeting borough superintendent of buildings and a deeision of the borough superintendent of buildings.

PREMISES AFFECTED—Northeast eorner of 44th avenue and 111th street (Bloek 2015, Lot No. 78), Corona, Borough of Queens.

APPEARANCES—

For Applicant: Henry A. Maeearo.

For Administration: David Stone Department of Housing and Buildings.

ACTION OF BOARD—Laid over to June 28, 1938, at 2 p.m., to determine the meaning of endorsements on application.

383-38-A.

APPLICANT—Charles Wenderoth, owner.

SUBJECT—Appeal from an order of the fire eommissioner.

PREMISES AFFECTED—41-79 Gleane street, east side, 188 ft. south of Elmhurst avenue (Block No. 1555, Lot No. 46), Elmhurst, Borough of Queens.

APPEARANCES—

For Applieant: Charles Wenderoth, Jr.

ACTION OF BOARD—Laid over to July 6, 1938, at 2 p.m., on request of applicant.

306-38-A.

APPLICANT—Irene Thateher, owner.

SUBJECT—Appeal from a decision of the aeting borough superintendent of buildings.

PREMISES AFFECTED—1602 Avenue J, southeast corner of East 16th street (Block No. 6718, Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Max H. Newman.

For Administration: S. Cohen, Department of Housing and Buildings.

ACTION OF BOARD—Laid over to July 12, 1938, at 2 p.m., pending action of the City Planning Commission on change of zone.

460-38-A.

APPLICANT—M. W. Del Gaudio, for Lebeco Realty Company, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—750-752 Eighth avenue and 247-255 West 46th street, northeast corner (Block No. 1018, Lot No. 1), Borough of Manhattan.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Appeal withdrawn upon written request of applicant.
THE VOTE TO WITHDRAW—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan 4
Negative 0
Absent 0

303-38-A.
APPLICANT—Benjamin W. Schwartzberg, for Hulseberg & Krudener, Inc., lessee.
SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.
PREMISES AFFECTED—439-441 11th street, north side, 239 ft. 3 in. east of Sixth avenue (Block No. 1018, Lot No. 71), Borough of Brooklyn.
APPEARANCES—
For Applicant: Benjamin W. Schwartzberg.
For Administration: S. Cohen, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted in accordance with report of committee.
THE VOTE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan 4
Negative 0
Absent 0
THE RESOLUTION—

(303-38-A)

WHEREAS, Benjamin W. Schwartzberger, for Hulseberg & Krudener, Inc., lessee, filed on April 23, 1938, an appeal from a decision of the borough superintendent, Dept. of Housing and Buildings, affecting premises 439-441 11th street, north side, 239 ft. 3 in. east of Sixth avenue (Block No. 1018, Lot No. 71), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent on App. No. 657-38, dated March 25, 1938, reads as follows:

"Change of occupancy to include food storage and distribution in a building located in a residential zone, where a previous permit 10141/1927 established a non-conforming use with a structural alteration is contrary to B. Z. Res. Art. II, par. 3 and 6. Proposition denied."

and

WHEREAS, the building is 1, 2 and 3 stories, 33 ft. in height, 32 ft. 5½ in. on 11th street and 100 ft. in depth with an "L" extending 121 ft. 3½ in. westerly at the rear, of non-fireproof construction; located in a residence use district; erected approximately in 1895 and occupied since June 1921 as follows: Cellar; 1st floor—food storage, distribution, driveway and garage, 3 persons; 2nd floor front—one family, rear—storage, garage and office, 3 persons; 3rd floor—one family; and

WHEREAS, the applicant contends that the lessee of the premises in question was incorporated in 1920 for the purpose of conducting the business of distributing and storing food products consisting primarily of butter, cheese and eggs and has continuously operated this business since its incorporation to the present date; that the lessee began to conduct its business in the premises 439-441 11th street, Brooklyn on June 7, 1921, when it acquired by assignment from Saul J. Ainbinder the two separate leases which he then held on 439 11th street and 441 11th street; that the individual leases on these properties declared the different uses for which the buildings were rented, namely 439 11th street, for "Commercial Purposes," and 441 11th street for a "Garage"; that since these two buildings were particularly adaptable for the business of the lessee, there were purchased on July 19, 1921 by the same; that on April 16, 1919, the former owner was granted Certificate of Occupancy No. 783A by the Department of Buildings of Brooklyn to change the occupancy of the premises 441 11th street from a public stable, which it had been for a number of years prior to 1916, to a public garage; that at the present time the driveway into the garage is through the main floor of the premises No. 441; that excluding the two 1919 applications and the most recent one, No. 657-38, denial from which this appeal is taken, there have been six other applications filed and approved by the Dept. of Buildings, Brooklyn, for various repairs and alterations to 439-441 11th street; that all the plans and drawings on these applications were approved and after many inspections by the Dept. of Buildings, the work was duly approved and certificates of occupancy issued for the use of said buildings; that the business of storaging and distributing food products at 439-441 11th street was conducted openly and on April 2, 1929, the Dept. of Health issued a permit to sell butter, cheese and eggs at said premises; that on the 1st floor plan is clearly indicated the large refrigerator which, with the exception of a small office, entirely covers the first floor of the building No. 439; that this refrigerator was installed in the premises sometime in April, 1906, by the then owner of No. 439, said owner having acquired No. 439 on April 6, 1897, and was in the milk distributing business and continued to use the refrigerator therein for his business until on or about June, 1919, as shown by the affidavits of E. Roy Haviland, John Meyer and John H. Born, filed with this appeal; that on or about May, 1926, the present lessee modernized the refrigerator and installed a two-ton ammonia ice plant at a cost of $1,785, which the Fire Department approved and issued permit No. 186464, yearly thereafter renewing said permit after inspection; that the applicant herein has thoroughly examined the records of the Division of Combustibles in connection with this refrigerating plant and throughout the occupancy of premises 439-441 11th street is indicated as "dealers in cheese, cheese storage, garage, office and dwellings." On October 3, 1927, the Dept. of Buildings, Brooklyn, issued Certificate of Occupancy No. 46778, showing the occupancy of the premises in detail and in which it is stated that the first floor was occupied as an "office and refrigerator"; that the Police Department knew on August 17, 1927 that a commercial refrigerator was in operation at No. 439, since it issued a certificate of qualification for operation of the refrigeration plant; that the New York Board of Fire Underwriters have inspected the premises herein on many occasions since 1921 to check electrical installations and have issued certificates of approval of all work installed; and

WHEREAS, these premises were the subject of an inspection by a committee of the board, report of which inspection was read at this hearing and which report follows:

REPORT OF COMMITTEE.

Re: Cal. No. 303-38-A
Premises: 439-441 11th street, north side, 239 ft. 3 in. east of Sixth avenue, Borough of Brooklyn.

This appeal is from the decision of the superintendent of buildings who has denied an application for a certificate of occupancy for these premises for its present use as a business dealing in cheese and other milk food products. The question is whether there have been structural alterations and a change of use since prior to 1916.

The plot is irregular, having a frontage on 11th street of approximately 38 ft. with a depth of 100 ft., with an ell-shaped extension in the rear approximately 121 ft. along the rear line. On the front are two three story brick buildings occupied on the top two stories for two families. On the street level there is a driveway though the building to the rear and a store and refrigerator for the products. On the rear is a two story building occupied as a garage for the motor vehicles and a general office and storeroom all occupied for the

business. The record indicates that these buildings, substantially in their present condition, were formerly used for a milk business prior to 1916 and later were occupied by the present similar business. The Building Department records indicate minor alterations in 1919 at which time the Department permitted the rear to be altered from a stable to a garage and in 1922 permitted the erection of an elevator in a portion of the open yard so that the second floor after structural changes, could also be used for a garage. In 1927, there was permitted further structural changes of the rear garage and office and the roofing over, of the yard intervening between the rear garage and the front buildings. At that time the question was raised by the Department as to whether the alteration could be permitted under section 6 of the Zoning Resolution but the matter was waived and upon completion a certificate of occupancy, C.O. 46778, was issued permitting the present use including the office and refrigerator—2 story garage and two families.

Unquestionably the superintendent of buildings exceeded his authority in 1922 as well as in 1927 in permitting the extension of the envelope of the building. However, there has been no question raised as to the legalty since that time until the present question as to the refrigerator and the right to deal in food products. It is claimed that there has been a refrigerator in its present location since before the present occupancy. The Fire Department records show a refrigerating system installed in 1926—prior to that the refrigerator was undoubtedly refrigerated by ice.

In view of the length of time that these uses have been continued, it is the opinion of the committee, that while the question of extension should have been submitted to the board in 1922 or even in 1919 when the stable was first changed to a garage, that the present use permitted by the department should be confirmed and the appeal granted.

(Sgd.) HARRIS H. MURDOCK,
Chairman.
BERNARD A. SAVAGE,
CHARLES M. BLUM,

and

WHEREAS, the board deemed that the present occupancy should be permitted to continue as recommended in the report of committee.

Resolved, that the decision of the borough superintendent of buildings acting upon application 657-38, be, and it hereby is *reversed* and that the appeal be and it hereby is *granted* and that a certificate of occupancy be issued, covering the present use of the premises as set forth in the report of the committee.

419-38-A.

APPLICANT—J. R. Elosua Co., Inc., lessee.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—33-49 East 42nd street, 317-325 Madison avenue, northeast corner and 44-46 East 43rd street (3rd floor); (Block No. 1277, Lot No. 20), Borough of Manhattan.

APPEARANCES—
For Applicant: J. R. Elosua.
For Administration: Inspector Meyer, Fire Department.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(419-38-A)

WHEREAS, J. R. Elosua Co., Inc., lessee, filed on May 27, 1938, an appeal from an order of the fire commissioner, affecting premises 33-49 East 42nd street, 317-325 Madison avenue, northeast corner, and 44-46 East 43rd street (3rd floor); (Block No. 1277, Lot No. 20), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, dated May 19, 1938, No. 12828 LC, reads as follows:

"1. Discontinue the maintenance or operation of a still film laboratory in the above premises for the following principal reasons:

A. Building is situated within fifty feet of the nearest wall of a building occupied as a school. Sec. C19-117-0 of the Administrative Code.

B. Building is occupied in part as a private dwelling. Sec. C-117-0 of the Administrative Code."

and

WHEREAS, the building is 22 stories, 300 ft. in height, 143 ft. by 134 ft. in area, of fireproof construction; equipped with a standpipe system; located in a business use district; erected in 1920 and occupied: Cellar—restaurant, 44 persons; 1st floor—stores, 206 persons; 2nd floor—stores, 24 persons; 3rd floor—school and offices, 207 persons; 4th to 23rd floors inclusive—offices; pent house—superintendent's apartment—1 person, for which certificate of occupancy has been issued; and

WHEREAS, the applicant contends that while it is true that the laboratory in question is within 42 ft. of the school, the school has a fireproof stairway leading directly to the street floor; the laboratory in question is enclosed in fireproof partitions; that both the school and laboratory have occupied present quarters for over 12 years; that penthouse dwelling is not rented but is occupied by an employee of the building.

Resolved, that the order of the fire commissioner, No. 12828-LC, be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that in all other respects the requirements of the fire commissioner shall be complied with.

382-38-A.

APPLICANT—John F. Meehan, for Corporation of Trinity Church, owner.

SUBJECT—Appeal from a decision of the borough superintendent of buildings.

PREMISES AFFECTED—116-120 Varick street, east side, 48.2 ft. south of Dominick street (Block No. 491, Lot Nos. 3, 4 and 5 and part of Lot Nos. 11 and 12), Borough of Manhattan.

APPEARANCES—
For Applicant: John F. Meehan.
For Administration: Fred Dahlem, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(382-38-A)

WHEREAS, John F. Meehan, for the Corporation of Trinity Church, owner, filed on May 19, 1938, an appeal from a decision of the borough superintendent, Dept. of Housing and Buildings, affecting premises 116-120 Varick street, east side, 48.2 ft. south of Dominick street (Block No. 491, Lot Nos. 3, 4 and 5 and part of Lots 11 and 12), Borough of Manhattan; and

WHEREAS, the decision of the borough superintendent, dated May 9, 1938, re certificate of occupancy, reads:

"Your application dated May 4, 1938, for a certificate of occupancy for the use of the above premises as a parking space for more than 5 motor vehicles has been disapproved for the reason that the proposed parking space adjoins public school No. 38 and this occu-

pancy is prohibited by section 21 of the Zoning Resolution."

and

WHEREAS, the premises consist of a plot with a frontage of 72.8 ft. on Varick street, and a depth of 115.29 ft., located in an unrestricted use district, which it is proposed to occupy as a parking space for more than five (5) motor vehicles; and

WHEREAS, the applicant contends there is no entrance to the proposed parking space on the same block as the entrance to the school; that it is proposed to used the driveway on Varick street, which was permitted in connection with the gasoline station adjoining to the north; that the parking lot will be under the direct supervision of men who have received special instructions as to the care and operation of the parking lot and safety of the pedestrians in vicinity of such lot.

Resolved, that the decision of the borough superintendent, dated May 9, 1938, in acting on application for certificate of occupancy, be and it hereby is *modified,* and the appeal be and it hereby is *granted on condition* that no space shall be used for parking other than as indicated on the revised plans marked "Received May 19, 1938"; that no portion of Lots 11 and 12 shall be used for parking north of a line running east and west across said lots for a distance of at least 48 ft. southerly from Dominick street; that on that line a wooden or a substantial woven-fire fence shall be erected, said fence to be not less than 6 ft. in height; that the northerly portions of Lots 11 and 12 shall be used in no way for any use connected with the gasoline station or the parking or storage of cars.

479-38-A.

APPLICANT—Paul Friedman, for Lillian Cohen, owner and Louis A. Naham, doing business as Fairfield Fuel Oil Co., lessee.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—902-910 East 85th street, southwest corner of Flatlands avenue (Block No. 8021, Lot No. 43), Borough of Brooklyn.

APPEARANCES—

For Applicant: Paul Friedman.

For Administration: S. Cohen, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(479-38-A)

WHEREAS, Paul Friedman for Fairfield Fuel Oil Co., lessee, filed on June 10, 1938, an appeal from a decision of the acting borough superintendent, Department of Housing and Buildings, affecting premises 902-910 East 85th street, southwest corner of Flatlands avenue (Block No. 8021, Lot No. 43), Borough of Brooklyn; and

WHEREAS, the decision of the acting borough superintendent on N.B. App. No. 4564-38, dated May 17, 1938, reads as follows:

"Size of garage portions of building is such that it may accommodate more than five (5) motor vehicles, contrary to article II, section 4(a) 15 of the Building Zone Resolution and is therefore denied."

and

WHEREAS, the proposed building will be 40 ft. by 90 ft. in area; one story (12 ft.) in height, of non-fireproof construction; located in a business use district and occupied for two (2) stores and a garage for five (5) motor vehicles; and

WHEREAS, the applicant contends that the lessee is engaged in the business of selling and distributing fuel oil; it is common knowledge that large trucks are used in that business; that an affidavit filed with the department contains a clear declaration of intention; that a garage fifty feet wide and forty feet deep is not unreasonably large for the garaging of five fuel oil trucks, each of which may be eight feet wide and from twenty-seven to thirty-six feet long, particularly when adequate aisle space must be provided; that it should be noted the area of the interior of garage is forty-nine feet, two inches by thirty-eight feet, four inches.

Resolved, that the decision of the acting borough superintendent, re: N.B. App No. 4564-38, be and it hereby is *modified,* and the appeal be and it hereby is *granted on condition* that the building shall comply in all respects with the requirements of all laws, rules and regulations applicable thereto, and that the garage shall at no time be used for the storage of more than five (5) motor vehicles.

498-38-A.

APPLICANT—William J. Kaup, for Brooklyn Public Library, City of New York, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent of buildings.

PREMISES AFFECTED—2-26 Linden boulevard and 833-835 Flatbush avenue, southeast corner (Block No. 5086, Lot 13), Borough of Brooklyn.

APPEARANCES—

For Applicant: Joseph H. Hudson.

For Administration: S. Cohen, Department of Housing and Buildings.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(498-38-A)

WHEREAS, William J. Kaup, for Brooklyn Public Library, City of New York, owner, filed on June 16, 1938, an appeal from a decision of the borough superintendent, affecting premises 2-26 Linden boulevard and 833-835 Flatbush avenue, southeast corner (Block No. 5086, Lot No. 13), Borough of Brooklyn; and

WHEREAS, the decision of the borough superintendent, dated May 19, 1938, on Alt. App. 6456-38, reads as follows:

"1. New extensions increase area of building in excess of limiting 5,000 sq. ft. for type III structures. Entire structure must be made to conform to a Class I or Class II structure as per section 4.2.1 of Building Code."

and

WHEREAS, the building is two stories, 38 ft. in height, located partly in a business and partly in a residence use district; erected in 1904 and occupied throughout as a public library. It is proposed to erect three one-story extensions to the existing non-fireproof building so that as altered, the building will have an area of 130 ft. 6½ in. by 79 ft. 7 in.; and

WHEREAS, the applicant contends that the building is in use Classification 2, Class III construction; that the existing building is 38 ft., two stories high; the proposed 1-story extension 21 ft. high; that the average of these two heights is 29½ ft.; that the property abuts three streets; that the existing building, together with the proposed three new extensions, will have an area of 7,983 sq. ft. between exterior walls of 1st story; that for the purpose of restricting the spread of fire, it is proposed to divide this area into three parts between incombustible walls, the largest of which parts will measure 5,926 sq. ft. in the 1st story and 5,677 sq. ft. in the cellar; that this largest part is composed of the proposed new east extension and the entire existing

building, exclusive of new front stairway that separated therefrom by the west wall of existing building, will be the proposed new extension for children, having its own entrance; that this part will connect with the existing building by an opening protected with a self-closing ¾ hour kalamein door in a kalamein frame; also there will be a wired clear glass kalamein fixed sash and frames in two old openings in the same wall, the glass in each of said sash measuring 31 sq. ft. In the cellar one opening in this wall will have a self-closing ¾ hour kalamein door in a kalamein frame; the other opening will have wired class in kalamein fixed sash and frame, the glass measuring 25 sq. ft.; that the front (north) stairway extension will have a 6 in. hollow clay tile wall plastered on both sides and said wall will be provided with two self-closing bronze doors with clear wired glass panels, in bronze frames; that tile wall will also have a fixed window composed of bronze framework measuring 70 sq. ft. glazed with clear wired glass, each pane measuring 14 in. by 20 in.; and a s.c. ¾ hour bronze door in bronze frame will be provided between stairway and librarian's office; that the east and west extensions will be constructed of fireproof material and provided with fireproof stairways to the yards; the stairway enclosure in west extension will have a window opening measuring 92 sq. ft. with fixed bronze frame glazed with a elear wire glass, each pane measuring 14 in. by 20 in.; that the front extension will be constructed of fireproof material, except that about half of the ceiling will be fire-retarded where the existing 2nd story wood floor beams oceur; that there will be two outside stairways from cellar, where there is now only one; that the two existing stairways, which run from cellar to 2nd story. will remain unchanged.

Resolved, that the deeision of the borough superintendent in acting on Alt. App. No. 6456-38, be and it hereby is *modified,* and that the appeal be and it hereby is *granted on condition* that the extension to the library shall be constructed as proposed in statement attached to this appeal and quoted in this resolution.

500-38-A.

APPLICANT—Murray Rosenthal, owner.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—153-155 Beach 72nd street, west side, 420 ft. south of Rockaway Beach boulevard (Block No. 608, Lot No. 89), Rockaway Beach, Borough of Queens.
APPEARANCES—
For Applicant: Irving Sondak and Irving Klein.
For Administration: Benjamin Saltzman, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(500-38-A)

WHEREAS, Murray Rosenthal, owner, filed on June 17, 1938, an appeal from a decision of the borough superintendent, Department of Housing and Buildings, affecting premises 153-155 Beach 72nd street, west side, 420 ft. south of Rockaway Beach boulevard (Bloek No. 608, Lot No. 89), Rockaway Beaeh, Borough of Queens; and

WHEREAS, the decision of the borough superintendent, dated June 16, 1938, on App. No. 4568-38, reads as follows:

"The removal of a frame building from its location to a different lot under a different ownership within the fire limits is eontrary to section 4.1.2 B. C."

and

WHEREAS, the building is two stories, 25 ft. in height, 32 ft. by 75 ft. 8 in. in area, of frame construction; located in a residenee "D" area district; erected in 1931 and occupied as follows: 1st floor—four families; 2nd floor—four families; premises—142-144 Beaeh 73rd street; and

WHEREAS, it is proposed to remove the building to the site under appeal; and

WHEREAS, the applicant contends that these buildings are located on a lot acquired by the City for the widening of Beach 73rd street, it is requested that the board approve the removal of the buildings, as proposed.

Resolved, that the decision of the borough superintendent, in aeting on App. No. 4568-38, be and it hereby is *modified,* and the appeal be and it hereby is *granted,* permitting the removal of the frame building from the present lot within the fire limits, to the lot as proposed within the fire limits *on condition* that the building shall be brick-veneered throughout and shall comply in all other respects with all laws, rules and regulations applicable to buildings hereafter ereeted; that the building when moved shall be constructed with legal fire walls or fire partitions so as to be arranged for four (4) separate seetions, each section for not more than two (2) families and with no openings on any story between the sections other than for necessary service piping; and that such partitions shall be constructed as are required for contiguous buildings under the Code.

511-38-A.

APPLICANT—George G. Miller, for Cajorco Realty Corporation, owner.
SUBJECT—Appeal from a decision of the borough superintendent of buildings.
PREMISES AFFECTED—3240 Henry Hudson parkway, east side, 217.8 ft. north of West 232nd street, running through to the west side of Arlington avenue, 277.12 ft. north of West 232nd street (Block No. 3409, Lot No. 24), Borough of The Bronx.
APPEARANCES—
For Applieant: George G. Miller.
For Administration: M. Harris, Department of Housing and Buildings.
ACTION OF BOARD—Appeal granted on condition.
THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(511-38-A)

WHEREAS, George G. Miller, for Cajoreo Realty Corporation, owner, filed on June 20, 1938, an appeal from a decision of the borough superintendent of buildings, affecting premises 3240 Henry Hudson parkway, east side, 217.8 ft. north of West 232nd street, running through to the west side of Arlington avenue, 277.12 ft. north of West 232nd street (Block No. 3409, Lot No. 24), Borough of The Bronx; and

WHEREAS, the decision of the borough superintendent of buildings, on N.B. Application No. 549-1938, dated June 16, 1938, reads:

"2. Stairs and bulkhead at roof should be constructed entirely fireproof and be so shown. Section 147, Multiple Dwelling Law."

and

WHEREAS, the building is in the eourse of construetion and is 6 stories, 66 ft. 1 inch in height, 178 ft. by 205 ft. 6 in. in area, of non-fireproof construction, located in a residence use district, B and F area district, and to be oecupied: Cellar—storage and garage; 1st to 6th floors—Class A multiple dwelling; and

WHEREAS, the applicant contends, it is proposed to install a stairway from two top story apartments, leading to the roof in order to create a terraee thereon for the eonvenience of the tenants; that the stairway bulkhead will be eonstrueted of wood studs, filled in between with three inch gypsum blocks and covered on the outside with sheath-

ing boards and copper sheets, and on the inside with metal lath and ¾ in Portland cement mortar; that the department considers this bulkhead in the same light as a public stairhall bulkhead; that this should not be so considered; that there is no necessity for making the bulkhead fireproof as all the adjoining construction is non-fireproof; and

WHEREAS, in the opinion of the board, the proposal for construction of a stairway from the top-floor apartment to the roof with fire-retarded bulkhead, is not prohibited in any section of the Multiple Dwelling Law and that section 147 applies only to construction of bulkheads for required stairs of the building.

Resolved, that the decision of the borough superintendent, in acting on N.B. Application No. 549-38, be and it hereby is *reversed* and the appeal be and it hereby is *granted* upon the understanding that the proposed stairway and bulkhead will be solely for the use of the top-floor tenant, *on the understanding* that the bulkhead will be constructed of fire-retarding material and that the door shall be marked on the roof side "PRIVATE—NOT AN EXIT"; that no portion of the roof space shall be so fenced off as to interfere in any way with the free access for all tenants to the required bulkhead and stairways from roof or any facilities leading from the roof to the ground.

287-38-A.

APPLICANT—Eastman Kodak Stores, Inc., lessee.

SUBJECT—Application for consideration—reopening and amendment—re Appeal from an Order of the fire commissioner.

PREMISES AFFECTED—235 West 23rd street, northside, 347 ft. west of Seventh avenue (first floor); (Block No. 773, Lot No. 24), Borough of Manhattan.

APPEARANCES—

For Applicant: Joseph Harber and Thos. Roberts, Jr.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(287-38-A)

WHEREAS, Eastman Kodak Stores, Inc., lessee, filed on April 19, 1938, an appeal from an order of the fire commissioner affecting premises 235 West 23rd street, north side, 347 ft. west of Seventh avenue (first floor); (Block No. 773, Lot No. 24), Borough of Manhattan; and

WHEREAS, the order of the fire commissioner, No. 12299-c, dated April 12, 1938, reads as follows:

"Forthwith discontinue maintaining and operating a still film laboratory in the building 235 West 23rd street, Borough of Manhattan as per section C-19-116-O.A.

REASONS:

1—No permit.

2—Rooms do not comply with Administrative Code."

and

WHEREAS, the building is 8 stories and basement (105 feet) in height, 60 feet by 98 feet 9 inches in area, of fireproof construction, equipped with a standpipe and sprinkler system and located in a retail use district, erected in 1907 and occupied since January 1, 1928 as follows: Cellar—storage and shipping, 4 persons; 1st floor—store, developing and printing, 28 persons; 2nd and 3rd floors—vacant; 4th floor—processing of safety films, 13 persons; 5th floor—office and stock, 14 persons; 6th floor—service, Recordak, 20 persons; 7th floor—office, Recordak, 25 persons; 8th floor—processing Recordak, 20 persons; for which no certificate of occupancy has been issued; and

WHEREAS, the applicant is now constructing a new department on the 2nd floor which will comply with all regulations and respectfully requests the board to modify said order by providing that the applicant may have sixty (60) days within which to comply therewith; and

WHEREAS, these premises were inspected by a committee of the board, verbal report of which inspection was submitted to the board; and

WHEREAS, this application was granted by the board at its meeting May 10, 1938, on certain conditions and applicant requested an amendment of the resolution to permit exit at rear of 1st story to be erected at west side instead of east side.

Resolved, that the order of the fire commissioner, No. 12299-C, be and it hereby is *modified*, and the appeal be and it hereby is *granted for a period of two (2) months* from the date of this action, *on condition* that the amount of film in use or being worked upon shall not exceed the amount stated in this appeal; that not more than 250 ft. of film shall be exposed and under operation at any one time. that the window in the rear *westerly* wall, 1st story shall have the iron bars removed and shall be reconstructed to provide a casement door not less than 2 ft. 6 in. wide at sill level with steps and platform leading thereto on the store side and with an iron balcony constructed in the court to which this door shall give access, with *ladder to gate in fence to adjoining yard at rear;* that such portable fire fighting equipment shall be provided as the fire commissioner may direct, kept readily accessible and that the existing sprinkler system shall be maintained in good working order at all times.

311-37-A.

APPLICANT—Andrew F. Weber, for Elizabeth D. Ballweg, owner.

SUBJECT—Application for consideration—reopening and rescindment of resolution—re Appeal from a decision of the commissioner of buildings.

PREMISES AFFECTED—177-30 87th drive and 87-04 Edgerton boulevard, southwest corner (Block No. 927, Lot No. 33), Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Appeal reopened and resolution of July 7, 1937 rescinded.

THE VOTE TO REOPEN AND RESCIND RESOLUTION OF JULY 7, 1937—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(311-37-A)

WHEREAS, Andrew F. Weber, for Elizabeth D. Ballweg, owner, filed June 24, 1937, an appeal from a decision of the commissioner of buildings, affecting premises 177-30 87th drive and 87-04 Edgerton boulevard, southwest corner (Block No. 927, Lot No. 33), Jamaica, Borough of Queens; and

WHEREAS, the decision No. 2384-37 of the commissioner of buildings, dated June 18, 1937, reads:

"Be advised that application made by you to this department for issuance of certificate of occupancy for the use of premises known as 177-30 87th drive (Wexford terrace), Borough of Queens, for private Maternity Hospital purposes, exclusively, is hereby *denied,* as use of this building for this purpose would be in violation of section 72 of the building code of the City of New York, as this building exceeds twenty feet in height, and is not of fireproof construction."

and

WHEREAS, the building in question is 2½ stories, 25 feet in height, 47 feet 8 inches by 44 feet in area, located on a plot 100 feet by 120 feet in area of ordinary brick construction, erected in 1919, located in an "E" area residential district and occupied as a single family dwelling; and

WHEREAS, it is proposed to change the occupancy to: cellar—storage, 1 person; 1st floor—hospital, 19 persons; 2nd floor—hospital, 35 persons; 3rd floor—rest rooms, 34 persons; and

WHEREAS, the applicant contends that the proposed use of the building is for a Special Proprietory Hospital, limiting admission of maternity cases for hospitalization and treatment; that only the first and second floors will be occupied by patients with the usual and customary rooms for treatment; that the cellar and the present garage will be used for storage, heating plant and dining rooms for the staff and the help; that the attic story will be used for rest rooms for the staff and sleeping rooms for a part of the staff; that the present garage in the cellar will not be used for the storage of cars; that there will be no change in the construction of the building or any new additions, except for the installation of a new outside iron stairs at the rear of the building, 3 ft. 0 in. wide and at an angle of not more than 45 degrees; the replacing of certain plumbing fixtures with new suitable hospital type fixtures, and the cutting of new door openings in interior partitions; and

WHEREAS, this appeal was granted by the board July 7, 1937, the following resolution being adopted:

> *"Resolved,* that the decision of the commissioner of buildings, No. 2384-37, be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* permitting the building to be used as a private maternity hospital, *on condition* that the exterior fire escape stairs, as indicated on plans filed with this appeal, shall be constructed so as to provide a secondary means of exit on the exterior, of the building from all stories to the ground level; that the cellar ceiling throughout shall be fire-retarded with material of at least ½ inch plaster board, as approved by the commissioner; that the door leading to the cellar from the first story shall be a kalamein or metal covered wood door; that the oil burner installation shall be duly approved by the department having jurisdiction; that no patients shall be housed above the second floor level; that the attie space shall be used only for sleeping quarters for members of the staff; that this use and number of patients shall be under the direction of and approved by the Department of Hospitals; that this modification shall not exceed a period of five years from the date of this resolution; that the building shall not be increased in height or area; and *granted* only so long as no building is constructed nearer than 25 ft. to either side lot line; that in all other respects, other than as modified herein, the construction and occupancy shall comply with all laws, rules and regulations applicable thereto."

and

WHEREAS, a statement has been received from the Department of Housing and Buildings, Queens, that the premises are not being used for the purpose and also statement from the applicant that the use as proposed will not be made.

Resolved, that the Board of Standards and Appeals does hereby *rescind* its action of July 7, 1937, granting an appeal from a decision of the commissioner of buildings, dated June 18, 1937, denying the use of the above premises for a private maternity hospital.

APPLIANCES SUBMITTED FOR APPROVAL

136-34-SA.

APPLICANT—Arnold Eckhart for Korth Oil Burner Corporation, owner.

SUBJECT—Korth Oil Burner, Model "S"—approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Application withdrawn upon written request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan 4
Negative 0
Absent 0

259-25-SA.

APPLICANT—J. J. Morro, for Electral Incorporated. owner.

SUBJECT—Application for reopening—amendment—re Electrol Oil Burner, Models TUV and TM.

APPEARANCES—

For Applicant: J. J. Morro.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan 4
Negative 0
Absent 0

THE RESOLUTION—

(259-25-SA)

WHEREAS, Automatic Oil Burner Corp., filed March 6, 1925, an application for approval of their device known as the Electrol Automatic Oil Burner; and

WHEREAS, a committee of the board inspected this device in operation at 32 Lincoln street, Flushing, Borough of Queens; and

WHEREAS, the application was granted by the board at its meeting June 29, 1925, approving the burner for use with Grade "B" fuel oil and in domestic installations and applicant has improved the burner incorporating a priming pump, electric ignition and electric automatic controls, and the board at its meeting November 3, 1926, approved the burner as improved for use with Grade "A" and Grade "B" fuel oil in domestic installations and applicant requested its approval for commercial installations; and

WHEREAS, the Electrol Distributing Corp. requested approval of a modified burner known as the Electrol Automatic Oil Burner, Model BB, and a report of the chief of the bureau of fire prevention, dated November 3, 1932, recommended the approval of the Model BB for domestic and commercial installations; and

WHEREAS, a further request was made for approval of the Electrol Automatic oil burner Models "C" and "EA"; and

WHEREAS, these Models "C" and "EA" were subject of a test and report by the Engineer of the board and the representative of the bureau of combustibles of the fire department, and the report recommended the approval of these models for domestic use; and

WHEREAS, the Homestead Engineering Corp., agent for Electrol, Inc. owner, requested an amendment to the resolution to include approval of Model TCV and the report of the engineer of the board recommended the approval of Model TCV for domestie and commercial installations; and

WHEREAS, J. J. Morro, for Electrol, Inc., owner, requested a further amendment to the resolution to include the approval of Models TUV and TM; and

WHEREAS, the report of the committee on tests was substantially as follows:

REPORT OF COMMITTEE ON TESTS

Re: Cal. No. 259-25-SA.
Electrol Oil Burner, Models TUV and TM.
June 20, 1938.

J. J. Morro, for Electrol, Inc., filed June 6, 1938, an application for amendment of the resolution adopted by the board April 28, 1936, so as to include

in the approval of the Electrol Oil Burner, Models TUV and TM.

A committee of the board inspected and tested these models at the Samaritan Hospital, 759 President street, Brooklyn, N. Y.

The model TUV differs from the models previously approved only in that it has a larger blower and air passage. The controls and construction are identical.

Model TM is similar to Model C, approved by the board April 28, 1936, with the exception that it is provided with an 8 in. by 2 in. Sirocco fan, twin ignition and a ⅓ h.p. Emerson motor. The controls are similar to former approved models.

A test of these burners with oil shut off indicated that this burner closed down in 55 seconds. There were no flarebacks or residue carbon deposits.

It is recommended that the Resolution of April 28, 1936, be amended to include approval of Models TUV and TM, on condition that the resolution be complied with in all other respects.

(Signed) CHARLES M. BLUM,
Commissioner.
LESLIE V. HUBER,
Chief Engineer.

Resolved, that the Board of Standards and Appeals does hereby *approve* the Electrol Automatic Oil Burner as improved in accordance with report of engineer of the board, for domestic and commercial installations, using Grade "A" and Grade "B" fuel oil, *on condition* and in conjunction with installations and equipment complying with the rules of the Board of Standards and Appeals.

Resolved, further, that the Board of Standards and Appeals does also *approve* the device known as the Electrol Automatic Oil Burner, Model BB, for domestic and commercial installations when installed in accordance with the report of the chief of the bureau of fire prevention and the rules of the Board of Standards and Appeals.

Resolved, further, that the Board of Standards and Appeals does also *approve* the device known as the Electrol Automatic Oil Burner, Models C and EA for domestic installations, when installed in accordance with Oil Burner Rules of the Board of Standards and Appeals and the report of the engineer of the board and the bureau of combustibles, Fire Department, for use with fuel oil heavier than No. 3, U. S. Dept. of Commerce Standards.

Resolved, further, that the Board of Standards and Appeals does also *approve* the Electrol Automatic Oil Burner, Model TCV, for domestic and commercial installations with fuel oil not heavier than No. 3, U. S. Dept. of Commerce Standards, when installed in accordance with the Oil Burner Rules of the Board of Standards and Appeals.

Resolved, further, that the Board of Standards and Appeals does also *approve* the Electrol Automatic Oil Burner, Models TUV and TM for domestic and commercial installations with fuel oil not heavier than No. 3, U. S. Dept. of Commerce Standards and when installed in accordance with the Oil Burner Rules of the Board of Standards and Appeals, *on condition* that the burner shall have permanently affixed thereto a label reading:

Approved by the
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. No. 259-25-SA.

166-33-SA.

APPLICANT—Gold Star Oil Burner Mfg. Co., Inc., owner.

SUBJECT—Application for consideration—reopening and amendment—re Gold Star Oil Burner.

APPEARANCES—
For Applicant: Felix Sposito, Jr.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(166-33-SA)

WHEREAS, this application for approval of the Gold Star Oil Burner, Models F and S, was granted by the board and the burner approved, October 13, 1933; and

WHEREAS, the resolution was amended October 16, 1934 to permit the marketing of this burner under the name Yorktown; and

WHEREAS, request was made to approve the Gold Star Oil Burner, Models J and J-1, and this application was reopened by vote of the board June 15, 1937; and

WHEREAS, this device was submitted to the engineer of the board and the Division of Combustibles of the Fire Department for test and report; and

WHEREAS, report of the engineer of the board, supplemented by that of the representatives of the Division of Combustibles, was substantially as follows:

Both models were set up for inspection and test and installed in conventional type steam heating units. These burners are of the pressure atomizing type, and the Model J consists of the following assembly: Leland 1/6 H.P. Motor; Sirocco Type Fan 3 in. x 5 in.; Diamond nozzle with capacity of 1.35 to 5 gallons per hour; Webster fuel unit consisting of pump, strainer and regulating valve.

Ignition—Electric. Webster transformer 110 to 10,000 volts.

Controls—Minneapolis Honeywell Protecto-Relay R-117-3 and Pressuretrol L-404.

Model J-1 differs from the above in the fact that it has a ¼ H.P. Motor and fan 5 in. x 7½ in., and a Diamond nozzle with capacity of from 5 to 15 gallons per hour.

The Model J was tested with a cold combustion chamber and oil supply shut off. The burner was put into operation and on two successive tests the controls functioned and shut the burner down in 68 and 70 seconds respectively. The burner was then put into normal operation for a period of approximately one hour. During this period there were no flare backs due to faulty ignition, and the controls functioned as designed. Examination of the combustion chamber and electrodes showed no undue carbon deposits.

As a result of this inspection and test it is recommended that the Gold Star Oil Burner, Models J and J-1, be approved for domestic and commercial installations when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals and when used with fuel oil not heavier than No. 3 U. S. Dept. of Commerce Standards.

and

WHEREAS, the Gold Star Oil Burner, Model J and J-1, was approved by the board on July 7, 1937; and

WHEREAS, an amendment of the resolution is now requested to permit this burner to be marketed under the name Oil King Oil Burner, Models F, S, J and J-1.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Gold Star Oil Burner, Models F and S and Models J and J-1 for domestic and commercial installations when installed in accordance with the Oil Burner Rules of the Board of Standards and Appeals and when Models J and J-1 are installed in accordance with the above report and when used with fuel oil not heavier than No. 3 U. S. Dept. of Commerce standards *on condition* that there shall be permanently attached to each burner installed a label reading:

Approved by the
BOARD OF STANDARDS AND APPEALS
For use in New York City
UNDER CAL. No. 166-33-SA.

Resolved further, that the Gold Star Oil Burner, Model F and S may also be marketed as the Yorktown Oil Burner, Models F & S *on condition* that under whichever name marketed, it shall bear the above prescribed label.

Resolved further, that this device may also be marketed under the name of Oil King Oil Burner, Models F, S, J and J-1, *on condition* that under whichever name marketed, the requirements of this resolution shall be complied with and that the previous permission to market this device under the name Yorktown, Models F and S shall be discontinued as to future installations under this name.

176-36-S.A.

APPLICANT—J. J. Morro, for Macrae Incorporated, owner.

SUBJECT—Application for reopening—amendment—re Homestead Oil Burner, Model E.

APPEARANCES—

For Applicant: J. J. Morro.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(176-36-SA)

WHEREAS, the Homestead Engineering Corp., for the J. N. M. Engineering Corp., owner, filed June 10, 1936, an application with the Board of Standards and Appeals, for approval of the device known as the Homestead Oil Burner, Model E; and

WHEREAS, this device was approved by the board on July 10, 1936; and

WHEREAS, J. J. Morro, for Macrae Incorporated, present owner, requested an amendment of the resolution to include the approval of the Homestead Twin Control Oil Burner, Models J, N, H, JU and NU; and

WHEREAS, the report of the committee on tests was substantially as follows:

REPORT OF COMMITTEE ON TESTS

Re: Cal. No. 176-36-SA.

Homestead Twin Control Oil Burner, Models J, N, H, JU and NU.

June 20, 1938.

J. J. Morro, agent for Macrae, Inc., filed an application for an amendment of the resolution adopted July 10, 1936, approving the Homestead Oil Burner, Model E, so as to include Models J, N, H, JU and NU.

These models were inspected and tested by a committee of the board at 554 Vanderbilt avenue, Brooklyn. Models J, N and H are identical in design with Model E, previously approved by the board, except that J has a 32 blade fan, N has a 45 blade and H has a 4 in. fan. The controls are also identical.

A test of these burners indicated that with the oil shut off the burner shut down in 80 seconds. There were no flare backs during operation and no residue carbon deposits. Models JU and NU differ from Models J and N in that the motor fan and pump are below the combustion head and the burners are mounted on a flange to be attached to a furnace instead of on a pedestal. The controls are the same as for Model E. Tested with the oil shut off the burner shut down in 100 seconds.

The models have been approved by the Underwriters Laboratories, October 15, 1937, Guide No. 300-10.4, File MP 1098.

It is recommended that the resolution of the board of July 10, 1936, be amended to include approval of Models J, N, H, JU and NU, on condition that the resolution be complied with in all other respects.

(Sgd.) CHARLES M. BLUM,
Commissioner.

LESLIE V. HUBER,
Chief Engineer.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as Homestead Oil Burner, Model E, and the device known as the Homestead Twin Control Oil Burner, Models J, N, H, JU and NU, for domestic and commercial installations, when installed in accordance with the Oil Burner Rules of the Board of Standards and Appeals, for use with fuel oil not heavier than No. 3 U. S. Department of Commerce Standards, and that there shall be permanently attached to each burner installed a label reading:

Approved by the
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. No. 176-36-SA.

172-37-SA.

APPLICANT—Silent Flame Oil Burner Co., for Murray Woloshin, owner.

SUBJECT—Application for Reopening—Amendment re Silent Flame Oil Burner, Model M.

APPEARANCES—

For Applicant: Murray Woloshin.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLU—TION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(172-37-SA)

WHEREAS, Silent Flame Oil Burner Co. for Murray Woloshin, owner, filed April 15, 1937, an application of the Board of Standards and Appeals, for approval of the device known as the Silent Flame Oil Burner, Model M; and

WHEREAS, the device was submitted to the engineer of the Board and the Division of Combustibles of the Fire Department for test and report; and

WHEREAS, the report of the engineer of the board supplemented by that of the representatives of the division of combustibles was substantially as follows:

This burner is of the pressure atomizing gun type and consists of the following assembly: A General Electric 1/6 H.P. motor, a Tuthill fuel stat, consisting of pump, strainer and regulating valve, a Sirocco type fan and a Monarch nozzle. The capacity of the burner is from 1¼ to 2½ gallons and is designed to burn numbers 1, 2 and 3 commercial grades fuel oil.

Ignition: Electric—General Electric Transformer, 110 to 10,000 volts.

Controls: Minneapolis Honeywell Protector - Relay R117-3 and pressuretrol L404.

With the oil supply shut off and a cold combustion chamber the burner was operated and on two successive tests the controls functioned and shut the burner down in 70 and 72 seconds, respectively. The burner was then put into normal operation for approximately 1 hour.

During the period of test there were no flare-backs due to faulty ignition, the flame was clean and free of smoke and soot and an examination of the electrodes and combustion chamber showed no undue carbon deposits.

As a result of this inspection and test, it is recommended that the Silent Flame Oil Burner, Model M,

be approved for domestic commercial and industrial uses, when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals, with fuel oil not heavier than No. 3 U. S. Dept. of Commerce Standards.

and

WHEREAS, this device was approved by the board on May 18, 1937; and

WHEREAS, the owner requested an amendment of the resolution, to permit the marketing of this burner under the names, Fitzgibbons Oil Burner, Model M and Webster Oil Burner, Model M.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Silent Flame Oil Burner, Model M for domestic, commercial and industrial installaton, when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals, and when used with fuel oil not heavier than No. 3, U. S. Dept. of Commerce standards, *on condition* that there shall be permanently attached to each burner installed a label reading:

NOTICE
Approved by the
BOARD OF STANDARDS AND APPEALS
For use in New York City
UNDER CAL. No. 172-37-SA.

Resolved further that this device may also be marketed under the names Fitzgibbons Oil Burner, Model M or Webster Oil Burner, Model M, *on condition* that under whichever name marketed the requirements of this resolution shall be complied with in all respects.

281-38-SA.

APPLICANT—K. I. Clisby, for Teesdale Manufacturing Company, owner.

SUBJECT—Teesdale Oil Pump, Types S, 2S and 4S, approval of.

APPEARANCES—
For Applicant: None.

ACTION OF BOARD—Appliance approved in accordance with report of the committee on tests.

THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan 4
Negative 0
Absent 0

THE RESOLUTION—

(281-38-SA)

WHEREAS, K. I. Clisby, for Teesdale Manufacturing Company, owner, filed April 18, 1938, an application with the Board of Standards and Appeals for approval of the device known as the Teesdale Oil Pump, Types S, 2S and 4S; and

WHEREAS, the device was submitted to the engineer of the board for test and report; and

WHEREAS, the report of the engineer of the board was substantially as follows:

Re: Cal. No. 281-38-SA.

Subject: Teesdale Oil Pump, Types S, 2S and 4S.

The Type S pump was installed and operated in an oil burner. This pump is of the rotary gear type, and in the housing of the pump, there is built a strainer and relief valve. The relief valve is of the piston type.

During the test, the pump operated as designed, and the action of the relief valve was positive and quick.

Examination of the pump showed same conforms to all necessary requirements of the Oil Burner Rules for this type of pump.

As a result of this inspection and test it is therefore recommended that the Teesdale Oil Pump, Types S, 2S and 4S be approved for use in New York City, when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Teesdale Oil Pump, Types S, 2S and 4S, when installed in accordance with the Oil Burner Rules of the Board of Standards and Appeals and with the above report, *on condition* that the device shall bear a label permanently affixed thereto, reading:

Approved by the
BOARD OF STANDARDS AND APPEALS
For Use in New York City
UNDER CAL. No. 281-38-SA.

393-38-SA.

APPLICANT—J. P. Feeley, Scott-Newcomb, Inc., owner.

SUBJECT—Econ-O-Mizer Oil Burner, Models EM and A—approval of.

APPEARANCES—
For Applicant: None.

ACTION OF BOARD—Appliance approved in accordance with report of the committee on tests.

THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan 4
Negative 0
Absent 0

THE RESOLUTION—

(393-38-SA)

WHEREAS, J. P. Feeley, for Scott-Newcomb, Inc., owner, filed May 23, 1938 an application with the Board of Standards and Appeals for approval of the device known as the Econ-O-Mizer Oil Burner, Models EM and A; and

WHEREAS, the device was submitted to the engineer of the board for test and report; and

WHEREAS, this device was inspected and tested by the engineer of the board, with representatives of the Division of Combustibles of the Fire Department; and

WHEREAS, the report of the engineer of the board supplemented by that of the Division of Combustibles of the Fire Department was substantially as follows:

Re: Cal. No. 393-38-SA.

Subject: Econ-O-Mizer Oil Burner, Models EM and A.

The burner tested was the Model EM. The Model A is exactly identical with the Model EM, with the exception that it is a flange type to be used with burner boiler units. This burner is of the pressure atomizing gun type consisting of the following assembly:

Century ⅛ H.P. motor; Webster fuel unit consisting of pump, pressure regulating valve and strainer; Sirocco type fan, and Scott-Newcomb nozzle, with a capacity of 1.35 to 3 gallons per hour.

Ignition—Electric G. E. transformer.

Controls—Perfex Steam Switch and a Scott-Newcomb stack switch.

With the oil supply shut off and cold combustion chamber, the burner was operated and the controls functioned and shut the burner down in 80 and 83 seconds respectively.

The burner was then put into normal operation and during period of test, there were no flare backs due to faulty ignition, and examination of the combustion chamber showed no undue carbon deposits.

As a result of this inspection and test, it is therefore recommended that the Econ-O-Mizer Oil Burner, Models EM and A be approved for domestic and commercial installations, when installed in accordance with the Oil Burner Rules adopted by the Board of Standards and Appeals, with fuel oil not heavier than No. 3 U. S. Department of Commerce standards.

Resolved, that the Board of Standards and Appeals does hereby *approve* the device known as the Econ-O-Mizer Oil

Burner, Models EM and A, for use in domestic and commercial installations with fuel oil not heavier than No. 3 when installed in accordance with the Oil Burner Rules of the Board of Standards and Appeals and with the above report, *on condition* that the device shall bear a label permanently affixed thereto, reading:

Approved by the
BOARD OF STANDARDS AND APPEALS
UNDER CAL. No. 393-38-SA.
For Use in New York City

MATERIALS SUBMITTED FOR APPROVAL

28-38-SM.

APPLICANT—Concrete Plank Co., Inc., owner.

SUBJECT—Application for Reopening—Amendment re Cantilite Concrete Plank for Roof & Floor Construction.

APPEARANCES—
For Applicant: Bernard J. Harrison.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(28-38-SM)

WHEREAS, the Concrete Plank Co., Inc., owner, filed January 18, 1938, an application for approval of the material known as Cantilite Concrete Plank simple spans tongue and grooved construction for roof and floor construction under C.26-626-0 Administrative Code (10.3.8 Building Code); and

WHEREAS, this material was submitted to the Engineer of the Board for investigation and report; and

WHEREAS, the report of the Engineer of the board was substantially as follows:

This plank is constructed of reinforced concrete—the concrete consisting of 1 part portland cement, 1 part high early strength cement, 4 parts hard coal cinders with a foaming compound to aerate the mixture. The steel reinforcement consisting of four No. 3 U. S. gauge longitudinal wires and No. 8 U. S. gauge transverse wires spaced 10 inches C-C and not less than ¼ in. from top or bottom, or comparable wire of area and material at least equal to the aforementioned sizes. This reinforcement being placed on the top and bottom of a 2¾ in. plank for spans not exceeding 5 ft. 9 in. and permitting a load of 82 lbs. The same reinforcement is used for a 2 in. plank for spans not exceeding 5 ft. and a permitted load of 82 lbs.

Reinforcement consisting of 4 No. 6 U. S. Gauge longitudinal wires and No. 10 U. S. gauge transverse wires to "C-C" top and bottom for a 2 in. plank span not exceeding 4 ft. permitted load 108 pounds.

Reinforcement consisting of 4 No. 9 U. S. gauge longitudinal and No. 12 U. S. gauge transverse 10 in. C C span not exceeding 2 ft. 8 in. permitted load 168 lbs.

Same reinforcement spans not exceeding 2 ft. permitted load 187 lbs.

These loads being based on reports of Columbia University Testing Laboratories, May 4, 1937, and Hunt Laboratories No. 66821, Febuary 3, 1936. The capacities given above are based on computation as simple beams.

and

WHEREAS, the material was tested at Columbia University Testing Laboratories; and

WHEREAS, the report of the Engineer recommended the approval of the material under certain conditions; and

WHEREAS, this material was approved by the Board March 15, 1938, and additional laboratory tests performed, indicate that the loading and span length permitted, should be increased in accordance with the following report:

REPORT OF COMMITTEE ON TESTS

This material, known as Cantilite, was approved by the Board on March 15, 1938, setting forth limitations of span length. Additional tests were performed on 2 and 2¾ inch Cantilite at Columbia on May 17, 1938, in accordance with the report filed with this case. On the basis of this report, it is recommended that the original approval be amended so as to include the following loads and span length:

Thickness of Plank	*Max. Span*	*Load # sq. in.*
2 in.	6 ft. 0 in.	82
2 in.	7 ft. 0 in.	60
2¾ in.	7 ft. 0 in.	84
2¾ in.	8 ft. 0 in.	70

It is further recommended that after the word "Cantilite", the following shall be marked or labeled on the plank, "Approved by the Board of Standards and Appeals for use in New York City under Cal. No. 28-38-SM."

(Sgd.) BERNARD A. SAVAGE,
LESLIE V. HUBER,
Committee.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as the "Cantilite Concrete Plank" for use in New York City for simple beams in floor and light roof construction for the loads specified on condition:

All planks to be manufactured and installed under the direct supervision of the Concrete Plank Co. The top surface of floors and flat or near flat roofs shall be grouted with Portland Cement 1-1 grout, before any other trades are permitted to work thereon.

The planks shall be fastened to purlins, boards or rafters with galvanized metal clips firmly nailed to the plank or when supported on wood by nails driven through the plank.

Where fire protection is required by the Code, these planks shall be so protected as to meet the test requirements.

All planks manufactured for use in New York City in accordance with the foregoing requirements shall be legibly marked "Cantilite" and the words "Approved by the Board of Standards and Appeals Cal. No. 28-38-SM".

124-38-SM.

APPLICANT—North American Cement Corporation, owner.

SUBJECT—Blue Bond Mortar Cement, approval of.

APPEARANCES—
For Applicant: W. G. Lush.

ACTION OF BOARD—Material approved in accordance with report of the committee on tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(124-38-SM)

WHEREAS, the North American Cement Corporation, owner, filed March 1, 1938. an application with the Board of Standards and Appeals for approval of their materials known as North American Portland Cement, Berkeley Masons Hydrated Lime and Blue Bond Masonry Cement; and

WHEREAS, this material was referred to the Committee on Tests for test and report; and

MINUTES

WHEREAS, the report of the Committee on Tests was as follows:

REPORT OF COMMITTEE ON TESTS
June 20, 1938.

Re Cal. No. 124-38-SM.

Subject: North American Portland Cement, Berkeley Masons Hydrated Lime, Blue Bond Mortar Cement.

The North American Cement Corporation. of New York City, filed with the Board a request for the approval of their materials known as North American Portland Cement, Berkeley Masons Hydrated Lime and Blue Bond Masonry Cement, under the pertinent sections of the Administrative Code as listed in their application. These materials were tested at the applicant's plant at Security Md., in the presence of a committee of the board on June 11, 1938, with result as follows:

North American Portland Cement

Portland Cement is manufactured by this applicant at Security, Md., Catskill and Howe's Cave, N. Y., the former using the dry process. the two latter using the wet process. A record of the supply of raw materials filed in this application indicates that consistently homogencous raw material is available for at least twenty years. Flow sheets have been filed indicating the method of manufacture of this Portland Cement at the various plants. Samples of this material were tested in accordance with the requirements of the A.S.T.M. C-9-37 and C-77-37, as follows:

Chemical Analysis

Magnesia	3%	A.S.T.M. limits 5%
Sulphuric Anhydride.....	1.79%	A.S.T.M. limits 2%
Loss by ignition.....	1.25%	A.S.T.M. limits 4%
Insoluble Residue.....	.25%	A.S.T.M. limits .85%

Physical Tests

Soundness—	satisfactory—	satisfactory
Initial Set—	2 hrs. 35 min.	not less than 45 m.
Final Set—	5 hrs. 5 min.	less than 10 h.
Fineness 200 mesh sieve—	97.7%	more than 78%

Tensile strength of an average of five samples made —1-3 Ottawa sand.

383 lbs. per sq. in. against a required A.S.T.M. minimum of 275 lbs. The same materials in 28 days' test for five samples—450 lbs. as against required A.S.T.M. of 350 lbs.

The average of five two-inch cubes 1.2.77 graded Ottawa sand in compression 7 day spec. 2,685 lbs. per sq. in. while 28 day samples average 4,310 lbs. per sq. in.

On the basis of the foregoing tests, which have fully met the requirements of the A.S.T.M., it is recommended that Portland cement as manufactured by the North American Cement Corp. at Security, Maryland, Howe's Cave and Catskill, N. Y., be approved for use in New Cork City in accordance with the requirements of C 26-312.0 C A.C. (7.1.1.7.3 B.C.).

Berkeley Masons Hydrated Lime. Hydrated Lime is manufactured by the applicant at Berkeley, W. Va.. by calcinations from Shenandoah Valley, Blue High Calcium limestone, in accordance with flow sheet filed with this application, which includes a record of sufficient limestone deposits for at least 25 years' operations.

Samples of the material were tested in accordance with the requirements of C. 6-34 T, A.S.T.M.

Calcium and Magnesium Oxide		Carbon dioxide
96.4	(Sample at plant)	1.18
Limits A.S.T.M. 95.		5.

Soundness. This material when tested for soundness showed no visible effect when steam was applied with no disintegrating effects. Therefore, it is reported as sound.

Fineness in percentage passing a 30 mesh sieve; 100 in passing a 200 mesh sieve; 98.2 as against a minimum requirement of a 30 sieve not more than 5% residue and of a 200 sieve, 15% residue. This material passed a 325 mesh sieve with a residue of only 4.18, well within the requirements a 200 mesh sieve.

The above test results are in accordance with A.S.T.M. 110-34 T Physical Tests.

On the basis of the foregoing tests it is recommended that Berkeley Masons Hydrated Lime as manufactured by the North American Cement Corp. at Berkeley, W. Va.. be approved under C 20-3.1.2.0.1 A.C. (7.1.1.7.2. BC) for use as an ingredient for scratch or brown coat of plaster, for stucco, for mortar and for addition to Portland cement concrete.

Blue Bond Mortar Cement

Blue Bond Mortar Cement as manufactured by the applicant consists of an intimate mixture of 50% by volume of North American Portland Cement and 50% by volume of Berkeley Masons Hydrated Lime (both of these materials having been recommended for approval in this report) and by weight 73% of cement and 27% of lime, ⅛ of 1% of a water repellant material is added during mixing, which forms a calcium stearate in the body of the hardened mortar. This material is mixed together and intimately ground in a tube mill. after which it is stored and packed for shipment. all in accordance with the flow sheet filed by the applicant. Blue Bond mortar cement is manufactured at the plant of the North American Cement Corp. at Berkeley W. Va. Tests were made in accordance with the requirements of S.S.C. 181-b.

Federal Specification for Masonry Cements, Types 1 and 2. (Type 1, low strength; Type 2, high strength.) Type 1 is intended for use where not exposed to frost action both in solid masonry and non-load bracing masonry in hollow units, while Type 2 covers general use where mortars for masonry are required. Blue Bond Mortar met both these requirements.

Tests were as follows:

Test	*Test Results*	*Federal Spec.*
Fineness 200 mesh sieve..	97.%	88
Setting time—initial...	3 hrs.	Not less than 1 hour
Setting time—final.....	6 hrs.	Not more than 24 hours
Soundness	O.K.	No distortion, disintegration or cracking.
Water retention	72%	Greater than 65%
Water repellency	.50	Not greater than .90
No claim made as to nonstaining quality—		
Strength—Compression of 5 average 2 in. cu.		
at 7 days.....	1480 lbs. p.s. in.	250 type 1 500 type 2
at 28 days.....	1674 lbs. p.s. in.	500 type 1 1000 type 2

The above meets the requirements of Federal specification SS-C-181A Grade A and SS-C-181B—Type 1 and Type 2.

Additional tests have also been performed in accordance with requirements of A.S.T.M. C91-32 T. which have been under consideration since 1932 and have not been adopted.

7 days average

Tests	*Results*	*ASTM Requirements*
Compressive Strength 2" cubes 1-3 Standard Ottawa Sand		
7 days average		
5 specimens.....	1967 lbs. per sq. in.	175 lbs.
28 days	2723 lbs. per sq. in.	Not less than 7 days strength.

In accordance with these tests it is recommended that Blue Bond Mortar Cement be approved for use in New York City under CC.26-313-) b.2-A.C. (7.1.1.8.2 subdiv. E BC) C (7.1.1.8.3 BC) C.26-314.0 AC (7.1.1.

9 BC) except as limited by C 26-418.0 (8.4.1.6). This material is marketed in paper and cloth bags and in bulk when packed in paper or cloth bags for use in New York City and it shall be tagged, labeled or marked "Approved by the Board of Standards and Appeals under Cal. No. 124-38-S.M." and when marketed in bulk for use in New York City. its bill of lading shall be similarly marked.

(Sgd.) BERNARD A. SAVAGE,
CHARLES M. BLUM,
Commissioners.
LESLIE V. HUBER,
Chief Engineer.

Resolved, that the Board of Standards and Appeals does hereby *approve* the materials known as North American Portland Cement, Berkeley Masons Hydrated Lime and Blue Bond Masonry Cements, for use in New York City, when manufaetured and used in aecordance with the above report. *on condition* that the material when marketed in paper eloth bags or in bulk shall be tagged, labeled or marked "Approved by the Board of Standards and Appeals under Cal. No. 124-38-SM."

136-38-SM.

APPLICANT—Gypsum Association, owner.
SUBJECT—Perforated Gypsum Lath, approval of.
APPEARANCES—
For Applieant: None.
ACTION OF BOARD—Material approved in aecordanee with report of the committee on tests.
THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan 4
Negative 0
Absent 0

THE RESOLUTION—

(136-38-SM)

WHEREAS, the Gypsum Association, owner, filed March 4, 1938, an application with the Board of Standards and Appeals for appoval of their material known as Perforated Gypsum Lath; and

WHEREAS, this material was referred to a committee of the Board for investigation; and

WHEREAS, the report of the eommittee was as follows:

REPORT OF COMMITTEE ON TESTS

Re: Cal. No. 136-38-SM
Perforated Gypsum Lath.

The Gypsum Association filed on March 4, 1938, a request for the approval of Perforated Gypsum Lath as manufactured by its member companies, viz.: The Kelley Plasterboard Co., United States Gypsum Co., American Gypsum Co., National Gypsum Co., Certain Teed Products Corp., H. W. Bell Co. and the Ebsary Gypsum Co. These companies make the same product known as Perforated Gypsum Lath, under a common specification. Approval is requested in accordanee with the various provisions of the Administrative Code and the Multiple Dwelling Law, as stated in their applieation and hereinafter covered.

This Perforated Lath was submitted to tests by the U. S. Bureau of Standards in weights of 13.5# per sq. yd. with perforated holes of 5/8, 3/4 and 7/8 inches in diameter. These tests were performed on November 30, 1936, and on tests by U. S. Bureau of Standards, 16 and 17 on 3/4 ineh perforated board, no date given. The test in all cases conforms with the Time-Temperature Curve C26-579.0 A.C 10.1.5.1 BC and in all cases the requirements of the Fire and hose stream tests C26-586.0 A.C. 10.1.9 BC were met by the Perforated Lath with 3/4 and 7/8 inch perforations for the rating 1 hr. eombustible. The 5/8 inch perforated lath failed to meet the requirements for this rating.

This material is a standard plaster board, not less than 3/8 inch in thiekness and weighing not less than 13.5# per sq. yd. and perforated with holes not less than 3/4 inches in diameter and approximately 4 inehes on center in the least dimension.

On the basis of these tests, it is coneluded that a complete partition of wood studs eovered on both sides with 3/8 inch perforated gypsum lath weighing 13.5 lbs. per sq. yd., covered with 1.2 sanded gypsum plaster, the scratch, the brown and finish eoats totalling 1/2 ineh in thickness may be approved as a fireproof partition of other material or form of construetion having a fire resistive rating of one hour as specified in C26-636.0 Administrative Code (10.4.3.1 BC).

Approval is also reeommended for use of perforated gypsum lath as a plasterboard, the use of which is specified under C26-462.0 Administrative Code (8.4.10.6 BC) when not less than 3/8 ineh thick weighing 13.5 lbs. per sq. yd. and installed in aecordanee with the requirements of this section and for resistive ceiling under C26-669.0 (10.11 BC) and also as a substitute for wood lath under Sec. C26-458.0 Administrative Code (8.4.10.2 BC) when installed in aceordance with requirement C26-462.0 (8.4.10.6 BC).

Approval is also recommended for use of perforated gypsum lath with 1/2 inch sanded gypsum plaster under Art. 1, Sect. 4, par. 11 of the Multiple Dwelling Law, when installed as a complete partition both sides covered with 3/8 inch perforated gypsum lath and 1/2 inch of sanded plaster, and approval is further recommended for use under 1.2.2 of the rules and regulations of the Tenement House Department issued June, 1937, in accordance with the recommendation of the Bureau of Standards to the Tenement House Department, later filed with this case and dated 9/20/34.

Wherever the perforated gypsum lath plaster board is used and the surface plastered, the plaster shall be firmly pressed into the perforations, so that a proper key is obtained between the lath and plaster. The perforated gypsum lath when used in New York City shall be labelled or marked "Approved by Board of Standards and Appeals Cal. No. 136-38-SM".

(Sgd.) BERNARD A. SAVAGE,
Commissioner.
LESLIE V. HUBER,
Chief Engineer.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as Perforated Gypsum Lath, when manufactured and used in accordanee with above report, *on condition* that the material shall be marked or labeled

"Approved by the Board of Standards and Appeals Cal. No. 136-38-SM".

163-38-SM.

APPLICANT—Johns-Manville Sales Corporation, owner.
SUBJECT—Asphalt Saturated Asbestos Roofing Felt, approval of.
APPEARANCES—
For Applicant: None.
ACTION OF BOARD—Material approved in aecordance with report of the committee on tests.
THE VOTE TO APPROVE—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan 4
Negative 0
Absent 0

THE RESOLUTION—

(163-38-SM)

WHEREAS, Johns-Manville Sales Corporation, owner, filed March 11, 1938, an application with the Board of Standards and Appeals for approval of their material known as Asphalt Saturated Asbestos Roofing Felt; and

MINUTES

WHEREAS, this material was referred to a committee of the Board for test and report; and

WHEREAS, the report of the committee of the Board follows:

Re: Cal. #163-38-SM.
Subject: Asphalt Saturated Asbestos
Roof Felt for Roofing.

The Johns-Manville Sales Corporation of New York, filed on March 11, 1938, an application with the Board of Standards and Appeals for approval of their material known as Asphalt Saturated Asbestos Roofing Felt for use as a roofing material. The material consisted of a top ply of 15 lb. asphalt saturated asbestos 17 in. width while the base ply for full width of sheet 32 in., is made of asphalt saturated rag felt. This is laid on the roof with a two-inch overlap over the top ply leaving 15 inches for weather exposure.

Brand tests in accordance with the requirements of the Administrative Code C. 26-605-7.8.0 (10.1.16.1-2-3 BC) were conducted. Test specimens as follows:

The samples of roof construction tested consist of an area 3′ x 5′ made up of wood sheeting 1 ″ x 6″ nailed to 2″ x 4″ joists covered with 2-ply dura top cap sheet, 17″ exposure, mopped solidly in laps with built-up roofing asphalt and back nailed, thus simulating an existing roof condition. All roofing in the following tests was applied to these built-up decks.

Roof Deck A—2 ply 15 lb. asphalt saturated asbestos felt sheets, 32 inches wide, 15 in. exposure mopped solidly to deck and to each other with built-up roofing asphalt at rate of 30 lbs. per 100 sq. ft. for mopping and then coated with cold asphalt at rate of 1 gallon (about 10 lbs.) per hundred sq. ft.

This sample when submitted to brand test glowed for 2½ min. after brand was consumed, the brand having burned for 12½ minutes and spreading within 4½ inches of centre. Smoking continued for about 6 minutes. In this test the first layer of felt was cracked beneath brand. No effect on second layers. Roofing asphalt was softened, wood sheathing sound.

Roof Deck B—1 ply combination ply asbestos and rag felt. The total width of sheet 36 inches with a 17″ width of asbestos felt ply along one edge. This construction was laid up with a 15″ exposure of the asbestos felt, resulting in a 2″ lap and a total of two plus 15 lb. rag felt and a complete covering of 1 ply asbestos felt. This combination of asbestos and rag felt is stuck to existing roof and to each other with built-up roofing asphalt, using not less than 30 lbs. for mopping per hundred square feet. The finished roof coated with a brush coating asphaltic solution, 10 lbs. per 100 sq. ft.

The sample when submitted to brand test flamed for ten seconds after brand was consumed; smoking continued for five minutes. Brand burned completely in 17 minutes with a spread of 4 inches from centre. Result of test. Felt was cracked beneath brand; asphalt softened; wood sheathing remained sound.

Roof Deck C—2-ply 15 lb. asbestos felt installed in identical manner as described for Roof Deck A, except that it was applied over one-half inch of rigid fibre board roof installation over the existing cap sheet roof, thus simulating a reroofing over existing deck.

Result—no flame after brand was consumed, which took 18 minutes, with a spread of 3 inches from centre; smoking continued for five minutes. In this test both layers of felt cracked beneath brand; asphalt softened and insulating fibre board was impregnated for about ¼ inch with asphalt with a slight charring effect on surface of board.

Roof Deck D—1 layer combination asbestos rag felt applied in identical manner as on Roof Deck B, except that it was installed over ½ inch of rigid fibre insulation board over an existing cap sheet roof, this construction simulating reroofing over existing rag felt covered deck.

Result—No flaming after brand was consumed, which took twenty-two minutes, with a spread of 5 inches from centre with smoking for about five minutes. In this test felt was cracked beneath the brand, asphalt softened, insulating fibre board was impregnated with asphalt for about ¼ inch with a slight charring effect on surface of board.

On the basis of these tests it is recommended that the reroofing construction as described in the foregoing tests, and where such construction is applied over existing roof construction on fireproof or fire-resistive roofs, be approved under C26-680 Administrative Code (10.12.11.1 BC) as a reroofing material, when constructed in accordance with test specimens above described. These constructions are not approved for use on new roofs.

On the basis of these tests and a later test made on May 27, 1938, on a roof deck constructed in accordance with specification 202, combination 30, which test met the brand test satisfactorily. Copy of this last test is filed with this case. It is recommended that the following types of roofing which are more durable and have greater fire resistance than the specimens tested, be approved for use on new roof construction under section (10.12.11.1 BC) C 26-680. Administrative Code, when specified and constructed as follows:

Specification 100—*Super Class A*
Comprising a base 55 lb. Asphalt Saturated Asbestos Felt for use only over wood roofs with three top plies of 15 or 20 lbs. Asphalt Saturated Asbestos Felts, plied together with Built-Up Roofing Asphalt.

Specification 101—*Class A*
55 lb. Asbestos Base Felt and two top plies of 15 or 20 lb. Asbestos Felts over a non-combustible deck.

Specification 103—*Class A*
55 lb. Asbestos Felt and two top plies of 15 or 20 lbs. Asbestos Felts over wood roofs.

Specification 200—*Combination* 45
45 lb. Asphalt Saturated Rag Felt Base with two top plies of 15 or 20 lb. Asbestos Felts over wood roofs.

Specification 201—*Combination* 45
45 lb. Asphalt Saturated Rag Felt Base with two top plies of 15 or 20 lb. Asbestos over non-combustible decks.

Specification 202—*Combination* 30
30 lb. Asphalt Saturated Rag Felt Base with two top plies of 15 or 20 lb. Asbestos over wood roofs.

Specification 203—*Combination* 30
30 lb. Asphalt Saturated Rag Felt Base with two top plies of 15 or 20 lb. Asbestos over non-combustible deck.

Specification 205—*Combination* 345
45 lb. Asphalt Saturated Rag Felt Base with three top plies of 15 or 20 lb. Asbestos over wood roof.

Specification 104—4-*A*-1
Four plies of 15 or 20 lb. Asbestos over Johns-Manville Roofinsul on wood roofs.

Specification 105—4-*A*-1
Four plies of 15 or 20 lb. Asbestos over Johns-Manville Roofinsul or non-combustible deck for Class 1 and Class 2 construction when insulation is covered with at least 1½ in. thickness of P.C. concrete or other equally fire-resistive material of equal thickness.

Specification 108—4-*A*-1
Four plies of 15 or 20 lb. Asbestos over Johns-Manville Roofinsul on steel deck.

Specification 106—3-*A*-1
Three plies of 15 or 20 lb. Asbestos over Johns-Manville Roofinsul on wood roofs.

Specification 107—3-*A*-1
Three plies of 15 or 20 lb. Asbestos over Johns-Manville Roofinsul on steel deck for Class 1 and Class 2 construction, when insulation is covered with at least 1½ in. thickness of P.C. concrete or other equally fire-resistive material of equal thickness.

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Specification 109—3-*A*-1

Three plies of 15 or 20 lb. Asbestos over Johns-Manville Roofinsul on steel deck.

Specification 102—*Super Class AF*

55 lb. Asbestos Base overlaid with three 15 or 20 lb. Asbestos Felts and capped with an 83 lb. heavy Asbestos Surfacing Sheet on wood roofs.

Specification 102-*A*—*Class AF*

55 lb. Asbestos Base overlaid with two 15 or 20 lb. Asbestos Felts and capped with an 83 lb. heavy Asbestos Surfacing Sheet on non-combustible decks.

Specification 110—*Class A with Fabric*

55 lb. Asbestos Base, one 13 oz. Saturated waterproofing fabric and two 15 or 20 lb. top plies of Asbestos on wood roofs.

Specification 111—*Class A with Fabric*

55 lb. Asbestos Base, one 13 oz. Saturated waterproofing fabric and two 15 or 20 lb. top plies of Asbestos on non-combustible decks.

All of the foregoing new built-up roofing construction shall be applied strictly in accordance with the master specifications of the manufacture bearing same number as list above, for these various types of roof covering for the specific application over combustible or non-combustible decks and if insulation board is used, the construction shall conform to (10.3.1 BC and 10.12.11.1 BC) C-26-680 Administrative Code and that this roofing material shall not be applied to surfaces which have a rise greater than 4 in. per foot of horizontal surface.

A copy of the standard specifications covering the installation of the roofing as well as a report of the test conducted and submitted by the Johns Manville engineers is made a part of this report.

It is recommended also that the roofing material when used in New York City shall be marked or labeled on each roll, "Approved by the Board of Standards and Appeals Cal. No. 163-38-SM".

(Sgd.) BERNARD A. SAVAGE,
CHARLES M. BLUM,
Commissioners.
LESLIE V. HUBER,
Chief Engineer.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as Johns-Manville Asphalt Saturated Asbestos Roofing Felt, when manufactured and used in accordance with the above report, *on condition* that the material shall be marked or labeled on each roll:

Approved by the Board of Standards and Appeals Cal. No. 163-38-SM.

191-38-SM.

APPLICANT—Structural Gypsum Division, American Cyanamid and Chemical Corporation, owner.

SUBJECT—Gypsteel Junior and Senior Planks for Floor and Roof Slabs, approval of.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Material approved in accordance with report of the committee on tests.

THE VOTE TO APPROVE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Heffernan	4
Negative	0
Absent	0

THE RESOLUTION—

(191-38-SM)

WHEREAS, the American Cyanamid and Chemical Corporation, Structural Gypsum Division, owner, filed March 22, 1938, an application with the Board of Standards and Appeals for approval of their material known as the "Gypsteel Junior and Senior Planks for Floor and Roof Slabs"; and

WHEREAS, this material was referred to a committee of the Board for investigation and report; and

WHEREAS, the report of the committee of the board was as follows:

Cal. No. 191-38-SM.

Gypsteel Junior and Senior Planks for Floor and Roof Construction.

The structural Gypsum Division of the American Cyanamid and Chemical Corporation of New York filed March 22, 1938, an application with the Board of Standards and Appeals for approval of their material known as the Gypsteel Junior and Senior Planks for Floor and Roof Construction.

Gypsteel planks are made of gypsum conforming to the A.S.T.M. Requirements C.26-33, reinforced with No. 16 gauge galvanized welded wire mesh 4 in. by 5 in. with No. 22 gauge for Senior and No. 28 gauge for Junior, tongue and grooved steel binding enclosing all edges. The Senior plank is manufactured in sizes 2 in. thick by 15 in. wide and 10 ft. in length. The Junior plank 2 in. thick and 15 in. wide and 6 ft. in length. The planks were subjected to load tests at the plant of the manufacturer at Linden, N. J., February 28, 1938, at which test the board was represented by engineers of the Department of Housing and Buildings. Their report of this test is a record in this application. A report of the Thompson & Lichtner testing laboratories is also a part of this record.

On the basis of the load tests it is recommended that Junior planks on 3 ft. span be allowed a total load of 110 lbs. per sq. ft. on 4 ft. spans 76 lbs. per sq. ft. Senior planks on 6 ft. 8 in. spans 53 lbs per sq. ft. and on 4 ft. spans 134 lbs. per sq. ft.

Approval is recommended under C 26-619.0 Administrative Code (10.3.1 BC) for roofs of Class 1 and Class H construction where the fire protective covering is omitted from roof trusses as provided in C-26-618.0 Administrative Code (10.2.8 BC).

Approval of this material is also recommended under section C-26-620.0 (C) of the Administrative Code (10.3.2.3, sub. 2 BC) which provides for the use of a floor assembly in Class 2, Fire Protected Structures of a 2 in. reinforced Gypsum top slab for the floor when the supporting steel joists or beams are protected with at least 7/8 in. Gypsum or cement plaster on metal lath, as provided for in this section of the Code.

Whenever Gypsteel planking is placed on steel beams, precautions shall be taken to align the top flange surface of all beams in the same plane, and each beam shall be so placed as to provide adequate bearing for the plank flooring. No Gypsteel plank shall be used as a floor unless it is surfaced with a cinder concrete top or other equivalent material so as to protect against punching shear. All Gypsteel Junior and Senior planks shall conform to the specifications and limitations set forth herein including the proper support of the sides and ends of any plank unit not meshing with adjacent planks. These planks shall be labeled or marked with type of plank "Junior" or "Senior" and with the label or mark—"Approved by the Board of Standards and Appeals, Cal. No. 191-38-SM."

(Sgd.) BERNARD A. SAVAGE,
Commissioner.
LESLIE V. HUBER,
Chief Engineer.

Resolved, that the Board of Standards and Appeals does hereby *approve* the material known as "Gypsteel Junior and Senior Plank for Floor and Roof Slabs", when manufactured and used in accordance with above report, *on condition* that these planks shall be labeled or marked Junior or Senior and the words Approved by the Board of Standards and Appeals, Cal. No. 191-38-SM.

Adjourned, 5:00 P.M.

EDWARD V. BARTON, Chief Clerk.

MINUTES

*CORRECTION.

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, June 15, 1937, as they appeared in Bulletin No. 25, Vol. 22, are hereby corrected to read as follows:

THE RESOLUTION—

(255-37-A)

WHEREAS, Francis F. Pannaman, for Department of Parks, City of New York, owner, filed on June 3, 1937, an appeal from an order and decision of the Fire Commissioner, affecting premises east side of First avenue to East River, between East 111th and East 114th streets, Thomas Jefferson Park, (Block No. 1705, Lot No. 1), Borough of Manhattan; and

WHEREAS, the order No. 4746-LC of the Fire Commissioner, dated December 30, 1936, reads:

"In reference to applications filed with this department to store and use liquefied chlorine at the locations referred to above, I regret to inform you that owing to the restrictions governing the subject matter (Sec. 214 A-4-F, Chapter 10, Code of Ordinances) permits requested by your department may not be issued.

The disapproval of the applications in question is not without reluctance on the part of this department as it fully realizes that the proposed use of liquefied chlorine is for and in the interest of the public. Chapter 10 of the Code of Ordinances, however, is designed to encompass the same the objective but the restriction referred to proceeds in that direction from a different reason which this department may not disregard.

Will you therefore, kindly, notify this department of the calendar number assigned to your appeal by the Board of Standards and Appeals. It being assumed that your department will pursue that course."

and

WHEREAS, the decision of the Fire Commissioner, dated June 1, 1937, reads:

"The purpose of this communication is to advise that this department does not reissue an order so that it can be taken before the Board of Standards and Appeals when the time limit in order to file the appeal has expired."

We have been advised that the Board of Standards and Appeals will accept a letter from this department as a basis for the appeal and for that purpose this letter is forwarded and will certify that order number 4746-LC reading:

'1—Application for liquefied chlorine disapproved Sec. 214-A-4-F, Chapter 10, Code of Ordinances,'

was issued against the storage of liquefied chlorine used in connection with the swimming pool in Thomas Jefferson Park, 113th street and First avenue, on December 30, 1936."

and

WHEREAS, the building in which the chlorine is stored is one story, 16 ft. in height, 225 ft. by 212 ft. irregular in area, erected June, 1936, in a residence use district and occupied as filter room, 5 persons and bath house, in conjunction with the swimming pool in Thomas Jefferson Park; and

WHEREAS, the applicant contends that the chlorine used and stored complies with the Liquefied Chlorine Regulations, Article 17, Chapter 10, Code of Ordinances, City of New York, Section 214, they request reconsideration of paragraph F, of Article 17, for the reason that this is a swimming pool, in a public park; that the park containing the swimming pool is a large plot of ground and is isolated from any surrounding residences, hospitals or schools, etc.; that the opinion of the Division of Public Assembly, in the Fire Department, was that a swimming pool in a public park is not required to be licensed, and, therefore, should not be included in paragraph F, of article 17 of the Code of Ordinances.

Resolved, that the order of the Fire Commissioner, No. 4746-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted*, permitting the use and storage of liquefied chlorine and anhydrous ammonia for the purification of water in swimming and wading pools, *on condition* that such storage and equipment shall be located in a fireproof building, as shown on plans filed with this appeal; that not more than six 105 lb. containers of liquefied chlorine and two 100 lb. containers of anhydrous ammonia shall be stored on the premises; that such containers shall at all times be held upright and secured by rigid metal braces; that the steel cabinet in which the container is stored shall be vented to the outer air and equipped with two open sprinkler heads fed by one inch independent pipe taken from the water supply and controlled by a valve either immediately inside or outside the door to the chlorine storage room and conspicuously labeled; that approved Wallace & Tiernan, or similar approved apparatus for control of chlorine and ammonia, shall be used; that two approved gas masks shall be furnished and kept in a break glass cabinet in easily accessible places; that no persons shall be allowed in the storage room except necessary employes; that employes in charge of the apparatus and water treatment system shall hold certificates of fitness and shall be trained in the proper use of gas masks; that during the winter months when the pools are not in operation, all chlorine shall be removed from the premises; that the police commissioner and the local engine company shall be informed as to this permitted chlorine storage.

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*Correction—The words "for a period of one year from the date of this action" omitted in line 72 of resolution.

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*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals, held Tuesday, June 15, 1937, as they appeared in Bullletin No. 25, Vol. 22, are hereby corrected to read as follows:

THE RESOLUTION—

(256-37-A)

WHEREAS, Francis F. Pannaman, for Department of Parks, City of New York, owner, filed on June 3. 1937, an appeal from an order and decision of the Fire Commissioner, affecting premises east side of Fulton avenue, opposite East 173rd street (Block No. 2941, part of Lot No. 1), Crotona Park, Borough of The Bronx; and

WHEREAS, the order No. 4742-LC, of the Fire Commissioner, dated December 30, 1936, reads:

"In reference to applications filed with this department to store and use liquefied chlorine at the locations referred to above, I regret to inform you that owing to the restrictions governing the subject matter (Sec. 214 A-4-F, Chapter 10, Code of Ordinances) Permits requested by your Department may not be issued.

"The disapproval of the applications in question is not without reluctance on the part of this department as it fully realizes that the proposed use of liquefied chlorine is for and in the interest of the public. Chapter 10 of the Code of Ordinances, however, is designed to encompass the same objective but the restrictions referred to proceeds in that direction from a different reason which this department may not disregard.

"Will you therefore, kindly notify this Department of the calendar number assigned to your appeal by the Board of Standards and Appeals, it being assumed that your department will pursue that course."

and

WHEREAS, the decision of the Fire Commissioner, dated June 1. 1937, reads:

"The purpose of this communication is to advise that this department does not reissue an Order so that it can be taken before the Board of Standards and Appeals when the time limit in order to file the appeal has expired.

"We have been advised that the Board of Standards and Appeals will accept a letter from this Department as a basis for the appeal and for that purpose this letter is forwarded and will certify that Order Number 4742-LC reading,

"Application for liquefied chlorine disapproved. Sec. 214-A-4-F, Chapter 10, Code of Ordinances," was issued against the storage of liquefied chlorine used in connection with the swimming pool in CROTONA PARK, 173rd street and Fulton avenue, on December 30, 1936."

and

WHEREAS, the building in which the chlorine is stored is one-story, 16 ft. in height, 150 ft. by 30 ft. in area, erected in June. 1936, in a residence use district and occupied as filter room—6 persons, in conjunction with the swimming pool in Crotona Park; and

WHEREAS, the applicant contends that the chlorine used and stored complies with the Liquefied Chlorine Regulations, Article 17, Chapter 10, Code of Ordinances, City of New York, section 214, that they request reconsideration of paragraph F, of Article 17, for the reason that this is a swimming pool, 200 ft. 0 in. by 200 ft. 0 in. in size in a public park; that the chlorine is stored in a fireproof building; that the park containing the swimming pool is on a large plot of ground and is isolated from any surrounding residences, hospitals or schools, etc.; that in the opinion of the Division of Public Assembly, in the Fire Department, a swimming pool in a public park is not required to be licensed, and, therefore, should not be included in paragraph F, of Article 17 of the Code of Ordinances.

Resolved, that the order of the Fire Commissioner, No. 4742-LC. be and it hereby is *modified* and that the appeal be and it hereby is *granted,* permitting the use and storage of liquified chlorine and anhydrous ammonia for the purification of water in swimming and wading pools, *on condition* that such storage and equipment shall be located in a fireproof building, as shown on plans filed with this appeal; that not more than six 105 pound containers of liquefied chlorine and two 100 lbs. containers of anhydrous ammonia shall be stored on the premises; that such containers shall at all times be held upright and secured by rigid metal braces; that the steel cabinet in which the container is stored shall be vented to the outer air and equipped with two open sprinkler heads fed by one inch independent pipe taken from the water supply and controlled by a valve either immediately inside or outside the door to the chlorine storage room and conspicuously labeled; that approved Wallace & Tiernan, or similar approved apparatus for control of chlorine and ammonia, shall be used; that two approved gas masks shall be furnished and kept in a break glass cabinet in easily accessible places; that no person shall be allowed in the storage room except necessary employees; that employees in charge of the apparatus and water treatment system shall hold certificates of fitness and shall be trained in the proper use of gas masks; that during the winter months when the pools are not in operation, all chlorine shall be removed from the premises; that the police commissioner and the local engine company shall be informed as to this permitted chlorine storage.

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* Correction—The words "for a period of one year from the date of this action" omitted in line 72 of resolution.

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*CORRECTION.

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, June 15, 1937, as they appeared in Bulletin No. 25, Vol. 22, are hereby corrected to read as follows:

THE RESOLUTION—

(274-37-A)

WHEREAS, Francis F. Pannaman, for Department of Parks, City of New York, owner, filed on June 8, 1937, an appeal from an order and decision of the Fire Commissioner, affecting premises north side of Lorraine street, between Clinton and Henry streets (Block No. 528, Lot No. 1), Red Hook Park, Borough of Brooklyn; and

WHEREAS, the order No. 69522-LC of the Fire Commissioner, dated November 27, 1936, reads:

"Subdivision 4f, Section 214a, Chapter 10, Code of Ordinances, New York, reads as follows: No permit shall be issued for the storage of liquefied chlorine in any building used for a hotel, lodging house, tenement house or dwelling or in a building, lot or enclosure located within 50 ft. of the nearest wall of a building occupied as a hospital, school theatre or other place of public amusement or assembly."

and

WHEREAS, the decision of the Fire Commissioner, dated May 25, 1937, reads:

"In answer to your request please be advised that this department does not rescind an order and reissue it so that it may be taken to the Board of Standards and Appeals when you have exceeded the time limit, in which to file your appeal.

"However, we have been advised that the Board of Standards and Appeals will accept a letter from this department as the basis for an appeal. For that purpose, this communication is forwarded and will certify that order No. 69522-LC was issued against Department of Parks, City of New York, and reads as follows:

"With reference to application dated August 17, 1936, for a permit to store and use six 150 pound cylinders of liquefied chlorine, and cylinders of anhydrous ammonia in Red Hook Park Swimming Pool, located at Bay street, Clinton street, Lorraine street and Henry street, Brooklyn, I regret to state that I am without power to grant such a permit for the following reason:

"'Subdivision 4f, Section 214a, Chapter 10, Code of Ordinances, New York, reads as follows—No permit shall be issued for the storage of liquefied chlorine in any building used for a hotel, lodging house, tenement house or dwelling or in a building, lot or enclosure located within 50 ft. of the nearest wall of a building occupied as a hospital, school, theatre, or other place of public amusement or assembly.'

"You are therefore ordered to remove all cylinders of chlorine gas and anhydrous ammonia from the premises and to discontinue the further storage and use of chlorine gas and anhydrous ammonia on said premises."

and

WHEREAS, the building in which the chlorine is stored is one story 14 ft. in height, 158 ft. by 51 ft. in area, erected September, 1936, in a residence use district and occupied as filter room, 6 persons, storage and toilets, in conjunction with a swimming pool in Red Hook Park; and

WHEREAS, the applicant contends that the chlorine used and stored complies with the Liquefied Chlorine Regulations, Article 17, Chapter 10, Code of Ordinances, City of New York, section 214, they request reconsideration of paragraph F, of Article 17, for the reason that this is a swimming pool, 200 ft. 0 in. by 200 ft. 0 in. in a public park, that the chlorine is stored in a fireproof building; that the park containing the swimming pool is a large plot of ground and is isolated from any surrounding residences, hospitals or schools, etc., that the opinion of the Division of Public Assembly, in the Fire Department, is

that a swimming pool in a public park is not required to be licensed, and, therefore, should not be included in paragraph F of article 17 of the Code of Ordinances.

Resolved, that the order of the Fire Commissioner, No. 69522-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted*, permitting the use and storage of liquefied chlorine and anhydrous ammonia for the purification of water in swimming and wading pools, *on condition* that such storage and equipment shall be located in a fireproof building, as shown on plans filed with this appeal; that not more than six 105 lb. containers of liquified chlorine and two 100 lb. containers of anhydrous ammonia shall be stored on the premises; that such containers shall at all times be held upright and secured by rigid metal braces; that the steel cabinet in which the container is stored shall be vented to the outer air and equipped with two open sprinkler heads fed by one-inch independent pipe taken from the water supply and controlled by a valve either immediately inside or outside the door to the chlorine storage room and conspicuously labeled; that approved Wallace & Tiernan, or similar approved apparatus for control of chlorine and ammonia, shall be used; that two approved gas masks shall be furnished and kept in a break glass cabinet in easily accessible places; that no persons shall be allowed in the storage room except necessary employes; that employes in charge of the apparatus and water treatment system shall hold certificates of fitness and shall be trained in the proper use of gas masks; that during the winter months when the pools are not in operation, all chlorine shall be removed from the premises; that the police commissioner and the local engine company shall be informed as to this permitted chlorine storage.

*Correction—The words "for a period of one year from the date of this action" omitted in line 77 of resolution.

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, June 15, 1937, as they appeared in Bulletin No. 25, Vol. 22. are hereby corrected to read as follows:

THE RESOLUTION—

(285-37-A)

WHEREAS, Francis F. Pannaman, for Department of Parks, City of New York, owner, filed June 11, 1937, an appeal from an order and decision of the Fire Commissioner, affecting premises west side Bradhurst avenue between West 145th and West 147th streets (Block No. 2052, Lot No. 1). Colonial Park, Borough of Manhattan; and

WHEREAS, the order No. 4743-LC of the Fire Commissioner, dated December 30, 1936, reads:

"Application for liquefied chlorine disapproved Sec. 214-A-4-F," Chapter 10, Code of Ordinances."

and

WHEREAS, the decision dated June 2, 1937, of the Fire Commissioner reads:

"The purpose of this communication is to advise that this department does not reissue an order so that it can be taken before the Board of Standards and Appeals. when the time limit in order to file the appeal has expired.

We have been advised that the Board of Standards and Appeals will accept a letter from this department as a basis for the appeal and for that purpose this letter is forwarded and will certify the order No. 4743-LC, reading:

"'Application for liquefied chlorine disapproved. Sec. 214-A-4-F, Chapter 10, Code of Ordinances.' was issued against storage of liquefied chlorine used in connection with the swimming pool in COLONIAL PARK, Bradhurst avenue between West 145th and 147th street, Manhattan, on December 30, 1936."

and

WHEREAS, the building in which the chlorine is stored is one story, 16 ft. in height. 420 ft. 7 in. by 60 ft. in area, erected June, 1936, in a residence use district and occupied as filter room, bath house and lockers in conjunction with the swimming pool in Colonial Park; and

WHEREAS, the applicant contends that the chlorine used and stored complies with the Liquefied Chlorine Regulations, Article 17, Chapter 10, Code of Ordinances, City of New York. Section 214; that reconsideration of paragraph F, of Article 17, is requested for the reason that this is a swimming pool, 200 ft. 0 in. x 200 ft. 0 in. in a public park; that the chlorine is stored in a fireproof building, no greater than one story in height; that the park containing the swimming pool is a large plot of ground and is isolated from any surrounding residences, hospitals or schools; that the opinion of the Division of Public Assembly, in the Fire Department, is that a swimming pool in a public park is not required to be licensed, and, therefore. should not be included in paragraph F of article 17 of the Code of Ordinances.

Resolved, that the order of the Fire Commissioner, No. 4743-LC, be and it hereby is *modified* and that the appeal be and it hereby is *granted*, permitting the use and storage of liquefied chlorine and anhydrous ammonia for the purification of water in swimming and wading pools, *on condition* that such storage and equipment shall be located in a fireproof building, as shown on plans filed with this appeal; that not more than six 105 pound containers of liquefied chlorine and two one hundred pound containers of anhydrous ammonia shall be stored on the premises; that such containers shall at all times be held upright and secured by rigid metal braces; that the steel cabinet in which the container is stored shall be vented to the outer air and equipped with two open sprinkler heads fed by one-inch independent pipe taken from the water supply and controlled by a valve either immediately inside or outside the door to the chlorine storage room and conspicuously labeled; or there may be installed in lieu of sprinkler heads, a one-and-a-half inch perforated brass pipe for flooding. as indicated on plans filed with this appeal marked "Received June 15, 1937"; that approved Wallace & Tiernan or similar approved apparatus for control of chlorine and ammonia, shall be used; that two approved gas masks shall be furnished and kept in a break glass cabinet in easily accessible places; that no persons shall be allowed in the storage room except necessary employes; that employes in charge of the apparatus and water treatment system shall hold certificates of fitness and shall be trained in the proper use of gas masks; that during the winter months when the pools are not in operation. all chlorine shall be removed from the premises; that the police commissioner and the local engine company shall be informed as to this permitted chlorine storage.

* Correction—The words "for a period of one year from the date of this action" omitted in line 54 of resolution.

*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, June 29, 1937, as they appeared in Bulletin No. 27, Vol. 22, are hereby corrected to read as follows:

THE RESOLUTION—

(302-37-A)

WHEREAS, Francis F. Pannaman, for the Department of Parks, City of New York, owner, filed June 21, 1937, an appeal from an order and decision of the Fire Commissioner affecting premises east side of Amsterdam avenue, between West 172d and West 174th streets (Block No. 2113, Lot No. 375), Highbridge Park, Borough of Manhattan; and

WHEREAS, the order, No. 4744-LC, of the Fire Commissioner, dated December 30, 1936, reads as follows:

"In reference to applications filed with this department to store and use liquefied chlorine at the locations referred to above, I regret to inform you that owing to the restrictions governing the subject matter (Sec. 214-A-4-F, Chapter 10, Code of Ordinances) permits requested by your department may not be issued.

The disapproval of the applications in question is not without reluctance on the part of this department as it fully realizes that the proposed use of liquefied chlorine is for and in the interest of the public. Chapter 10 of the Code of Ordinances, however, is designed to encompass the same objective but the restriction referred to proceeds in that direction from a different reason, which this department may not disregard.

Will you, therefore, kindly notify this department of the calendar number assigned to your appeal by the Board of Standards and Appeals, it being assumed that your department will pursue that course."

and

WHEREAS, the decision of the Fire Commissioner, dated June 2, 1937, reads as follows:

"The purpose of this communication is to advise that this department does not reissue an order so that it can be taken before the Board of Standards and Appeals when the time limit in order to file the appeal has expired.

We have been advised that the Board of Standards and Appeals will accept a letter from this Department as a basis for the appeal and for that purpose this letter is forwarded and will certify that Order Number 4744-LC, reading:

'Application for liquefied chlorine disapproved. Sec. 214-A-4-F, Chapter 10, Code of Ordinances.'

was issued against the storage of liquefied chlorine used in connection with the swimming pool in EAST SIDE AMSTERDAM AVENUE, 172nd to West 174th Sts., HIGHBRIDGE PARK, on December 30, 1936."

and

WHEREAS, the premises consists of a plot of ground 800 ft. by 10,000 ft. area, known as Highbridge Park, in which has been erected a swimming pool, 200 ft. by 200 ft., bath house and filter house. The filter house which is the building in question, is located below grade and is used in connection with the swimming pool located on the same plot and occupied by six persons; and

WHEREAS, the applicant contends that the chlorine used and stored complies with the Liquefied Chlorine Regulations, Article 17, Chapter 10, Code of Ordinances, City of New York, Section 214; that the applicant requests reconsideration of paragraph F of Article 17 for the reason that this is a swimming pool; that the chlorine is stored in a fireproof building, no greater than one story in height; that the opinion of the Division of Public Assembly in the Fire Department was that a swimming pool in a public park is not required to be licensed and, therefore, should not be included in paragraph F of Article 17 of the Code of Ordinances.

Resolved, that the order of the Fire Commissioner, No. 4744-LC be and it hereby is *modified,* and that the appeal be and it hereby is *granted,* permitting the use and storage of liquefied chlorine and anhydrous ammonia for the purification of water in swimming and wading pools, *on condition* that such storage and equipment shall be located in a fireproof building, as shown on plans filed with this appeal; that not more than six 105 pound containers of liquefied chlorine and two one hundred pound containers of anhydrous ammonia shall be stored on the premises; that such containers shall at all times be held upright and secured by rigid metal braces; that the steel cabinet in which the container is stored shall be vented to the outer air and equipped with two open sprinkler heads fed by one-inch independent pipe taken from the water supply and controlled by a valve either immediately inside or outside the door to the chlorine storage room and conspicuously labeled; or there may be installed in lieu of sprinkler heads, a one-and-a-half-inch perforated brass pipe for flooding, as indicated on plans filed with this appeal marked "Received June 15, 1937"; that approved Wallace & Tiernan or similar approved apparatus for control of chlorine and ammonia shall be used; that two approved gas masks shall be furnished and kept in a break glass cabinet in easily accessible places; that no persons shall be allowed in the storage room except necessary employes; that employes, in charge of the apparatus and water treatment system, shall hold certificates of fitness and shall be trained in the proper use of gas masks; that during the winter months when the pools are not in operation, all chlorine shall be removed from the premises; that the police commissioner and the local engine company shall be informed as to this permitted chlorine storage.

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* Correction—The words "for a period of one year from the date of this action" omitted in line 72 of resolution.

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*CORRECTION.

The minutes of the meeting of the Board of Standards and Appeals held Tuesday, June 29, 1937, as they appeared in Bulletin No. 27, Vol. 22, are hereby corrected to read as follows:

THE RESOLUTION—

(303-37-A)

WHEREAS, Francis F. Pannaman, for the Department of Parks, City of New York, owner, filed on June 21, 1937, an appeal from an order and a decision of the Fire Commissioner, affecting premises southwest corner of Victory boulevard and Murray Hulbert avenue (Block No. 110, Lot Nos. 206 to 211 incl.), Tompkinsville Park, Borough of Richmond; and

WHEREAS, the order of the Fire Commissioner, No. 4741-LC dated December 30, 1936, reads as follows:

"In reference to applications filed with this department to store and use liquefied chlorine at the locations referred to above, I regret to inform you that owing to the restrictions governing the subject matter (Sec. 214 A-4-F, Chapt. 10, Code of Ordinances) permits requested by your Department may not be issued.

The disapproval of the applications in question is not without reluctance on the part of this department, as it fully realizes that the proposed use of liquefied chlorine is for and in the interest of the public. Chapter 10 of the Code of Ordinances, however, is designed to encompass the same objective, but the restriction referred to proceeds in that direction from a different reason which this department may not disregard.

Will you therefore kindly notify this department of the calendar number assigned to your appeal by the Board of Standards and Appeals, it being assumed that your department will pursue that course."

and

WHEREAS, the decision of the Fire Commissioner, dated June 2, 1937, reads as follows:

"The purpose of this communication is to advise that this Department does not reissue an Order so that it can be taken before the Board of Standards and Appeals when the time limit in order to file the appeal has expired.

We have been advised that the Board of Standards and Appeals will accept a letter from this Department as a basis for the appeal and for that purpose this letter is forwarded and will certify that Order No. 4741 LC reading

'Application for liquefied chlorine disapproved. Sec. 214-A-4-F, Chapter 10, Code of Ord.'

was issued against the storage of liquefied chlorine

used in connection with the swimming pool at the southwest corner of Victory Boulevard and Murray Hulbert ave., Tompkinsville, S. I., on Dec. 30, 1936."

and

WHEREAS, the premises in question consists of a plot 365 ft. x 310 ft., irregular in area, known as Tompkinsville Park, upon which is erected a one-story building fronting 275 ft. on Victory boulevard and 365 ft. on the rear lot line facing the Staten Island Rapid Transit Railway Co.'s right of way; OCCUPIED as a bath house, locker room and filter room, 200 persons in the bath house and locker room and six persons in the filter room; and used in conjunction with the 200 ft. by 200 ft. swimming pool; and

WHEREAS, the applicant contends that the chlorine used and stored complies with the Liquefied Chlorine Regulations, Art. 17, Chapter 10, Code of Ordinances, City of New York, Section 214. The applicant requests reconsideration of paragraph F of Article 17 for the reason that this is a swimming pool; that the chlorine is stored in a fireproof building, no greater than one story in height; that the opinion of the Division of Public Assembly in the Fire Department was that a swimming pool in a public park is not required to be licensed, and, therefore, should not be included in paragraph F of Article 17 of the Code of Ordinances.

Resolved, that the order of the Fire Commissioner, No. 4741-LC be and it hereby is *modified*, and that the appeal be and it hereby is *granted*, permitting the use and storage of liquefied chlorine and anhydrous ammonia for the purification of water in swimming and wading pools, *on condition* that such storage and equipment shall be located in a fireproof building, as shown on plans filed with this appeal; that not more than six 105 pound containers of liquefied chlorine and two one hundred pound containers of anhydrous ammonia shall be stored on the premises; that such containers shall at all times be held upright and secured by rigid metal braces; that the steel cabinet in which the container is stored shall be vented to the outer air and equipped with two open sprinkler heads fed by one-inch independent pipe taken from the water supply and controlled by a valve either immediately inside or outside the door to the chlorine storage room and conspicuously labeled; or there may be installed in lieu of sprinkler heads, a one-and-a-half inch perforated brass pipe for flooding, as indicated on plans filed with this appeal marked "Received June 15, 1937"; that approved Wallace & Tiernan or similar approved apparatus for control of chlorine and ammonia shall be used; that two approved gas masks shall be furnished and kept in a breakglass cabinet in easily accessible places; that no persons shall be allowed in the storage room except necessary employes; that employes in charge of the apparatus and water treatment system, shall hold certificates of fitness and shall be trained in the proper use of gas masks; that during the winter months when the pools are not in operation, all chlorine shall be removed from the premises; that the police commissioner and the local engine company shall be informed as to this permitted chlorine storage.

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*Correction—The words "for a period of one year from the date of this action" omitted in line 74 of resolution.

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*CORRECTION

The minutes of the meeting of the Board of Standards and Appeals held Friday, July 16, 1937, as they appeared in Bulletin No. 30, Vol. 22, are hereby corrected to read as follows:

THE RESOLUTION—

(353-37-A)

WHEREAS, Francis F. Pannaman, for Department of Parks, City of New York, owner, filed July 9, 1937, an appeal from an order and decision of the Fire Commissioner, affecting premises west side of Hopkinson avenue, between Livonia avenue and Dumont avenue (Block No. 3057, Lot No. 1), Betsy Head Park, Borough of Brooklyn; and

WHEREAS, the order of the Fire Commissioner No. 69532-LC, dated November 27, 1936, reads as follows:

"With reference to application dated October 28, 1936, for a permit to store and use 6 cylinders of chlorine gas and 3 cylinders of ammonia at the Betsy Head Swimming Pool, located at Livonia and Hopkinson avenues, Brooklyn, I regret to state that I am without power to grant such a permit for the following reason; Subdivision 4F, Sec. 214a, Chap. 10, Code of Ordinances, New York, reads as follows:

'No permit shall be issued for the storage or use of liquefied chlorine in any building used for a hotel, lodging house, tenement house or dwelling or in a building, lot or enclosure located within 50 ft. of the nearest wall of a building occupied as a hospital, school or other place of public amusement or assembly.'"

and

WHEREAS, the decision of the Fire Commissioner, dated June 25, 1937, reads as follows:

"Re Betsy Head Memorial Park, Hopkinson avenue, between Livonia and Dumont avenues, Brooklyn—

In answer to your request please be advised that this Department does not rescind an order and reissue it so that it may be taken to the Board of Standards and Appeals when you have exceeded the time limit in which to file your appeal. However, we have been advised that the Board of Standards and Appeals will accept a letter from this Department as the basis for an appeal for that purpose, this communication is forwarded and will certify that Order No. 69532-LC was issued against the Department of Parks, City of New York and reads as follows:

'With reference to application dated October 28, 1936, for a permit to store and use 6 cylinders of chlorine gas and 3 cylinders of ammonia at the Betsy Head Swimming Pool, located at Livonia and Hopkinson avenues, Brooklyn, I regret to state that I am without power to grant such a permit for the following reason: Subdivision 4-F, Sec. 214-A, Chap. 10, Code of Ordinances, New York, reads as follows:

'No permit shall be issued for the storage or use of liquefied chlorine in any building for a hotel, lodging house, tenement house or dwelling or in a building lot or enclosure located within 50 ft. of the nearest wall of a building occupied as a hospital, school, theatre or other place of public amusement or assembly.'

You are, therefore, ordered to remove all cylinders of chlorine gas from the premises and to discontinue the further storage and use of chlorine gas on said premises."

and

WHEREAS, the building in which the chlorine is to be stored is 24 ft. by 32 ft. in area, fireproof, one story (20 ft.) in height; occupied as follows: as a filter room, 6 persons; and used in conjunction with the swimming pool, 200 ft. by 200 ft. in Betsy Head Park; and

WHEREAS, the applicant contends that the chlorine used and stored complies with the liquefied chlorine regulations, Art. 17, Chapter 10, Code of Ordinances, City of New York, Sec. 214; that the park containing the swimming pool is on a large plot of ground and is isolated from any surrounding residences, hospitals or schools, etc.; that the opinion of the Division of Public Assembly, in the Fire Department, decreed that a swimming pool in a public park is not required to be licensed and, therefore, should not be included in paragraph F of Art. 17 of the Code of Ordinances.

Resolved, that the order of the Fire Commissioner No. 69532-LC be and it hereby is *modified*, and the appeal be and it hereby is *granted*, permitting the use and storage of liquefied chlorine and anhydrous ammonia for the

MINUTES

purification of water in swimming and wading pools, *on condition* that such storage and equipment shall be located in fireproof building, as shown on plans filed with this appeal; that not more than six (6) 105-lb. containers of liquefied chlorine and two (2) 100-lb. containers of anhydrous ammonia shall be stored on the premises; that such containers shall at all times be held upright and secured by rigid metal braces; that the steel cabinet in which the containers are stored shall be vented to the outer air and equipped with two (2) open sprinkler heads fed by one-inch independent pipe taken from the water supply and controlled by a valve either immediately inside or outside the door to the chlorine storage room and conspicuously labeled; or there may be installed in lieu of sprinkler head a 1½-inch perforated brass pipe for flooding: as indicated on plans filed with this appeal marked "Received July 9, 1937"; that approved Wallace & Tiernan or similar approved apparatus for control of chlorine and ammonia shall be used; that two (2) approved gas masks shall be furnished and kept in a break-glass cabinet in easily accessible places; that no persons shall be allowed in the storage room except necessary employes; that employes in charge of apparatus and water treatment system shall hold certificates of fitness and shall be trained in the proper use of gas masks; that during the winter months when the pools are not in operation, all chlorine shall be removed from the premises; that the police commissioner and the local engine company shall be informed as to this permitted chlorine storage.

* Correction—The words "for a period of one year from the date of this action" omitted in line 80 of resolution.

RULES

SMOKING IN FACTORIES

Adopted by the Board of Standards and Appeals, August 12, 1918.

RULE 1. PERMIT.

(a) **Prohibition.** No person shall smoke, or carry a lighted cigar or cigarette in any factory as defined in Article 1, Section 2, of the State Labor Law, nor in any portion of a factory, within the City of New York, except in such protected portions or special classes of occupancies as are specified in Rule 2 of these rules, and then only after the issuance of a permit by the administrative official.

It shall be the joint and several duty of the owner and of the lessee or lessees of the building containing such factory or factories to cause to be posted in each and every entrance hall, stair hall or room throughout the building, as well as in every elevator-car, in English, and also in such other language or languages as the administrative official shall direct, a notice of such prohibition, and the penalty for its violation.

(b) **Application.** Application for such permit shall be made only by the owner of the building on suitable blank forms to be furnished by the administrative official.

(c) **Time Limit.** Such permit shall be for a definite period, not exceeding one year, and shall not be renewed upon expiration until a reinspection of the premises for which it is issued has been made for the purpose of determining whether existing conditions warrant a renewal.

(d) **Conditions.** The permit shall state the conditions under which, the hours between which, and the place or places in such factory where smoking may be permitted, and this permit shall be framed and kept posted in a conspicuous place in the factory.

(e) **Revocation.** Violation of any of the conditions specified in the permit, in addition to incurring such penalties as are prescribed by law, shall be full and sufficient cause for the revocation of such permit by the administrative official, and he shall not again issue a permit for the same premises until at least one year has elapsed.

RULE 2. PERMISSIBLE CASES.

Smoking may be permitted in:—

(a) Factories engaged in the manufacture of cigars, cigarettes, or smoking tobacco, when necessary for the efficient conduct of the business, provided that:

(1) No smoking other than that for sampling, testing and experimental purposes is carried on.

(2) Such smoking is conducted in a room provided especially for that purpose, separated from the rest of the building by fireproof or fire-resisting partitions, with all openings therein protected by self-closing fire doors, and, further, unless the building is of fireproof construction or equipped with an approved automatic sprinkler system, the floor and ceiling of such room shall be covered with fire-retarding material.

(3) Such chemical fire extinguishers as the administrative official may direct are installed.

(4) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

(b) Factories devoted entirely to one of the following occupancies:

Blacksmithing or horseshoeing;
Boiler making;
Brick, terra cotta or artificial stone works;
Forge shops;
Foundries;
Iron, steel, brass or copper works;
Machine shops;
Smelting;
Stone or monumental works;

provided that in any case:

(1) The building is not of wooden construction;

(2) Such chemical fire extinguishers as the administrative official may direct are installed;

(3) All waste paper and other inflammable waste materials are deposited in fireproof receptacles.

APPROVED FUEL OIL FILL PIPE TERMINALS

Name	*Calendar No.*	*Name*	*Calendar No.*
Fee and Mason	10-36-SA	Rhode Island	204-35-SA
Flagg	345-35-SA	Seal-O-Strain	48-35-SA
J. H. N.	292-35-SA	Sealtite	231-35-SA
Newbury	223-35-SA	Simplex	214-35-SA
Preferred	213-35-SA	Weco	78-38-SA

APPROVED APPLIANCES

Burners for Industrial Use

Name of Burner	*Calendar No.*
Ace Rotary Oil Burner	47-35-SA
Air-Blast Oil Burner	579-32-SA
Airnoil Burner	175-37-SA
Airtemp Oil Burner, Models D, F and G	88-34-SA
Alpine Oil Burner, Models A and H	110-36-SA
Anthony Nebulyte Oil Burner	1026-22-SA
Aristocrat Oil Burner	222-35-SA
Associated Oil Burner	178-35-SA
Auto Heat Oil Burner	284-33-SA
Automatic Airless Oil Burner, Model No. 1	53-34-SA
Babcock & Wilcox Mechanical Oil Burner	45-21-SA
Ballard Automatic Oil Burner	1363-23-SA
Ballard Oil Burner, Models B-A 1, 2, 3 and 4	447-32-SA
Ballard Low Pressure Mechanical Oil Burner	1493-22-SA
Ballard Jr. Oil Burner	1176-27-SA
Ballard Staples & Pfeiffer Steam Atomizing High Pressure Burner	1414-22-SA
Bauer Oil Burner	129-37-SA
Berggren Oil Burner	764-26-SA
Best Calorex Burner	1464-21-SA
Bethlehem Steam Atomizing Fuel Oil Burner	485-32-SA
Bettendorf Automatic Oil Burner, Models D, F and G	88-34-SA
Bock Oil Burner, Models A, B, C and D	123-31-SA
Bock Oil Burner, Models WH-3, WH-5, WH-6 and WH-8	102-34-SA
Borden Oil Burner, Model B	29-37-SA
Brighton Oil Burner	372-33-SA
Bullet Automatic Oil Burners, Models A and B	195-33-SA
Burnwell Mechanical Burner	957-22-SA
Caloroil Burner, Type AA	1361-24-SA
Caloroil Horizontal Rotary Oil Burner, Models 1, 2, 3, 4, 5 and 6	327-31-SA
Carter Oil Burner, Models 4X, 5X, 6X and 10X	117-34-SA
Central Oil Burner, Models 4X, 5X, 6X and 10X	117-34-SA
Century pressing Machine Oil Burner, Models U1 and U2	25-37-SA
Chalmers-Ace (Rotary) Oil Burner	47-35-SA
Chalmers Automatic Oil Burner, Models D1 and D2	608-32-SA
Clark Horizontal Rotary Oil Burner	618-37-SA
Coen Mechanical Oil Burner	942-21-SA
Concord Burner	108-35-SA
Cornell No. 1 Type A Oil Burner	397-23-SA
Craftsman Oil Burner	222-35-SA
Crater Automatic Oil Burner	34-34-SA
Dahl Mechanical Fuel Oil Burner	13-21-SA
D'Elia Oil Burner	155-31-SA
Demand Oil Burner	108-34-SA
DeWalt Oil Burner	541-31-SA
Doe Oil Burner	317-31-SA
Draft-Rite Oil Burner	178-35-SA
Empire Oil Burner	222-35-SA
Enco Type 400 Steam Atomizing Oil Burner	1414-23-SA
Enco Mechanical Oil Burner	509-30-SA
Enterprise Rotary Fuel Oil Burner	1149-27-SA
Enterprise Steam Atomizing Burner	15-33-SA
Fess Turbine Burner, Airoil Fan and Pump Set	26-22-SA
Fine-Glo Oil Burner	178-35-SA
Fitzgibbons Oil Burner, Model M	172-37-SA
Forsdraft Oil Burner	41-34-SA
Frankfort Type P Oil Burner	1046-23-SA
Gem Fuel Oil Burner	111-26-SA
General Electric Fuel Oil Burner, Model D-1	434-32-SA
General Electric Oil Burner, Type DA-2	228-33-SA
Ghapco Steam Generator	348-31-SA
Gilbarco-Ballard Heavy Oil Burner, Models BM, DM, FM, HM, BS, DS, FS, HS, BA, DA, FA, HA, BPM, DPM, FPM, HPM, BPS, DPS, FPS, HPS, BPA, DPA, FPA, HPA, BPW, DPW, FPW, HPW, BPH, DPH, FPH and HPH	1493-22-SA
Gilbarco Industrial Burner	350-32-SA
Gilbert & Barker Fuel Oil Burner	1636-21-SA
Gold Star Oil Burner, Models F and S	166-33-SA
Goodspeed Oil Burner, Nozzle Type 2	346-33-SA
Gould Automatic Oil Burner	178-35-SA
Grant Oil Burner, Model "C"	232-32-SA
GRD Fuel Oil Atomizer	128-27-SA
Greenawalt Down Draft Combustion Oil Burning Furnace	85-35-SA
Hammond Oil Burner	72-31-SA
Harris Fuel Oil Burner	690-30-SA
Hart Oil Burner, Model "H"	221-33-SA
Hauck Venturi Low Pressure Oil Burner	88-27-SA
Hayward Oil Burner (Vertical Rotary), Models AG, BG, CG, DG, AP, BP, CP and DP	696-30-SA
Hayward Oil Burner, Model 2000	118-35-SA
Heat-O-Matic Oil Burner	178-35-SA
Herco Oil Burner, Models R15, R35 F, P15, P35, P50, J5, J10, S20 and S40	21-36-SA
Hobeco Oil Burner	1278-21-SA
Holby Oil Burner	328-27-SA
Holby Type B Fuel Oil Burner	689-29-SA
Holland Gun Type Oil Burner	225-37-SA
Home Utility Oil Burner, Models A and H	110-36-SA
Hupp Oil Burner, Models H, U, P and PP	10-34-SA
Induslo Fuel Oil Burner 1-27	5-24-SA
Kelvinator Oil Burner, Model K	105-34-SA
Keystone Oil Burner, Models LP and WP	438-38-SA
Kingsway Century Oil Burner, Models F and G	369-33-SA
Kingsway Silent Automatic Oil Burner, Model A-1	216-36-SA
Korth Oil Burner, Models G and S	136-34-SA
Kreager Oil Burner	367-30-SA
Kres-Kno Pressing Machine Burner, Model MD, sizes KRF and KRF-1	354-34-SA
Laco Oil Burner, Models F, JF, BF and D	226-33-SA
Leader Bake Oven Oil Burner	384-36-SA
Leiman Brothers Fuel Oil Burner	314-30-SA
Liberty Automatic Heater	129-28-SA
Liberty Pressure Oil Burner	75-34-SA
Leintz Oil Burner	155-20-SA
Lonergan Automatic Oil Burner	208-33-SA
Lynn Power Oil Burner, Models 1, 2 and 3	166-34-SA
Magna Fuel Oil Burner	197-32-SA
Mahrvel Low Pressure Burner	859-26-SA
Major Oil Burner, Models H, U, P and PP	10-34-SA
Master Fuel Oil Burner	350-32-SA
Maxon Oil Burner (New Style)	1026-22-SA
May Oil Burner	68-24-SA
Mercurol Oil Burner, Models 4X, 5X, 6X and 10X	117-34-SA
Metered Heat Oil Burner, Model G	136-34-SA
Micron Oil Burner	345-34-SA
Midget Oil Burner	155-34-SA
Midget Pressing Machine Oil Burner	122-35-SA
Mid-West Oil Burner, Models 106, 108, 208, 211, 311 and 114	327-31-SA
Minneapolis Automatic Oil Burner	34-34-SA
Mohawk Oil Burner, Models A and H	110-36-SA
Monarch Industrial Oil Burner	133-35-SA
Morgan Oil Burner, Models A and H	110-36-SA
Morrissey Oil Burner, Models MA-2, MA-3, MA-4, SP-1, SP-2, SP-3 and MP-1	359-33-SA

APPROVED APPLIANCES

Name of Burner	*Calendar No.*
Morse Conical Type Steam Atomizing Burner	938-25-SA
Morse Fan Tail Type Steam Atomizing Burner	939-25-SA
Morse Fuel Oil Burner	820-23-SA
Nabco Oil Burner	287-37-SA
National Airoil High Pressure Burner	185-29-SA
National Airoil Low Pressure Burner	186-29-SA
National Airoil Type D-R Rotary Oil Burner	548-31-SA
National Devices Oil Burner	184-36-SA
Nesbitt Oil Burner, Models F, JF, BF and D	226-33-SA
Nichols-McCann-Harrison Burners	255-31-SA
Norge Oil Burner, Models N8-8C and N13-8C	543-37-SA
North American Low Pressure Oil Burner	792-26-SA
Oilbilt Burner	85-33-SA
Orco Oil Burner, Model A-1	216-36-SA
Oronoque Oil Burner	394-30-SA
PDM Low Pressure Oil Burner	205-38-SA
Packard Fuel Oil Burner	77-34-SA
Paragon Oil Burner, Models R-15 and R-35	21-36-SA
Paramount Oil Burner, Model A	617-30-SA
Peabody-Fisher Wide Range Mech. Oil Burner	644-21-SA
Penn Automatic Oil Burner, Gun Type	250-37-SA
Perfect-Pantex Oil Burner	271-33-SA
Perfex Airnoil Burner	175-37-SA
Petro Mechanical Burner and Air Register	735-24-SA
Petro Model W Oil Burner	452-31-SA
Petro Oil Burner, Models D-10, D-11, D-12, D-13, D-14 and D-15	40-31-SA
Petroleum Heat & Power Company Fuel Oil Burner, Model W-AH	614-32-SA
Preferred Oil Burner (Manual Operation), Model D. O.	253-35-SA
Presto Automatic Oil Burner	294-34-SA
Progressive Press Machine Oil Burner, Models PMB and PMBS	224-34-SA
Public Service Oil Burner, Models R-15 and R-35	21-36-SA
Pyrolene Oil Burner	184-36-SA
Quiet Ballard Automatic Oil Burner	660-30-SA
Quiet Heet Oil Burner	49-36-SA
Quigley No. 10 Low Pressure Oil Burner	436-31-SA
Quinn Oil Burning Equipment	367-21-SA
Rasol Oil Burner	108-34-SA
Ray Rotary Fuel Oil Burner, Types A and B	504-23-SA
Rexoil Domestic and Industrial Fuel Oil Burner	667-28-SA
Reynolds Oil Burner, Model GC	266-34-SA
Rockwell Fuel Oil Burner	341-21-SA
Rohr Schanck Fuel Oil Burner	583-21-SA
S. & K. Mechanical Fuel Oil Burner	1115-22-SA
S. & K. Wide Range Fuel Oil Burner	10-33-SA
S. K. Oil Burner, Models F and G	369-33-SA
S. T. Johnson Co., Type 30-A, Rotary Fuel Oil Burner	197-32-SA
S. T. Johnson Co., Type 30-H, Rotary Fuel Oil Burner	198-32-SA
Silent Glow Mid-West Oil Burner for Pressing Machines, Model 106	328-37-SA
Silent Glow Oil Burner for Pressing Machines, Models 600 and 800	327-37-SA
Silent Flame Oil Burner, Model M	172-37-SA
Silent Paramount Oil Burner, Models F and G	369-33-SA
Simplex Horizontal Rotary Oil Burner, Types H, H.E.G. and H.E.G.-H	367-36-SA
Simplex Turbine Fuel Oil Burner, Models C.O.G. and M.O.G.	1203-22-SA
Standardyne Oil Burner	34-34-SA
Steam Oil Burner	183-22-SA
Stephens Oil Burner, Models No. 1 and No. 2	146-33-SA
Stewart Gasifier Oil Burner	146-35-SA
Sun Heat Oil Burner	603-29-SA
Sun-Ray Fuel Oil Burner	106-33-SA
Sunway Oil Burner	624-30-SA
Superior Oil Burner, Models A and H	110-36-SA
Supreme Oil Burner, Model G	136-34-SA
Surface Combustion Low Pressure Burner	92-23-SA
Syncro-Flame Oil Burner, Model R	139-35-SA
Tate-Jones Fuel Oil Burner, "L" Type	1254-24-SA
Tate-Jones No. 6 Oil Burner	1444-23-SA
Thompson-Gould Oil Burner	178-35-SA
Timken Rotary Oil Burner	297-29-SA
Timken Silent Automatic Oil Burner, Model G	266-34-SA
Todd Mechanical Fuel Oil Burner	1525-22-SA
Todd Mechanical Oil Burner, Type Hex-Press	177-35-SA
Todd Rotary Burner, Models A, B and C	454-25-SA
Todd Spiro Oil Burner	470-31-SA
Todd Spiro Burner (pump type)	94-32-SA
Todd Steam Atomizing Fuel Oil Burner	123-23-SA
Trojan Domestic and Industrial Fuel Oil Burner	667-28-SA
Tropic Heat Oil Burner, Model G	136-34-SA
United States Gun-type Oil Burner	222-35-SA
United States Oil Burner	620-28-SA
Vapofier Oil Burner	184-34-SA
Vapomatic Oil Burner	275-34-SA
Vaporoil Burner	44-32-SA
Vitro-Heet Pressing Machine Burner, Model MD, Sizes KRF and KRF-1	354-34-SA
Vortex Oil Burner, Type V, Model No. 7	180-38-SA
Warner Oil Burner, Model A	16-34-SA
Webster Oil Burner, Model M	172-37-SA
Wheco Oil Burner	108-34-SA
White Heat Oil Burner	232-36-SA
Winslow Kleen Heet Burner, Models 805 and 820	19-25-SA
Wizard Automatic Oil Burner	181-33-SA
York Bake Oven Oil Burner	384-36-SA
York-Lalor Oil Burner	261-37-SA
Yorktown Oil Burner	166-33-SA
Yorktown Oil Burner, Model A	3-35-SA

APPROVED FIRELINE HOSE VALVES

TYPE A—150 LBS. WATER WORKING PRESSURE

May be installed on all 4-inch and 6-inch systems and on uppermost stories on 8-inch systems

Name	*Calendar No.*
Fairbanks Company	81-20-SA
Walworth Company	899-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Croker National Fire Prev. Eng. Co.	304-28-SA
Jenkins Brothers	779-28-SA
W. D. Allen Mfg. Co.	890-28-SA
John Simmons Co.	209-29-SA
Grinnell	651-30-SA
Elkhart	14-31-SA

TYPE B—250 LBS. WATER WORKING PRESSURE

May be installed on all standpipe systems

Name	*Calendar No.*
New York Brass Foundry Co. (Stillbech)	53-21-SA
Walworth Company	900-27-SA
W. D. Allen Mfg. Company	1151-27-SA
A. B. C. Fire Prevention Mfg. Co., Inc.	1307-27-SA
Jenkins Brothers	780-28-SA
Croker National Fire Prev. Eng. Co.	970-28-SA
Fairbanks Company	268-29-SA
Pratt & Cady	231-30-SA
Elkhart	15-31-SA

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